

Meeting Minutes

**MEETING OF THE NEW MEXICO BOARD OF
LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS held at
9:00 a.m., Friday, August 12, 2022
Office of Souder Miller & Associates, 5454
Venice Ave. NE, Ste. D, Albuquerque, NM &
Virtual**

Members Present- Karl Tonander, PE, Chair
Maxine McReynolds, Esq., Public Member, Vice Chair
Dr. Ahmed Elaksher, PEPS, Secretary
Stephen Ney, PE
Robert Gromatzky, PS
Ron R. Bohannan, PE
Karen Nichols, Public Member
Dr. Walter Gerstle, PE
John Wayne, PS

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Administrative Manager
Isaac Maes, BLPEPS, Executive Assistant
Valerie Joe, AAG, Legal Counsel
Patricio Sanchez, PE
Allen Grace, PS, NMPS

1. Convene, Roll Call and Introduction of Audience

Prior to convening the meeting Mr. Valdez read the meeting script regarding the virtual meeting protocols. Mr. Tonander convened the meeting at 9:11 a.m. Roll call was taken and a quorum was noted. Audience introductions made at this time.

2. Meeting Notification

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

3. Approval of Agenda

MOTION by Mr. Bohannan to approve the agenda as presented, **SECONDED** by Mr. Gromatzky

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Ms. McReynolds, Dr. Elaksher, Mr. Nye, Mr. Gromatzky, Mr. Bohannon, Ms. Nichols, Dr. Gerstle, Mr. Wayne

The motion **PASSED unanimously**.

4. Approval of Minutes

a. Minutes of June 10, 2022

MOTION by Mr. Bohannon to approve the Minutes of June 10, 2022 as presented, **SECONDED** by Dr. Elaksher

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Ms. McReynolds, Dr. Elaksher, Mr. Nye, Mr. Gromatzky, Mr. Bohannon, Ms. Nichols, Dr. Gerstle, Mr. Wayne

The motion **PASSED unanimously**.

5. Requested Public Comment/Correspondence

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

6. Director's Report

a. Board Member Vacancies

Mr. Valdez informed the Board that one Professional Surveyor member is needed to have a full board.

Mr. Valdez added that the Governor's office is looking for a surveyor in the Albuquerque and Santa Fe area and is hoping to fill the vacancy by the end of August.

Dr. Gerstle asked Mr. Valdez what the process of appointing a new Board member is.

Mr. Valdez responded that he provides a list of potential Board members to the Governor's office, and they vet each one before appointing a new member.

b. Financial Report

Ms. Herrera informed the Board that the fiscal year 2023 began on July 1, 2022, and as of August 3, 2022 the revenue received amounts to \$25,110.00. She then went through each category explaining the expenditures as follows:

In the 200 Category – Salaries & Employee Benefits, the budgeted amount is \$678,800. Expenses are totaled at \$39,238.43, and encumbrances are totaled at \$2,600.00, leaving a remaining balance of \$636,961.57.

In the 300 Category – Contractual Services, the budgeted amount is \$296,100.00. Expenses are totaled at \$647.25, and encumbrances are totaled at \$141,820.13, leaving a remaining balance of \$153,632.62.

Ms. Herrera continued to report that the 400 Category – Other Category, the budgeted amount is \$318,900.00. Expenses are totaled at \$3,730.08, and encumbrances are totaled at \$39,977.97, leaving a balance of \$275,291.95.

c. Licensing Status

Mr. Valdez gave the following licensing report to the Board; reporting that as of August 4, 2022 there were 10,188 active licenses.

He provided a breakdown of the numbers:

- Professional Engineers
 - Number of Active PEs: 9,650
 - In State: 2,018
 - Out of State: 7,632

- Professional Surveyors
 - Number of Active PSs: 525
 - In State: 225
 - Out of State: 300

- Professional Engineers/Professional Surveyors
 - Number of active PEPS: 13
 - In State: 11
 - Out of State: 2

Mr. Valdez reported that of the number of engineers and surveyors listed above, these are individuals licensed as both engineers and surveyors with two separate license numbers (dual license).

- Licensees with two numbers = 46
 - In State: 26
 - Out of State: 20

Mr. Valdez compared this licensing report to a licensing report from August 2021. He said according to the August 20, 2021 licensing report, there were 9,691 active licenses. Mr. Valdez provided a breakdown of the numbers.

- Professional Engineers
 - Number of active PEs: 9,150
 - In State: 2,019
 - Out of State: 7,131
- Professional Surveyors
 - Number of active PSs: 528
 - In State: 224
 - Out of State: 304
- Professional Engineers/Professional Surveyors
 - Number of active PEPSS: 13
 - In State: 11
 - Out of State: 2

Mr. Valdez reported that, of the number of engineers and surveyors listed above, there are individuals licensed as both engineers and surveyors with two separate license numbers (dual licensees).

- Licensees with two numbers = 46
 - In State: 27
 - Out of State: 19

Mr. Valdez then provided data charts to showcase the provided data. In addition, he also, provided charts to highlight the breakdown of genders for Professional Engineers and Professional Surveyors as requested by Dr. Elaksher at the June 10, 2022 meeting.

Dr. Gerstle noted it would be good to have other data. Mr. Tonander suggested that Mr. Valdez and Dr. Gerstle meet to create new data charts.

7. Old Business

a. Opportunity Scholarship Act of 2022

Mr. Valdez said there was no update to this item. Mr. Tonander asked Mr. Valdez if this item is perpetual. Mr. Valdez answered that this item is perpetual.

8. New Business

a. 2022 NCEES Annual Meeting Motion

Mr. Valdez informed the Board that he placed the NCEES motions in their meeting packets so they could be aware of them. He said they can discuss them and decide how they wish to vote at the Annual meeting.

Mr. Tonander said if any Board Members have questions about the 2022 NCEES Annual Meeting Motions to reach out to Mr. Valdez.

b. Strategic Plan Review

1) Performance Measures

Mr. Valdez informed the Board that in the meeting packets was an updated strategic plan which had yellow highlights of the proposed language that was added and taken out. Under Application and Examinations the following language was added “expedite the review of Profession Engineering comity, reinstatement, additional discipline and exam application.” Number of licenses or certification issued within one

year was removed and replaced with the number of days from receipt of application to issuance of license.

Mr. Valdez stated that the engineer of record was not in the strategic plan as it only mentions surveyor of record. He included engineer of record into the plan as well as making the engineer/surveyor of record a goal by adding "ensure engineer/surveyor of record affidavit information is correctly key-entered into database.

The last change to the strategic plan is to change the measurement of "percentage of cases resolved through compliance or legal action within one year" from an efficiency measurement to and internal measurement. He stated that this measurement is hard to control as there are a lot of variables that can cause a case to not be completed within one year. The case investigation may take longer than others, it may be waiting on the Attorney General's office for issuance of a notice of contemplated action (NCA), or a case may have to go through hearing. He stated that Board Staff will still measure this internally.

Mr. Valdez reported that he was working on adding a new performance measure. The measure would be the "Number of days from receipt of application to approval." This measure will assist the agency to track the number of days an application goes through the process to be approved for licensure, from the date of receipt. Some applications may be approved expeditiously while other require Board review at a Committee meeting to be approved.

Mr. Valdez stated after discussing this measure with the LFC analyst she stated that he should ask if the Board would like to have to measurements one for application approved expeditiously and the other to measure those that go before the Committee.

Mr. Bohannon suggested that we have three performance measures one for internal approvals, one for Committee approvals, and one for the overall average.

MOTION by Mr. Bohannon to approve the updated Strategic Plan and performance measures, **SECONDED** by Dr. Gerstle

Discussion: Mr. Bohannon requested Board Staff review the performance measures and report to the Executive Committee by September 1, 2022.

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Ms. McReynolds, Dr. Elaksher, Mr. Nye, Mr. Gromatzky, Mr. Bohannon, Ms. Nichols, Dr. Gerstle, Mr. Wayne

The motion **PASSED unanimously**.

c. NM Administrative Code (NMAC) Proposed Changes

1) 16.39.2 Continuing Professional Development

2) 16.39.3 Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements

3) 16.39.5 Surveying – Applications, Examinations, Practice of Surveying, Seal of Licensee

4) 16.39.6 Licensure for Military Service Members, Spouses and Veterans

5) 16.39.8 Code of Professional Conduct – Engineering and Surveying

Mr. Tonander went through all the proposed changes with the Board. He stated that 16.39.2, 16.39.3, 16.39.5, and 16.39.8 changes are to clean-up the rules. The main changes were in 16.39.6, these changes are because of the Uniform Licensing Act changes that occurred at the 2022 legislative session.

MOTION by Mr. Bohannon to adopt the NM Administrative Code proposed changes listed on the agenda, **SECONDED** by Dr. Elaksher

Roll Call Vote:

Voting 'Aye': Mr. Tonander, Ms. McReynolds, Dr. Elaksher, Mr. Nye, Mr. Gromatzky, Mr. Bohannon, Ms. Nichols, Dr. Gerstle, Mr. Wayne

The motion **PASSED unanimously.**

9. Committee Reports

a. PS Committee

Mr. Gromatzky reported that several applicants for licensure attended virtually and introduced themselves to the Committee and stated their purpose for attending.

Mr. Gromatzky said there was no old business.

In addition, Mr. Gromatzky said there was no new business. However, he added an item for informational purpose. Mr. Gromatzky informed the Board that during new business he informed the Committee that the new 2022 datum ellipsoid and State Plane Coordinates are being worked on by several stakeholders. He said, the stakeholders were discussing replacement of the US Survey Foot with the International Foot, there will likely be more discussion topics that develop in the future.

Mr. Gromatzky would go onto say that the list of people recommended by Board Staff for approval were unanimously approved. There were 1 PS Exam, 2 PS endorsements with council records, and 1 PS reinstatement.

Mr. Gromatzky said that complaints are being addressed timely and no instance of statute of limitations being applied to any of the complaints. Approximately seven new complaints were received since the Committee meeting.

Mr. Gromatzky informed the Board that several default orders were issued. In addition, Mr. Gromatzky said one applicant was approved for the NM State Specific Exam. All other applications were tabled for more information.

Mr. Gromatzky finished his report by informing the Board that the next scheduled PSC meeting is on November 3, 2022 in Las Cruces and or virtual.

b. PE Committee

Mr. Ney reported that there was no public audience present so there was no public comment or correspondence.

Mr. Ney noted there was discussion about the 2022 NCEES Annual meeting in Carlsbad, California. He said Mr. Tonander, Dr. Elaksher, Dr. Gerstle, and Ms. McReynolds would be attending. Mr. Ney also said Executive Director, Perry Valdez and member of the Board Staff will be attending as well.

Mr. Ney said that the PEC looked at the application recommended for approval from Board Staff. There were 13 PE exams, 1 PE licensure, 150 PE Endorsements, and 1 additional PE disciplined. Mr. Ney added that there was 13 PE reinstatements and 1 retirement request. All of which were approved.

Mr. Ney informed the Board that there were 2 disciplinary cases. One resulted in a Pre-NCE settlement Agreement and the other was issued a default order. He said there were 4 self-reporting cases, 3 resulted in a Pre-NCA and 1 where no further action was taken.

Mr. Ney also stated that there was a status review on the complaints and NCAREferrals looking at cases that are under investigation, and in addition to the current cases that Mr. Barela is working on.

Mr. Ney said that under applications for review there was 1 PE exam that was tabled so Board Staff can obtain further information. In addition, there were 4 PE endorsements all of which were approved. There were 2 PE reinstatements; one was not approved, the Committee requested Board staff to reach out to this individual to request updated PDH's. The other PE reinstatement request was tabled.

Mr. Ney finished his report by informing the Board that there was 1 PE medical exemption request which resulted in an extension of six-months to acquire the necessary PDH's for licensure.

c. Executive Committee

Mr. Tonander informed the Board that the Executive Committee has not met.

d. Joint Practice Committee

Mr. Bohannan informed the Board that the Joint Practice Committee has not met.

e. Public Information, Exam and Licensure Promotion Committee

1) Newsletter

2) Presentation

Ms. Herrera presented the final draft of the newsletter to the Board and noted it just needed minor edits before being sent out and posted.

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

Mr. Valdez informed the Board that Board Staff is trying to clean up the files that are at the board office. He stated that at this time we do not have a retention policy on incomplete applications. He was asking for guidance from the Board on a time period in which those applications would be deemed incomplete.

Mr. Tonander directed Board Staff to draft a new retention policy and present it to the Executive Committee.

g. Penalties and Fees Committee

Mr. Bohannan informed the Board that the Penalties and Fees had not met. However, he said that they will be meeting before the next scheduled meeting to update the fines table.

h. NCEES Committee Members

Mr. Tonander informed the Board that the NCEES Committee Members have not met. He added that UPLG would meet at the Annual meeting.

10. Next Scheduled Meeting Date – November 4, 2022 – Las Cruces/Virtual

11. Adjourn

Meeting adjourned at 11:30 a.m.

Submitted by:

s/Isaac Maes
Isaac Maes, Executive Assistant

Approved by:

s/ Karl Tonander
Karl Tonander, Board Chair

November 4, 2022 **Approved Date**