

Meeting Minutes

**MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held at
9:00 a.m., Thursday, April 20, 2023,
Inn of the Mountain Gods, Natzille/Magoosh Room
287 Carrizo Canyon Rd, Mescalero, NM 88340
& Virtual**

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
Miranda Gonzales, BLPEPS, Administrative Manager
Isaac Maes, BLPEPS, Executive Assistant
Angelica Urioste, BLPEPS, Compliance Officer
Joe Barela, PE, Board Investigator
Dan Flack, PE Board Investigator

1. Convene, Roll Call and Introduction of Audience

Mr. Maes read the meeting script regarding the virtual meeting protocols. Mr. Ney convened the meeting at 1:14 p.m. Roll call was taken and a quorum was noted. There was no audience in attendance.

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 Dr. Elaksher to approve the agenda as presented, **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.**

4. Approval of Minutes

a. Minutes of February 17, 2023

MOTION by Mr. Tonander to approve the Minutes of February 17, 2023 as presented, **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**.

5. 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. Structural Design Educational Credits

Mr. Valdez informed the Committee there is an applicant on the agenda for their review: the applicant has a foreign degree that was evaluated by NCEES. The outcome of the education evaluation was that the foreign program was deficient in general studies. Mr. Valdez went on to say, usually if the program was deficient, the Board Staff would refer to the master's degree or other higher degree. This individual has a master's degree but does not have enough structural design hours within the degree. The Board Staff examined the foreign degree and found sufficient structural design course hours to satisfy the requirement. Mr. Valdez asked the members, if the foreign degree was deemed deficient by NCEES due to the general studies portion, and not the engineering courses, would staff be able to count the structural design courses, or because of the deficiencies outlined in the education evaluation, would the structural design courses be invalid?

Mr. Ney stated the general studies are part of the breadth of a degree. What the Boards is concerned with is whether this individual is knowledgeable in engineering. He gave an example of being able to perform the right type of engineering and analysis to ensure they are maintaining the safety of what they apply to the public. Mr. Ney concluded by saying based on what he saw the courses in the foreign degree should be considered.

Mr. Tonander added to the discussion, saying that the Committee is licensing from the master's degree, then determining if they have the required coursework for structural. Looking at the education, the applicant has a master's degree in engineering and if they have the required structural courses, then the NCEES equivalency on the bachelor's degree on the general studies doesn't matter when considering the structural courses.

b. Updated Engineer Application Form

Ms. Gonzales presented the draft changes to the current engineering application. The updated application was drafted to conform with the upcoming expedited licensing requirements changes outlined in the New Mexico Engineering and Surveying Practice Act, which becomes active July 1, 2023.

Mr. Tonander requested that in the 'Qualification Review' section D, remove the words "Have you", because it is already stated at the beginning of the section, after 'Qualification Review...'. He continued by asking if the discipline that the applicant was tested in should also be asked on the application. An example of this could be a two-part question that states: Have you taken the Principle of Practice of Exam and if so in which discipline.

After some discussion and suggestions from the members, Mr. Ney tabled this item and directed the Board Staff to revise the updated application and present it at the June meeting.

c. Recommendations for the Fines and Penalties Table

Mr. Valdez requested that the Committee members review this item prior to the Meeting in June. The objective of the review is to look for any inconsistencies or any fines that need to be adjusted.

8. Application Review – Recommended Approval

a. **Confirmation of Staff Reviewed Applications**

The Committee acknowledged the confirmation of staff reviewed applications.

b. **PE Retired Status Request(s)**

MOTION by Mr. Tonander to approve the PE retired status request,
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**.

c. **PE Inactive Status Request(s)**

MOTION by Mr. Tonander to approve PE inactive status requests, **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**.

9. Executive Session

MOTION by Ms. McNally 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’: Mr. Ney, Dr. Ahmed Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, Ms. Nichols

Mr. Ney exited the meeting at 2:41 p.m. and rejoined the meeting at 2:48 p.m.

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 9-PE-08-10-2021 – 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 Ms. Nichols

Roll Call Vote:

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

The motion **PASSED unanimously.**

2) Case 10-PE-09-01-2021 (A) – Investigator's Report

MOTION by Mr. Tonander 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.**

3) Case 10-PE-09-01-2021 (B) – Investigator's Report

4) Case 10-PE-09-01-2021 (C) – Investigator's Report

MOTION by Mr. Tonander to close the cases with 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**.

5) Case 12-PE-09-30-2021 – 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 Ms. Nichols

Roll Call Vote:

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

The motion **PASSED unanimously**.

6) Case 4-PE-02-18-2022– 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 Ms. Nichols

Roll Call Vote:

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

The motion **PASSED unanimously**.

7) Case 1-PE-01-25-2021

MOTION by Ms. McNally to close the case as the terms of the settlement agreement were met, **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**.

b. Status Review of Complaints and NCA Referrals

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

c. Applications for Review

1) EI Certification

a) Khalili, T.

MOTION by Mr. Tonander to approve for EI Certification

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 Exams

a) Benavidez, D.

MOTION by Ms. McNally to approve to take the PE Exam,

SECONDED by Ms. Nichols **Roll**

Call Vote:

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

Recused: Mr. Ney

The motion **PASSED**.

3) PE Endorsement

a) Appaiah, S.

MOTION by Dr. Elaksher to not approve the application for PE endorsement and recommend the applicant fulfill the required NCEES equivalency for education requirements or the applicant can wait to re-apply when in compliance with 61-23-14.1 D. (3) NMSA, **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.**

b) Biroun, B.

MOTION by Dr. Elaksher to not approve the application for PE endorsement and recommend the applicant fulfill the required NCEES equivalency for education requirements or the applicant can wait to re-apply when in compliance with 61-23-14.1 D. (3) NMSA, **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) Burch, C.

MOTION by Dr. Elaksher to approve for PE 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.**

d) Cruz, J.

MOTION by Dr. Elaksher to approve to bypass of the FE Exam and approve for PE 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.**

e) Jabo, J.

f) Razmara, H.

MOTION by Ms. McNally to approve PE endorsement for Jabo, J. in structural engineering and Razmara, H. in electrical 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.**

g) Tinder, J.

MOTION by Mr. Tonander to approve for PE endorsement in structural 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.**

4) PE Reinstatement

a) Shipp, W.

Mr. Ney tabled this item and directed the Board Staff to gather more information on the applicant's PDHs.

11. Next Scheduled Meeting Date: June 8, 2023 – Santa Fe/Virtual

The Committee recognized that there would be a need to hold a special meeting in May to address additional matters. Staff would be coordinating a date with the members.

12. Adjourn

Meeting adjourned at 4:26 p.m.

Submitted by:

s/Isaac Maes

Isaac Maes, Executive Assistant

Approved by:

s/ Stephen Ney

Stephen Ney, Committee Chair

May 26, 2023 **Approved Date**