

Meeting Minutes

**MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board of Licensure for Professional
Engineers and Professional Surveyors held at
1:00 p.m., Thursday, January 13, 2022,
Virtual/Telephonic Meeting**

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

Members Absent- Stephen Ney, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Crystal Herrera, BLPEPS Administrative Operations Manager
Miranda Gonzales, BLPEPS, Administrative Manager
Isaac Maes, BLPEPS, Executive Assistant
Angelica Urioste, BLPEPS, Compliance Officer
Dominique Trujillo, BLPEPS, Licensing Administrator
Joe Barela, PE, Board Investigator
Valerie Joe, Legal Counsel
Earl Burkholder, PEPS
Adam Baros, EI
Faraz Zaidi, PE
Andy Bogdanovich, PE
J. Perry

1. Convene, Roll Call and Introduction of Audience

Dr. Gerstle read the meeting script regarding the virtual meeting protocols. He convened the meeting at 1:01 p.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 and at the Board Office.

3. Approval of Agenda

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

Roll Call Vote:

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

The motion **PASSED unanimously.**

4. Approval of Minutes

a. Minutes of November 4, 2021

MOTION by Mr. Bohannan to approve the Minutes of November 4, 2021 as presented, **SECONDED** by Mr. Tonander,

Roll Call Vote

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

The motion **PASSED unanimously.**

5. Public Comment/Correspondence

a. D. Gomez – Rule Changes To Requirements of Professional Engineer (61-23-14.1)

Mr. Gomez was not present to discuss the rule changes to the Requirements of Professional Engineer (61-23-14-.1).

Mr. Valdez informed the Committee this item was submitted when public comments were solicited for the rule hearing.

Dr. Gerstle then read the email from Mr. Gomez pertaining to statute (61-23-14-.1) that read,

“To Whom It May Concern, I have major opposition to the changes proposed in section 61-23-14.1. Specifically, section B (2) no longer requires that you be an engineering intern prior to becoming a Professional Engineer. This means that it is no longer required that an individual pass the fundamentals of engineering examination. The series of tests required to become a Professional Engineer have been a needle to gauge whether you have gained the knowledge required to be a Professional Engineer. If it is no longer required that you pass the Fundamentals of

Engineering exam, New Mexico will be licensing individuals that have not proven that they have the basic knowledge of the fundamentals of engineering. This is a grave mistake. As it is, these tests are multiple choice and even a chimp can get lucky. I know Professional Engineers that have taken the PE exam seven times and are now in executive positions within State Government. These tests were designed to keep non-qualified individuals from becoming a Professional Engineer. If you remove this requirement, New Mexico will have even more under qualified Professional Engineers designing our infrastructure. I strongly disagree to this change.”

Dr. Gerstle asked the Committee how they should proceed with this item. Ms. Joe informed the Committee members that this item was on the agenda under item 7. New Business and advised the members if they wished to take public comments they could do so now, and then wait to express their concerns when they reached item 7. House Bill 18 – Professional Engineer Licensure Requirements, which is the same statute that Mr. Gomez was commenting on.

Mr. Bohannon concurred with Ms. Joe.

Mr. Tonander stated that the changes to 61-23-14.1 were not changes suggested by this Committee.

b. A. Baros - Proposed Changes to 61-23-14.1 – Professional Engineer Licensure Requirements

Mr. Baros was proposing changes to the current PE licensing requirements under Statute 61-23-14.1. Mr. Baros stated this change would benefit those who are seeking advanced degrees while concurrently working in engineering. The changes that Mr. Baros was proposing was to allow for one year of professional experience to be substituted with a master’s degree and two years with a PhD.

Dr. Gerstle thanked Mr. Baros for presenting his proposed changes and stated this item would be discussed in further detail when the committee reached the New Business section of the meeting.

c. F. Zaidi – Reconsideration for Endorsement

Mr. Zaidi introduced himself to the Committee and stated he was seeking to become a licensed PE in New Mexico by endorsement. He went on to say that he submitted a letter to the Board in November of last year describing his background as well as an electronic NCEES record.

Mr. Zaidi briefly described his engineering experience and where he is currently licensed and employed. He stated the reason he wanted to become licensed in New Mexico was to bring the KGS experience and expertise to the Mosaic Carlsbad Operations.

Mr. Zaidi said that based on his understanding, his combination of education and experience should qualify him for a PE license in New Mexico. He then gave a brief explanation of his academic background to the Committee. Mr. Zaidi stated his Bachelor of Technology degree in electrical engineering from British Columbia Canada was evaluated by NCEES; the results from that assessment show that the degree met the requirements set out by their standards.

Mr. Zaidi said that he reviewed past meeting minutes and noted that applicants from various academic backgrounds do receive their PE license in New Mexico, based on the combination of education and experience. He informed the Committee that he went through a similar process when he was applying for his PE license in Washington State, and he provided a description of his degree and his courses. Mr. Zaidi said he also provided this information to the Committee as an attachment with the letter he sent back in November.

Dr. Gerstle thanked Mr. Zaidi for his presentation and asked him how long he was licensed in Washington. Mr. Zaidi replied that he passed his Fundamentals of Engineering exam around 2014 and he passed the PE Principles and Practice of Engineering exam around 2016, but the records will provide the exact date.

Mr. Bohannon asked Mr. Zaidi if NCEES reviewed his education and if they have something in the record that is equivalent to a Bachelor of Science degree. Mr. Zaidi informed Mr. Bohannon that is correct and that his degree exceeds the minimum standards that NCEES has. Mr. Bohannon said staff can look further into that and then the staff can reach out to Mr. Zaidi.

Mr. Tonander asked Mr. Zaidi to clarify his degree exceeded NCEES requirements for an engineering degree or an engineering technology degree. Mr. Zaidi informed Mr. Tonander and the Committee that based on his understanding, any applicant with a foreign credential has to go through this process of having their academic background evaluated.

Mr. Bohannon asked staff if they could find in the record the education evaluation Mr. Zaidi mentioned so it could help the Committee evaluate his case in closed session. Mr. Valdez responded that they would do that.

6. Old Business

a. Petroleum and Gas Pipeline Safety

Mr. Valdez informed the Committee that in January of 2018 the Committee discussed petroleum and gas pipeline safety. He reported that meeting the Committee decided it would issue an advisory opinion regarding this matter at a later date. Mr. Valdez informed the Committee members it was brought to his attention that a decision for this item was never made.

Mr. Valdez then shared an email from a Mr. Convery which requested if the Committee would explain why he never sees a PE stamp on construction drawings in the oil fields?

Mr. Valdez stated that Mr. Convery was requesting a decision from the Committee.

Mr. Tonander stated an industrial exemption under the current regulations is only applicable to a facility that is owned by the company, and for contractors a seal is required.

Mr. Bohannon said there needs to be a notice on the Board's website in terms of what qualifies for the industrial exemption. Mr. Tonander stated an advisory, or post, regarding industrial exemption was added to the Board's LinkedIn page.

Mr. Tonander suggested revisiting this after the rule hearing meeting as it may materially change it in terms of restrictions, so the Committee doesn't have to do it twice.

Ms. Nichols asked for a brief explanation of the industrial exemption. Mr. Bohannon responded that an industrial exemption is intended for those facilities that are owned and operated within a facility that does not affect the public safety and welfare and because of that does not need drawings to be stamped and this is an exemption within the Act.

Mr. Bohannon would go on to say that an example of this would be if PNM were to draw up plans for its power-plant, they would not need a stamp their plans. He continued stating, however, if someone is a contractor and not an employee of PNM, then a New Mexico Professional Engineering stamp would be needed for their plans. Mr. Bohannon added this also applies to the field of petroleum and gas pipeline safety.

Dr. Gerstle asked Mr. Bohannon if the work was being done outside the property of the facility such as PNM or the New Mexico Gas Company, if an engineering stamp was required for engineering work on these utilities.

Mr. Bohannon responded that it was a grey area. He explained, if PNM has an easement and someone is designing structural towers for the transmission lines and they work for PNM, there has never been a case where there is a definitive line to say if something has to be stamped.

Mr. Bohannon added that most of the time, if PNM and the New Mexico Gas Company are using outside consultants, they do require stamped plans outside their main facilities, as well as on their main facilities. He mentioned the last time we checked, LANL was about 2/3 compliant where all plans were being stamped by licensed engineers in which it was required.

Mr. Bohannon then said we are getting compliance but there are grey areas that we need to weigh in on.

Mr. Tonander informed members of the Committee that one of the main points of the upcoming rules hearing meeting is to clearly define when a plan is not the facility, it requires a seal.

7. New Business

a. House Bill 18 – Professional Engineer Licensure Requirements

Ms. Joe explained House Bill 18 proposing changing the licensure requirements. Mr. Valdez introduced Mr. Baros to present the intent of the bill.

Mr. Baros explained his intent to help students who are earning a master's degree, or an advanced degree, while working at the same time in order to achieve their professional licensure within three years.

After a lengthy discussion with the members of the Committee, Mr. Baros requested assistance to propose a change to the requirements mentioned. Dr. Gerstle decided that the Committee should communicate with Representative Miguel Garcia to allow for any language changes that need to be made to ensure that both the Committee and Mr. Baros come to an agreement when this bill reaches legislation in one year.

8. Application Review – Recommended Approval

a. Confirmation of Staff-Reviewed Applications

MOTION by Mr. Bohannon to acknowledge the confirmation of staff-reviewed application list, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. Retired Status Requests

MOTION by Mr. Bohannon to approve the retired status requests, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c. Inactive Status Requests

MOTION by Mr. Bohannon to approve the inactive status requests, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

9. Executive Session

MOTION by Mr. Bohannon 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. Tonander,

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

10. 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).

a. Disciplinary Cases

- 1) MAM-12-11-2019
- 2) RWT-12-20-2019
- 3) KAD-11-23-2019
- 4) LV-11-20-2019
- 5) DJT-12-02-2019

MOTION by Mr. Bohannan for cases 1 through 5, to acknowledge that the terms of the Pre-NCA settlement agreements were fulfilled and recommend closing the cases, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

- 6) EBS-08-26-2019

MOTION by Mr. Bohannan to close with no further action due to the expiration of the statute of limitations, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. Self-Reporting

- 1) JPH-02-01-2021

MOTION by Mr. Tonander to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 90 days, the matter will be

automatically referred to the Attorney General's Office for the issuance of an NCA, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

2) JYK-12-31-2021

Dr. Gerstle tabled this item and directed staff for further investigation.

c. Status Review of Complaints and NCA Referrals

A report was reviewed on the status of pending cases and referrals for Notice of Contemplated Actions.

d. Applications for Review

1) EI Certification

a) Parikh, S.

MOTION by Dr. Elaksher to approve Mr. Parikh's application for EI certification, **SECOND** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

2) PE Exam

a) Arauz Perez, R. – Reconsideration.

Dr. Gerstle tabled this item and requested additional information regarding the applicant's part time experience.

b) Fetherlin, L. – Reconsideration.

MOTION by Mr. Bohannan to approve to take the Civil PE exam, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c) Glandon, C.

MOTION by Mr. Bohannan to approve to take the Civil PE Exam, **SECONDED** by Ms. Nichols,

Roll Call Vote:

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

Recused: Mr. Tonander

The motion **PASSED.**

d) Ismail, S.

MOTION by Dr. Elaksher to approve to take the Architectural PE exam, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

e) Jenkins, S.

Dr. Gerstle tabled this item to request more specific design experience description.

f) Mondragon, Z.

Dr. Gerstle tabled this item to request more specific design experience description.

3) PE Licensure

a) Creighton, P.

MOTION by Mr. Bohannan to approve for PE licensure, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4) PE Endorsement

a) Beck, C.

MOTION by Ms. Nichols to approve for endorsement in Environmental 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) Moore, D.

MOTION by Mr. Bohannan to not approve for endorsement due to lack of U.S experience, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c) **Parry, J.**

MOTION by Mr. Bohannon to not approve for endorsement due to insufficient design experience, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

d) **Trull, A.**

MOTION by Mr. Tonander to approve for endorsement in Civil engineering, **SECONDED** by Mr. Bohannon,

Roll Call Vote:

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

The motion **PASSED unanimously.**

e) **Zaidi, F. –Reconsideration.**

Dr. Gerstle tabled this item to ask NCEES if the degree is equivalent to an accredited engineering degree.

5) **PE Additional Discipline**

a) **Higgins, G.**

MOTION by Ms. Nichols to approve for the additional discipline of Electrical engineering, **SECONDED** by Mr. Bohannon,

Roll Call Vote:

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

The motion **PASSED unanimously.**

6) Retired Request

a) Froelich, T.

MOTION by Mr. Tonander to not approve for retired status due to insufficient licensure term in New Mexico, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) Knochel, J.

MOTION by Mr. Tonander to approve for retired status effective January 30, 2022, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously**

c) Mills, R.

MOTION by Mr. Tonander to not approve for retired status due to insufficient licensure term in New Mexico, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously.**

7) Inactive Request

a) Whisenhunt, K.

MOTION by Mr. Tonander to not approve due to insufficient licensure term in New Mexico, **SECONDED** by Mr. Bohannan,

Roll Call Vote:

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

The motion **PASSED unanimously**

11. Next Scheduled Meeting Date:

- a. February 18, 2022 – Albuquerque/Virtual (if necessary)
- b. April 7, 2022 – Ruidoso/Virtual

12. Adjourn

Meeting adjourned at 4:30 p.m.

Submitted by:

s/Isaac Maes

Isaac Maes, Executive Assistant

Approved by:

s/Dr. Walter Gerstle

Dr. Walter Gerstle, Committee Chair

June 9, 2022

Approved Date