

**Meeting Minutes**

**MEETING OF THE NEW MEXICO BOARD OF  
LICENSURE FOR PROFESSIONAL ENGINEERS  
AND PROFESSIONAL SURVEYORS held at  
9:00 a.m., Friday, June 9, 2023,  
Toney Anaya Building, Rio Grande Conference Room,  
2nd Floor, 2550 Cerrillos Rd. Santa Fe, NM 87505  
& 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  
Elizabeth McNally, PE  
Benjamin Aragon, PS  
Emilie Dohleman, PE  
John Wayne, PS  
Karen Nichols, Public Member

**Others Present –** Perry Valdez, BLPEPS, Executive Director  
Crystal Bustamante, BLPEPS, Administrative Operations Manager  
Miranda Gonzales, Administrative Manager  
Isaac Maes, BLPEPS, Executive Assistant  
Ralph Vincent, Project Manager  
Donna Rivera, DFA Budget Analyst  
Cecilia Mavrommatis, DFA State Budget Division  
Ginger Anderson, LFC Fiscal Analyst  
Jessica Hitzman, LFC, Fiscal Analyst  
Earl Burkholder, PEPS  
Dr. Isabel Morris, NM Tech  
Megan Schwingle, NM Tech  
Dr. Clinton Richardson, NM Tech

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

Prior to convening the meeting Mr. Maes read the meeting script regarding the virtual meeting protocols. Mr. Tonander convened the meeting at 9:04 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**

Mr. Tonander proposed amending the agenda to allow for item 6b. Update on Network and Licensing System to be moved before item 6a. Financial Report.

**MOTION** by Ms. McReynolds to approve the agenda as amended, **SECONDED** by Mr. Ney,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

## **4. Approval of Minutes**

### **a. Minutes of April 21, 2023**

**MOTION** by Ms. Dohleman to approve the Minutes of April 21, 2023, as presented, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

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

### **a. E Burkholder – NMGAC Meetings**

Mr. Burkholder stated the following to the Board:

The New Mexico Geospatial Advisory Committee (NMGAC), consisting of a group of members from all over the state that involves special data users from many segments of the economy, including various agencies. He added that much of the time is spent discussing ideas and experiences in a wide range of activities, mostly having to do with policies related to geospatial data. Typically, each meeting closes with a 20 to 30-

minute presentation called “Techno High” which features some appropriate “leading edge” issues.

Mr. Burkholder suggested it would be appropriate and mutually beneficial if someone from the Board attended these meetings.

Mr. Gromatzky said he would be interested in attending these meetings.

## **6. Director’s Report**

### **b. Update on Network and Licensing System**

Mr. Valdez introduced Ms. Anderson, Ms. Rivera, and Ms. Mavrommatis to the Board.

Ms. Rivera stated that she and Ms. Anderson are the Fiscal Analysts for the Board as well as the Regulation and Licensing Department (RLD) and recommended that the Board consider allowing the RLD Superintendent and the DoIT Secretary to speak to the Board about the benefits of possibly using the Salesforce platform with RLD.

Ms. Mavrommatis, Fiscal Analyst for the Department of Information Technology (DoIT), recommended that it is the Board’s choice to choose what system they use. She added that she understands there is an apprehensive approach in considering the RLD’s current cyber security metric, considering the breach that happened recently. She explained that there is a new Cyber Security Department in the works, that will be established as an individual entity within the state through the next appropriation cycle. With this, there will be cyber security standardization throughout the state, and with this comes standardization examples. She advised that there may be a wasted effort in acquiring a modernized IT platform, and the effort should be adjusted to match the baseline set by another agency. She further explained that because of the RLD breach, they are setting the baseline example of an agency coming up to speed with a modernized cyber security platform. She believes that allowing extra stakeholders to provide advisement on which system to invest in would allow for the best financial decision for the Board. She finished by saying the decision is ultimately up to the Board, and the Executive would support the Board in its final decision.

Ms. Hitzman explained that there will be consolidation of IT services across all Boards in the State but noted that the legislature would be supportive in the decisions made by the Board.

Mr. Ney asked what prompted this discussion with the Department of Finance and Administration (DFA) and the Legislative Finance Committee (LFC). He stated that

the Board was already working on the path to acquiring a new system and asked how RLD became involved in the decision-making process for the project.

Mr. Valdez informed the Board that the DFA and LFC are involved in the Project Certification Committee (PCC) process through DoIT. In addition, Ms. Rivera, Ms. Anderson, and Ms. Mavrommatis are involved in the process to assist the Board to use the fund balance to procure the new system, which the Board staff has been in contact with them to research the correct path in utilizing the fund balance for this project.

Ms. Rivera explained that she and Ms. Anderson had an interim meeting with RLD to discuss licensing updates for the various Boards and Commissions with RLD which use Salesforce. She also added that she and Ms. Anderson are the Fiscal Analysts for the Medical Board, who are also using Salesforce. This prompted them to question why the BLPEPS is going out separately and initiated the conversation of the benefits of being independent to ensure the Board's needs are met, and to avoid additional costs and issues in the future. She believes it would be most beneficial if the Board utilizes the same software and system as RLD.

Mr. Tonander stated that he is concerned with the cost, time and where data is stored. He asked if the RLD system is Cloud based, and what the cost of using Salesforce would be.

Ms. Rivera answered, the RLD system is cloud-based and she doesn't know the cost of using Salesforce but will get an answer for the Board. She added that she'd like to include the RLD Superintendent in the conversation because they are already using Salesforce for six Boards. She added that the cost is different for each Board.

Mr. Tonander stated that timing is a critical factor and noted that the Board is trying to implement a system before the next renewal cycle. If the Board were to deviate from the current path, even to slow down to hear other options, that implementation date becomes lost. He asked what is the guarantee that a system from RLD could be up and running in that timeline.

Ms. Rivera said she did not know the answer and informed the Board that she could provide this information at the next Full Board meeting in August.

Ms. Dohleman suggested that due to the timing, that the Board hold a Special Full Board meeting for a presentation from RLD, DoIT and DFA.

Ms. Bustamante asked if the Board were to go this route, and if the Board wanted to request C2 funding during the next legislative session, wouldn't this put the process behind schedule since the process begins in July.

Ms. Mavrommatis answered that the Board does have fund balance, and because it is a statutory fund, the Board can begin to utilize the funds. She added that if the suggested route is more expensive, the Board can go through the process using what was expected from the statutory fund balance and request additional funds through the C2 process. The additional funding will come from a different source such as the Computer Systems Enhancement Fund.

Mr. Tonander asked if there are other Boards that RLD is approaching that are not under RLD and are not using Salesforce.

Ms. Rivera said no, there are no other Boards being approached. The only other Boards separate from RLD is the Medical Board, which uses the RLD Salesforce software, and the Board of Nursing, which has their own licensing software that isn't Salesforce.

Mr. Tonander said he visited the RLD website and its purported that it's for all licensing in New Mexico. He liked the concept of housing all licenses in one location as this is being done in other states too. Though, he added that is a concern considering the recent data issues with RLD, there's also the specter of the old executive order between the Board and RLD, and at this point is antiquated and not strictly followed. It would be a lot easier to consider this for everyone, if the Executive Order goes away. So, then the decision becomes a timing and fiscal decision and what's best for people trying to get licensing in the state.

Ms. Rivera asked what Executive Order.

Mr. Tonander answered that there is an old executive order from the Martinez administration related to administrative staff issues with the Board at the time, where the Board was relocated to the Toney Anaya Building. The executive order is also tied to IT Support. That agreement was structured at a prior time under certain circumstances that don't exist today, as things have changed tremendously. He added that if there were support in getting this straightened out, this decision would be easier to make.

Ms. Rivera answered that she will investigate this.

Ms. Mavrommatis said regarding the question of, are there other Boards you're approaching that are not under RLD and are not using Salesforce, she answered no. She added that the Board was approached because it's spearheading a cyber security concern, and being first to open the conversation, it is a bit of a growing pain. She added, that instead of being reactive to making a change to cyber security standardization, she thought a conversation to be proactive was needed.

Ms. Dohleman asked what level of support would be provided and stated she would like to see this in a presentation.

Mr. Tonander said the mention of 'future changes in cyber security' infers Salesforce meets the cyber security standards being sought, but how does RLD know that. He added that, relative to Salesforce, how could the Board feel confident in Salesforce meeting the cyber security standards.

Ms. Rivera said that Salesforce is used by federal agencies such as the Department of Defense and other agencies that require the highest levels of cyber security and felt that due to this, Salesforce is the right platform.

Ms. McReynolds stated that a meeting would be needed in July to make an informed decision. She added, the Board needs a licensing system that is optimized for its uses, and there are systems that are standard across the Engineering and Surveying industry. Therefore, there may not be a blanket solution for every board in the state considering all the factors. She added that any system the Board chooses will require system upgrades to address cyber security. She stated that she has experience working with Salesforce, and it does have high security standards as a base platform. However, the implementation of a particular application may not carry that same level of security. She added that she would like to see how the implementation of security would be applied in Salesforce in the July presentation.

Mr. Vincent said that the information provided by Ms. McReynolds pertaining to the implementation of particular applications not carrying over the same security standards from Salesforce was absolutely correct. Cybersecurity is application dependent and not dependent on Salesforce. He mentioned that the issue of a potential cyber-attack has been addressed to every vendor the Board Staff has talked to. He added that Mr. Valdez and his staff have done a great job of looking into other states and what they're doing in their industry. He also said all systems investigated are cloud based. Mr. Vincent said that whichever system is decided on, there will be assurance that data backups are done regularly. He said the "one-stop shop" could be adding a link to the BLPEPS on the RLD system to direct our customers to the correct

platform. Whether the Board goes with Salesforce or another vendor, staff functionality must be considered, which will require a whole new build, regardless.

**MOTION** by Ms. McReynolds to approve the use of the Board's Fund Balance to acquire a new licensing system, **SECONDED** by Mr. Aragon,

**Roll Call Vote:**

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

The motion **PASSED unanimously**.

**7. Old Business**

**a. NM Tech – Financial Support of New Drone Program**

Ms. Schwingle, from the New Mexico Institute of Mining and Technology (NM Tech), gave the Board a brief explanation of how the idea of financial support of a new drone program item was brought to the Board.

She noted that in 2021, when this item was first brought to the Board, the Board had concerns in terms of liability if someone was injured while operating any of the equipment.

She informed the Board it won't be held accountable if the Board provides the financial support to purchase a drone, and if a student is injured while operating it there would be no liability upon the Board because the equipment would be categorized under NM Tech's insurance.

Ms. Schwingle mentioned the conversation she had with Mr. Valdez. She said he informed her the Board wanted to see a course syllabus and rubric. Ms. Schwingle introduced Dr. Morris.

Dr. Morris stated they offered a pilot version of the class. She gave the Board an overview of the course syllabus of the drone program class offered during the Spring 2023 semester. She added that this course was one of the few labs where the students were able to take as upper classmen and because of this, students were able to see how the course work applied to aspects in the field.

Dr. Richardson said the drone program came about because the instructor who taught the traditional surveying course retired, which left a hole in their

curriculum. He proposed the idea of a new course offering traditional surveying and the drone aspect. Dr. Richardson commented that Dr. Morris oversaw this program and has done a great job and has articulated valuable courses that retain students in New Mexico and benefit the State.

Mr. Tonander noted the funding support program was not the purchasing of equipment for the proposal, but rather an exchange of funds to the higher education institution to purchase the equipment, which removes the Board of any liability issues. Mr. Tonander provided a brief background on the subject for the new Board members who had not been on the Board when NM Tech first requested the funding, in 2021.

Mr. Gromatzky asked if an application has been completed by NM Tech for the request.

Mr. Valdez responded that an application has not been provided and there has not been an application submitted. He informed Mr. Gromatzky that the application is on the agenda for the Board's review and approval.

Ms. Dohleman asked when NM Tech needed to know about the funding.

Ms. Schwingle said this needs to be done before the start of Spring Semester of 2024.

Mr. Ney asked if two survey packages were sufficient to meet the number of students signing up for the course.

Ms. Morris said this would be sufficient and noted that lab sections can be scheduled to rotate students to allow the lab work to be completed.

Mr. Aragon asked if someone would acquire their pilot's license.

Dr. Morris answered that the students wouldn't get their pilot's license to take the course, but a professor would and there are a few graduate students who have a license. She added that a pilot's license is required to pilot the drone and reiterated is not required for the students to take the class.

Mr. Ney suggested that NM Tech could offer a class for students to acquire a pilot's license.



Mr. Gromatzky said he contacted the University about the drone program. He said the course content is aimed at engineering. He went on to ask what this program could lead to.

Dr. Morris said there are other drone programs in mechanical engineering department that are related to drone inspections and other assets.

Ms. Nichols asked if the Board had a timeline to fund the scholarships provided by the Board.

Mr. Tonander said there is no timeline established but noted that it is anticipated it would be open until funding is exhausted.

Mr. Valdez said this is correct.

Mr. Gromatzky asked for clarification in that if the funds aren't exhausted by the end of the fiscal year, they won't roll over into the next fiscal year.

Mr. Tonander said this is correct.

**MOTION** by Ms. McReynolds to move agenda item 7.d. next on the agenda and continue in the order as previously approved, **SECONDED** by Mr. Ney,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

*\*\*\*Dr. Elaksher exited the meeting at 10:30 am\*\*\**

**7. Old Business**

**b. Update Scholarship Criteria to Include University Support Program**

Mr. Valdez presented the draft university support criteria and application. Revisions and amendments were discussed and finalized.

**MOTION** by Ms. McReynolds to approve the university support criteria and application subject to any formatting, **SECONDED** by Mr. Aragon,

**Roll Call Vote:**

**Voting 'Aye':** Mr. Tonander, Ms. McReynolds, Mr. Ney, Mr. Gromatzky, Ms. McNally, Mr. Aragon, Ms. Dohleman, Mr. Wayne, Ms. Nichols

The motion **PASSED unanimously**.

*\*\*\*The Board took a 11 minute recess at 11:00 am and reconvened at 11:11 am.\*\*\**

**6. Director's Report**

**a. Financial Report**

Ms. Bustamante reported, that as of June 3, 2023, the Board collected \$1,112,046.20 in revenue. In the 200's category, the Board has a remaining balance of \$75,521.98.

In the 300's category, the contractual category, there is a budget availability of \$147,771.17 for the remainder of the fiscal year. Ms. Bustamante noted that this amount does not include the amount that the Board is obligated to pay to RLD under the MOU. A proposed invoice amount was addressed and submitted to RLD. We are currently waiting for a response from RLD.

In the 400's category there is a remaining balance of \$220,831.88. Ms. Bustamante noted that this amount does not include the scholarship funds in the amount of \$100,000 due to the universities which are currently being invoiced and paid.

Ms. Bustamante provided a revenue comparison between FY22 and FY23. Revenue was collected in the amount of \$1,052,589.77 in periods 1-11 of FY22, and revenue was collected in the amount of \$1,112,046.20 in periods 1-11 of FY23, noting an increase in revenue collected in the amount of \$59,456.43 compared to this time last year.

The total fees waived for FY23, October 12, 2022, through June 2, 2023, amount to \$5,070.00 with a total of 53 fees waived for those who graduated from New Mexico universities.

**c. License Status Report**

Mr. Valdez reported that as of June 1, 2023, there were 10,384 active licenses.

- Professional Engineers
- Number of active PE's: 9,867
  - In State: 1,964

- Out of State: 7,903
- Professional Surveyors
- Number of active PS's: 507
  - In State: 213
  - Out of State: 294
- Professional Engineers/ Professional Surveyors
- Number of active PEPS's: 10
  - In State: 8
  - Out of State: 2

*Of the number of engineers and surveyors listed above, these are individuals licensed as both engineers and surveyors with two separate license numbers (dual licensees).*

- Licensees with two numbers = 51\*
  - In State: 26
  - Out of State: 25

**d. Board Member Re-Appointments**

- 1) **E. Dohleman**
- 2) **J. Wayne**

Mr. Valdez said per the Governor's Office, Ms. Dohleman and Mr. Wayne will be reappointed and the appointment letters would soon follow.

**e. Staff Vacancy**

- 1) **Plan/Timeline for Filling Compliance Position**

Mr. Valdez explained that the position has been posted through June 21, 2023. When the position posting ends, he will contact the Board for one Board Member Engineer and one Surveyor to be on the interview panel.

**7. Old Business**

- b. Update - Hosting the 2025 NCEES Western Zone Meeting**

Mr. Tonander noted that Mr. Valdez received the NCEES Distinguished Service award.

Mr. Valdez informed the Board that NCEES chose the Embassy Suites in

Albuquerque, New Mexico as the venue to host the 2025 NCEES Western Zone Meeting. He noted that Santa Fe was not chosen as a meeting location due to the cost of transportation from the Albuquerque airport to Santa Fe.

Mr. Tonander informed the members that the Board is responsible for gathering New Mexico themed merchandise and welcoming those in attendance.

Mr. Aragon asked if there will be an expense to the Board for the conference.

Mr. Valdez and Mr. Tonander answered yes in that staff time will be needed to prepare for hosting.

**c. Plan to Comply with SB 384 – Expedited Licensure**

Mr. Valdez noted he and the Board Staff gathered all 50 state boards to find what their requirements are. He noted that comparisons of standards weren't made but will be presented at the next meeting.

**e. PDHs**

**1) Outreach PDHs for Presenting to Junior and High School Students**

Mr. Valdez asked the Board if the Board would allow outreach to Junior and High School Students to be counted towards PDH requirements.

Mr. Tonander said if the outreach is nonspecific, the Board can define a policy but his could be difficult.

Mr. Valdez informed the Board that according to the NM License Renewal Guide this requirement would be met and read from the NM License Renewal Guide stating:

“Outreach/Civic or Community Activity

- To qualify for credit, the activity must focus on helping students in K–12 or higher education understand the importance of professional licensure or on discussing and promoting the surveying/engineering professions as a career choice.”

**2) Online PDH Reporting Format**

Mr. Maes distributed a PDH reporting format that Mr. Valdez and Mr. Aragon collaborated on to simplify the online PDH reporting for the new licensing system.

Mr. Aragon explained to the Board that this format was being used by other states and could be used as a template for the implementation of the new system.

Mr. Tonander suggested adding language that read to the effect of “or compliant with NCEES standards.”

## **8. New Business**

### **a. Proposed Seal Design**

#### **1) D. Adams**

#### **2) Entrekin**

Mr. Tonander provided background information that the NM PE seal was noted in a professional magazine’s article as the most boring seal, which was one reason that brought forth this effort.

Mr. Tonander noted that if these seals were approved, the one caveat was they could not be subject to copyright, they have to be available for use by other licensees.

Mr. Ney said he had concerns about the variations causing confusion in terms of what would be recognized as a New Mexico stamp. He suggested that the seals should be standardized so that New Mexico would be recognized.

Mr. Wayne said that images that are taken from the internet could be subject to copyright and open up to a lawsuit.

Ms. Dohleman said the second design had a limited use of the Zia symbol.

Mr. Tonander explained that that the previous designs that use the Zia symbol have been denied due to the symbol being property of the Zia Pueblo.

Mr. Gromatzky asked what would happen to the previously approved seals.

Mr. Tonander answered that the rules state that it would be an option of which the licensee would prefer i.e., option "A" a standard seal or option "B" a Board approved seal.

Ms. Dohleman recommended that the proposed seal should be a representation of New Mexico as a whole.

Mr. Tonander tabled this item until the August meeting for further review and discussion.

**b. EOR/SOR Guidance**

Mr. Valdez asked the Board for guidance on how Board Staff should proceed when a company has not filed an affidavit. He noted that Staff does reach out to inform the company by sending out a letter to inform them that they do not have an EOR or SOR on file.

Mr. Valdez went on to ask how Board Staff should proceed when a company doesn't have one or refuses to submit one.

Mr. Tonander said they would be in violation of the Practice Act.

Mr. Valdez asked if the Board Staff could then file a complaint.

Mr. Tonander said yes, a complaint can be filed.

Mr. Valdez asked if a complaint is filed against the firm or the individual.

Mr. Tonander said if the company has a professional registrant the complaint should be filed against the registrant. However, if the company doesn't have a registrant, it will be filed against the company registered with the Secretary of State.

**c. FY24 Open Meetings Resolution**

Mr. Valdez explained that the Open Meeting Resolution is reviewed at the end of every fiscal year. The Resolution is specific to the Board and it outlines how meetings are advertised, how the meetings are conducted, and board member participation. The Resolution is taken from the Open Meetings Act.

**MOTION** by Ms. McReynolds to approve the FY24 Open Meetings Resolution as presented, **SECONDED**, by Mr. Aragon,

**Roll Call Vote:**

**Voting 'Aye':** Mr. Tonander, Ms. McReynolds, Mr. Ney, Mr. Gromatzky, Ms. McNally, Mr. Aragon, Ms. Dohleman, Mr. Wayne, Ms. Nichols

The motion **PASSED unanimously.**

**d. Election of Officers**

**1) Board Chair**

**MOTION** by Mr. Tonander to nominate Mr. Gromatzky for Board Chair, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

**Voting 'Aye':** Mr. Tonander, Ms. McReynolds, Mr. Ney, Mr. Gromatzky, Ms. McNally, Mr. Aragon, Ms. Dohleman, Mr. Wayne, Ms. Nichols

The motion **PASSED unanimously.**

**2) Vice Chair**

**MOTION** by Mr. Tonander to nominate Ms. Dohleman as Vice Chair, **SECONDED** by Ms. McNally,

**Roll Call Vote:**

**Voting 'Aye':** Mr. Tonander, Ms. McReynolds, Mr. Ney, Mr. Gromatzky, Ms. McNally, Mr. Aragon, Ms. Dohleman, Mr. Wayne, Ms. Nichols

The motion **PASSED unanimously.**

**3) Secretary**

**MOTION** by Mr. Aragon to nominate Mr. Ney for Secretary of the Board, **SECONDED** by Mr. Wayne,

**Roll Call Vote:**

**Voting 'Aye':** Mr. Tonander, Ms. McReynolds, Mr. Gromatzky, Ms.

McNally, Mr. Aragon, Ms. Dohleman, Mr. Wayne, Ms. Nichols

**Abstain:** Mr. Ney

The motion **PASSED**.

## **9. Committee Reports**

### **a. PS Committee**

Mr. Gromatzky reported that the agenda was amended to move agenda Item 9, Executive Session, to begin after Item 3, Approval of the Agenda.

The voting outcomes of the nine cases were as follows:

- Two Pre-NCA settlement agreements were voted for. One contained a stipulation upon re-instatement of a lapsed license.
- Two cases were dismissed.
- Two cases were closed since the respondents had fully complied with the agreements.
- One case was closed or dismissed, Mr. Gromatzky said he recused himself.
- One case was voted to continue with the NCA process. Member McReynolds and Mr. Dworak were instrumental in sorting out the status and remaining action for this particular case.
- One case was voted on for the Board Staff to continue to attempt to make Delivery of Service for next 60 days and if unsuccessful; proceed with a Default Order. In this particular case an NCA was issued for Unlicensed Practice of Surveying.

The voting outcomes of the three applicants were as follows:

- One Survey Intern Applicant was tabled for more information.
- One PS Exam Applicant was approved.
- One PS Endorsement Applicant was not approved.

The minutes of the April 20, 2023, meeting was amended to clarify that the names of the applicants were approved for examination.

Under Old Business the expedited licensure application approval process was discussed. The PSC motioned and voted to approve the delegation of expedited license applications to Mr. Perry Valdez personally, in his capacity as the Executive Director of the Board. Authorization to approve the expedited license applications



and would be rescinded if Mr. Perry Valdez no longer serves in his capacity as the Executive Director.

Mr. Gromatzky noted the Survey Penalty Fee Schedule, now renamed the Repeat Offenders Schedule, was reviewed. Mr. Gromatzky explained that there are ongoing efforts to refine this document and define some of the terms and that this document is an Ad-Hoc document and is not intended to supersede any existing board rules.

SPCS 2022 Update – The NMPS Board and NGS Geodetic Advisor were contacted to discuss the SPCS 2022 legislative definition that will be necessary. Neither the NMPS Board nor NGS Geodetic Advisor responded. The NGS website does not contain the SPCS 2022 definitions and proposed legislation cannot proceed until we have the definitions.

Mr. Wayne was elected Chair and Mrs. McReynolds was elected Vice-Chair.

He concluded his report by saying the UNM Center for Advancement of Spatial Informatics Research & Education (ASPIRE) Services was a business item he added when the agenda was being drafted. He discussed the concern that ASPIRE Services has language on their website that is in conflict with licensed practice of surveying. A representative from ASPIRE indicated that the language would be removed from the website to comply with the provisions of the Practice Act.

**b. PE Committee**

Mr. Ney reported the PEC meeting had a special meeting that took place on May 26, 2023 to review disciplinary cases and applications for examination and endorsement.

In regard to the disciplinary cases, one pre-NCA settlement agreement was voted for, and one was closed due to fulfilling the requirements of the pre-NCA settlement agreement.

The Committee approved one PE exam application and one PE License application.

There were four PE endorsements but three were tabled to allow Board staff to reach out to see if the applicants would prefer to be approved for structural endorsement instead of civil.

He added that the remaining PE endorsement was approved.

He also said that one PE reinstatement was tabled to allow the applicant to gather additional references.

He then gave the following report for the June 8, 2023 PEC meeting:

He said the updated Engineer Application form was discussed and noted that there would be update that indicates the applicants are familiar with rules of New Mexico.

He also said that recommendations for an update to the Fines and Penalties table were given to Board Staff to present at the next meeting.

He went on to say that Ms. Nichols was elected to PEC Chair and Ms. McNally was elected to Vice Chair.

He said there were eight disciplinary cases. Two resulted in pre-NCA settlement agreements. Six were closed due to the statute of limitations being exceeded.

There were seven self-reports. Two were closed due to reaching the statute of limitations. Two resulted in a pre-NCA settlement agreement.

Two were noted and no action was taken. One was tabled for Board Staff to gather more information.

There was one PE Exam application that was not approved. Five PE endorsement applications were approved.

And one reinstatement was tabled to require applicant to take an additional ethics course.

**c. Executive Committee**

Mr. Tonander informed that Board that the Executive Committee did meet and discussed the invoice amount the Board is paying to RLD for administrative services.

**d. Joint Practice Committee**

Mr. Tonander said the Joint Practice Committee has not met and asked Mr. Valdez who will be hosting this committee for the new fiscal year.

Mr. Valdez informed the Board that NMBLPEPS will be hosting the Joint Practice Committee meetings for the new fiscal year.

Mr. Gromatzky asked who is involved in the Joint Practice Committee.

Mr. Valdez informed the Board that the Joint Practice Committee consists of one Engineer and one Surveyor from the NMBLPEPS Board, members from the Architect Board and the Landscape Architect Board.

**e. Public Information, Exam and Licensure Promotion Committee**

**1) Newsletter**

Ms. Bustamante said there was no update to the newsletter.

**2) Presentation(s)**

Mr. Valdez informed the Board that he gave a presentation to the Santa Fe and Los Alamos chapter of NMSPE. He said that he discussed the changes to the Practice Act and the possible changes that NCEES would be proposing to the Model Law.

Ms. Gonzales said that there may be a possible presentation collaboration with Mr. Valdez and Mr. Gromatzky about the history of the Board, for one of Dr. Elaksher's classes.

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

Mr. Tonander informed the Board that the committee has not met.

**g. Penalties and Fees Committee**

Mr. Ney said that he was working on a new fines schedule for the PEC to address issues that were raised.

Mr. Gromatzky suggested addressing the issues that are also affecting the PSC.

Mr. Gromatzky asked if the fine amounts are aggregate.

Mr. Tonander noted that the fine amounts are per violation not aggregate and the Board can collect administrative cost for things such as hearing.

Ms. Gonzales concurred with Mr. Tonander and informed the Board that it can collect cost for any hearing essentials such as the cost of a court reporter, but no cost can be collected outside of a hearing.

Mr. Gromatzky asked if the investigators are on contract or are paid hourly.

Mr. Valdez informed the Board that the investigators are on contract and paid hourly.

Mr. Tonander asked Mr. Valdez about penalties going to an education fund.

Mr. Valdez informed the Board that according to the ULA and the State Constitution, penalty fines are supposed to go to an education fund. However, he and Ms. Bustamante reached out to various agencies such as DFA, the Department of Education, and the Legislative Finance Committee and no one was able to answer the question of where the money is supposed be distributed. And he added that until a definitive answer is given, the money is still being held by the Board.

Mr. Gromatzky asked how much is collected in fines.

Ms. Bustamante informed the Board that there were adjustments to include subaccounts to specify what type of fees are being collected when processing the deposit.

#### **h. NCEES Committee Members**

Mr. Tonander informed the Board that there have not been any recent NCEES committee meetings.

Mr. Valdez concurred and noted that request for committee choice submissions were distributed by NCEES. He added that there was a State of the Council presentation in which motions will be at the annual meeting. Mr. Valdez said he will bring these proposed motions to the Board at the August meeting to discuss how they wish to vote at the August NCEES Annual meeting.

**10. Next Scheduled Meeting Date:** August 11, 2023 – Albuquerque/Virtual

Ms. Dohleman and Mr. Aragon stated that a Salesforce presentation needed to be scheduled within the week of June 13, 2023, to meet the agreed upon deadline.

**11. Adjourn**

Meeting adjourned at 12:54 p.m.

**Submitted by:**

s/Isaac Maes

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Isaac Maes, Executive Assistant

**Approved by:**

s/Karen Nichols

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Karen Nichols, Committee Chair

August 11, 2023      Approved Date