

**MEETING OF THE PROFESSIONAL ENGINEERING  
COMMITTEE of the Board of Licensure of Professional  
Engineers and Professional Surveyors held at  
1:00 p.m., Thursday, August 11, 2022  
Office of Souder Miller & Associates, 5454  
Venice Ave. NE, Ste. D, Albuquerque, NM  
& Virtual**

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

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Miranda Gonzales, BLPEPS, Administrative Manager  
Isaac Maes, BLPEPS, Executive Assistant  
Angelica Urioste, BLPEPS, Compliance Officer  
Marlene Segura, BLPEPS, Licensing Administrator  
Valerie Joe, AAG, Legal Counsel  
Joe Barela, PE, Board Investigator

**1. Convene, Roll Call and Introduction of Audience**

Mr. Ney read the meeting script regarding the virtual meeting protocols. He convened the meeting at 1:06 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 Ms. Nichols to approve the agenda as presented, **SECOND** by Dr. Elaksher

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**4. Approval of Minutes**

**MOTION** by Dr. Gerstle to approve the Minutes of June 9, 2022 as presented,  
**SECONDED** by Ms. Nichols

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**5. Requested Public Comment/Correspondence**

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

**6. Old Business**

Mr. Valdez informed the Committee that there was no “old business.”

**7. New Business**

**a. 2022 NCEES Annual Meeting**

Mr. Valdez informed the Committee that the 2022 NCEES Annual meeting will be taking place August 22, 2022 through August 27, 2022 in Carlsbad, California.

Mr. Tonander, Dr. Elaksher, and Dr. Gerstle said they would be attending this meeting.

Mr. Valdez stated that in terms of Board Staff attendance, he along with Ms. Urioste and Ms. Herrera would be attending as well.

## **8. Application Review – Recommended Approval**

### **a. Confirmation of Staff-Reviewed Applications**

The Committee acknowledged the confirmation of staff reviewed applications.

### **b. Retired Status Requests**

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

**Roll Call Vote:**

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

The motion **PASSED unanimously**.

### **c. PE Exam Final Licensure List**

**MOTION** by Mr. Bohannon to approve the PE exam final licensure list,  
**SECONDED** by Mr. Tonander

**Roll Call Vote:**

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

The motion **PASSED unanimously**.

## **9. Executive Session**

**MOTION** by Mr. Tonander 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. Bohannon

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

**10. Action on Items Discussed During Executive Session**

Mr. Ney 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 3-PE-10-13-2020 – Investigator’s Report**

**MOTION** by Mr. Bohannan to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General’s Office for the issuance of an NCA, **SECONDED** by Mr. Tonander

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**2) RKM-12-23-2019**

**MOTION** by Mr. Bohannan to issue a default order with a \$250.00 fine to be paid within 30 days, **SECOND** by Mr. Tonander

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**b. Self-Reporting**

1) DTE-11-23-2021

2) FD-03-09-2021

3) JAL-12-02-2021

**MOTION** by Mr. Tonander to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 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':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Dr. Gerstle, Mr. Bohannan, Ms. Nichols

The motion **PASSED unanimously.**

4) JEW-01-252-2021

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

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**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. Application for Review**

1) PE Exam

a. Flores-Garcia, E.

Mr. Ney tabled this item and requested Board Staff gather two more references from applicant.

**2) PE Endorsement**

**a. Baird, T.**

**MOTION** by Mr. Tonander to approve for endorsement in Environmental engineering, **SECONDED** by Mr. Bohannan

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**b. El-Awar, R.**

**MOTION** by Mr. Bohannan to approve for endorsement in Civil engineering, **SECONDED** by Dr. Gerstle

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**c. Ford, J.**

**MOTION** by Mr. Bohannan to approve for endorsement in Electrical engineering, **SECONDED** by Dr. Gerstle

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**d. Pena, F.**

**MOTION** by Mr. Bohannon to approve for endorsement in Structural engineering, **SECONDED** by Dr. Elaksher

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

*\*\*\*Ms. Joe noted that during the discussion of agenda items 3a and 3b, Mr. Ney exited the meeting to recuse himself and Dr. Elaksher led the discussion of these items.*

*Mr. Ney exited the meeting at 2:50 p.m. and returned to the meeting at 2:55 p.m.\*\*\**

**3) PE Reinstatement**

**a. Addy, P.**

**MOTION** by Mr. Tonander to not approve pending receipt of PDH contemporaneous with the reinstatement period, **SECONDED** by Mr. Bohannon

**Roll Call Vote:**

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

**Recused:** Mr. Ney

The motion **PASSED.**

**b. Clayton, D.**

Dr. Elaksher tabled this item until the next PEC meeting and requested Board Staff gather more information.

**4) PE Medical Exemption Request**

**a. Trask, C.**

**MOTION** by Ms. Nichols to approve for a six-month extension in order to meet the PDH requirements by July 1, 2023, **SECONDED** by Dr. Elaksher

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**11. Next Scheduled Meeting Date:**

**a.** September 16, 2022 – Albuquerque/Virtual (if needed)

**b.** November 3, 2022 – Las Cruces/Virtual

**12. Adjourn**

Meeting adjourned at 3:18 p.m.

**Submitted by:**

s/Isaac Maes

Isaac Maes, Executive Assistant

**Approved by:**

s/Stephen Ney

Stephen Ney, Committee Chair

November 3, 2022 **Approved Date**