

**Meeting Minutes**

**SPECIAL MEETING OF THE PROFESSIONAL ENGINEERING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held at  
9:00 a.m., Friday, February 17, 2023,  
Virtually**

**Members Present-** Stephen Ney, PE, Committee Chair  
Dr. Ahmed Elaksher, PEPS, Vice Chair  
Karl Tonander, PE  
Elizabeth McNally, PE  
Emilie Dohleman, PE  
Karen Nichols, Public Member

**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  
Marlene Segura, BLPEPS, Licensing Administrator  
Valerie Joe, AAG, Legal Counsel  
Joe Barela, PE, Board Investigator  
Ali Effati, NM Interstate Commissions  
Daniel Carter, PS  
Risa Lujan, Traffic EIT for WSP  
SM Lujan  
Lynn Torrick, PE  
Joey Laprevote

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

Mr. Valdez read the meeting script regarding the virtual meeting protocols. Mr. Ney convened the meeting at 9:10 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 Office.

### **3. Approval of Agenda**

**MOTION** by Ms. Dohleman to approve the agenda as presented, **SECONDED** by Dr. Elaksher.

#### **Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

### **4. Approval of Minutes**

#### **a. Minutes of January 12, 2023**

**MOTION** by Ms. Nichols to approve the Minutes of January 12, 2023 as presented, **SECONDED** by Dr. Elaksher.

#### **Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

### **5. Requested Public Comment/Correspondence**

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

Mr. Ney asked if the audience had any comments but there was no response.

### **6. Old Business**

Mr. Valdez informed the Committee that there was no Old Business.

### **7. New Business**

#### **a. NCEES Western Zone Attendance**

Mr. Valdez informed the Committee that the NCEES WZ meeting will be held in Houston and gave a list of Board members who will be attending.

Mr. Ney wanted to confirm that those members who will be attending were able to book their travel without any issues. Those members attending confirmed they were booked or booking their travel.

**b. City of Gallup**

Mr. Valdez informed the Committee that he received an e-mail from an emeritus status member which they mentioned that the City of Gallup does not have a licensed engineer employed and they are providing comments which affect engineering solutions of projects. This member wanted to know if the Committee would like to take action on this item.

Mr. Valdez informed the Committee that the Board does not have jurisdiction governing how counties and cities undertake engineering projects. However, he noted that in the past, the committee has issued a letter to the cities and counties educating them about the practice of engineering without a licensed engineer.

Ms. McNally asked Mr. Valdez how long this issue had occurred.

Mr. Valdez informed the Committee that the e-mail did not state how long this issue had been occurring.

Ms. Dohleman suggested calling the City of Gallup to confirm that they do not have a licensed engineer on staff before sending the letter.

Ms. Joe noted that if the Chair felt it was appropriate, he could table this item to gather more information.

Mr. Ney tabled this item and directed staff to gather more information as to how long the City of Gallup has not had a licensed engineer on staff and also the reason as to why the City of Gallup did not have a licensed engineer.

**8. Application Approval**

**a. Confirmation of Staff Reviewed Applications**

The Committee acknowledged the confirmation of staff reviewed applications. No vote needed.

**b. Retired Requests**

**MOTION** by Ms. Dohleman to approve the retired requests, **SECONDED** by Dr. Elaksher.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

*\*\*Dr. Elaksher exited the meeting at 9:31 am\*\**

**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 Ms. Nichols.

**Roll call vote taken, voting 'Yes':** Mr. Ney, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

*\*\*Dr. Elaksher re-joined the meeting at 9:36 am\*\**

**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) 2-PE-04-19-2021 Investigator's Report**

**MOTION** by Ms. Dohleman to attempt 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 Dr. Elaksher.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**2) 3-PE-10-13-2020**

**MOTION** by Mr. Ney to close the case and direct board staff to create a strongly worded letter to the respondent, **SECONDED** by Mr. Tonander.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**b. Self-Reports**

**1) ADO-01-10-2023**

**MOTION** by Ms. Nichols to attempt 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 Ms. Dohleman.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**2) AF-01-04-2023**

**MOTION** by Ms. Nichols to attempt 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 Ms. McNally.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**3) BLGA-12-13-2022**

**4) DFL-11-30-2022**

**5) JL-12-30-2022**

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

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**6) LS-01-03-2023**

**MOTION** by Ms. Dohleman to attempt 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 Ms. McNally.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**7) TAP-01-04-2023**

**MOTION** by Dr. Elaksher to attempt 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, and in addition require the enrollment into an ethics course of 30 PDHS in which the course is approved by the Board, **SECONDED** by Ms. Dohleman.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously.**

**8) WR-01-19-2023**

**MOTION** by Dr. Elaksher to attempt 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 Ms. Nichols.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, 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. Applications for Review**

**1) PE Exam**

**a) De Flon, B. - Reconsideration**

**MOTION** by Ms. McNally to approve applicant to sit for the PE exam, **SECONDED** by Ms. Dohleman.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**b) Lujan, R. – Reconsideration**

**MOTION** by Mc. Nally to approve applicant to sit for the PE Exam, **SECONDED** by Ms. Dohleman.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

**2) PE Endorsement**

**a) Effati, A.**

Mr. Ney tabled this item and directed staff to gather more information and to notify the applicant to request an NCEES education evaluation.

**b) Marsh, J.**

**MOTION** by Mr. Tonander to conditionally approve endorsement in the mechanical discipline if applicant is accepting, of this discipline, and if applicant would like civil endorsement, they will need to provide more information to Board Staff, **SECONDED** by Ms. Dohleman.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally,



Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

c) **Scott, R.**

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

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols.

The motion **PASSED unanimously**.

**3) PE Retired**

a) **Wallace, J. – Reconsideration**

**MOTION** by Mr. Ney to approve for retried status, **SECONDED** by Dr. Elaksher.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Ney, Dr. Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

The motion **PASSED unanimously**.

Mr. Ney noted that members of the Committee are to provide him with comments in regard to updating the Penalties and Fines table so he can submit them to the Rules Committee.

11. **Next Scheduled Meeting Date:**

a. April 20, 2023 – Ruidoso

Mr. Ney asked Mr. Effati if he would like clarification as to why the Board tabled his PE endorsement application.

Mr. Effati said he would like further clarification.

Mr. Ney explained that the Committee needed more information in regard to his credentials and their equivalency.

Mr. Efatti thanked Mr. Ney and the Committee for the information.

**12. Adjourn**

The meeting adjourned at 12:36 p.m.

**Submitted by:**

s/ Isaac Maes

Isaac Maes, Executive Assistant

**Approved by:**

s/ Stephen Ney

Stephen Ney, Committee Chair

April 20, 2023   **Approved Date**