

Meeting Minutes

**MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure for Professional
Engineers and Professional Surveyors held at
1:00 p.m., Thursday, June 8, 2023,
Toney Anya Building, Rio Grande Conference Room
2nd Floor, 2550 Cerrillos Rd. Santa Fe, NM 87505
& 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
Dominique Trujillo, Licensing Administrator
Joe Barela, PE, Board Investigator

1. Convene, Roll Call and Introduction of Audience

Mr. Maes read the meeting script regarding the hybrid meeting protocols. Mr. Ney convened the meeting at 1:05 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. Tonander to approve the agenda as presented, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

PASSED unanimously.

4. Approval of Minutes

a. Minutes of May 26, 2023

MOTION by Ms. Dohleman to approve the Minutes of May 26, 2023 as presented, **SECONDED** by Ms. Nichols,

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

PASSED unanimously.

5. Public Comment/Correspondence

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

6. Old Business

a. Updated Engineer Application Form

Ms. Gonzales presented the updated engineer application form and explained the changes that were applied.

Mr. Tonander asked if the exam waiver was a separate form.

Ms. Gonzales informed the Board that the waiver form is added only to the exam and the EI/SI certification applications.

Ms. McNally asked Ms. Gonzales if the revision to include the reference to the Rules and Regulations will provide clarification for the structural component to applicants.

Ms. Gonzales informed the Board that this will provide better clarification since the requirements are listed on the first page.

Mr. Tonander suggested that a separate form be added to acknowledge that licensees have read our rules and proposed this could maybe be done with rule changes.

Dr. Elaksher asked about a PE State Specific examination to verify that licensee understands the rules.

Mr. Ney said this could be a subject for a future meeting.

Karen suggested those who have disciplinary action to take a PE State Specific examination for the rules.

MOTION by Mr. Tonander approve the changes to the updated engineer application form, **SECONDED** by Dr. Elaksher,

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

PASSED unanimously.

b. Recommendations for the Fines and Penalties Table

Mr. Ney reported he went through the table and noticed there were violations with the maximum fine. He said the Board should note there is a range the Board can fine for each violation with a note indicating 'not to exceed'.

Mr. Tonander stated that he thought some fines were still low.

Mr. Ney said he will update the table and submit them to the staff and then have them reviewed at the August meeting.

Mr. Valdez said the AG's office stated that the Board should add that the fines and penalties table policy is a guideline.

Ms. McNally suggested under the section of 'Administrative failure to Report' separating the reporting of a criminal conviction portion from the change of address or employment section. She said the reporting of a criminal conviction is more serious than not reporting a change of address or employment. Mr. Ney agreed.

Mr. Tonander recommended for the failure to report criminal conviction to have a high maximum and higher minimum.

7. New Business

a. Election of Officers

1) Committee Chair

MOTION by Mr. Ney to nominate Ms. Nichols for Committee Chair, **SECONDED** by Dr. Elaksher,

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

PASSED unanimously.

2) Vice Chair

MOTION by Dr. Elaksher to nominate Ms. McNally for Vice Chair,
SECONDED by Mr. Tonander.

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

PASSED unanimously.

8. Application Review – Recommended Approval

a. Confirmation of Staff Reviewed Applications

MOTION by Ms. Dohleman to approve the recommended approval list as presented, **SECONDED** by Mr. Tonander,

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

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 Ms. Dohleman.

Roll call vote taken, voting 'Yes': Mr. Ney, Dr. Ahmed Elaksher, Mr. Tonander, Ms. McNally, Ms. Dohleman, 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 1-PE-01-31-2022 – 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. Dohleman,

Roll Call Vote:

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

PASSED unanimously.

2) Case 3-PE-02-15-2022 – 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 **Dr. Elaksher**,

Roll Call Vote:

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

PASSED unanimously.

3) Case 9-PE-08-10-2021

4) Case 10-PE-09-01-2021(A)

5) Case 12-PE-09-30-2021

6) Case 4-PE-02-18-2022

Mr. Ney directed Board staff to continue with the Pre-NCA Settlement Agreement process as discussed in closed session.

7) Case 2-PE-04-19-2021

MOTION by Mr. Ney to close the case and require Board Staff to provide an educational advisory letter, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

PASSED unanimously.

8) Case 2-PE-09-08-2020

MOTION by Mr. Ney to close the case and require Board Staff to provide an educational advisory letter, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

PASSED unanimously.

b. Self-Reporting

1) JES-12-15-2020

MOTION by Mr. Ney to close the case and Board Staff to provide a reminder letter of NMAC 16.39.7.9 D. of notifying the Board, in writing, within 90 days of the imposition of any disciplinary action, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

PASSED unanimously.

2) JPH-02-01-2021

MOTION by Mr. Ney to close the case and Board Staff to provide a reminder letter of NMAC 16.39.7.9 D. of notifying the Board, in writing, within 90 days of the imposition of any disciplinary action, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

PASSED unanimously.

3) JV-12-28-2021

MOTION by Ms. Nichols 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, Ms. Nichols, Mr. Tonander, Ms. Dohleman, Ms. McNally

PASSED unanimously.

4) NA-12-13-2022

5) PAH-03-07-2022

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

Roll Call Vote:

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

PASSED unanimously.

6) RRH-12-05-2022

MOTION by Ms. Nichols 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, Ms. Nichols, Mr. Tonander, Ms. Dohleman, Ms. McNally

PASSED unanimously.

7) WRG-12-13-2022

Mr. Ney tabled the item and directed Board Staff to gather more information.

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) Malcom, J.

MOTION by Mr. Tonander to not approve to take the PE exam and not approve the bypass of the FE exam, **SECONDED** by Ms. Nichols,

Roll Call Vote:

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

PASSED unanimously.

2) PE Endorsement

a) Berard, C. – Reconsideration

d) Follett, A. – Reconsideration.

e) Girouard, M. – Reconsideration

MOTION by Ms. McNally to approve for PE endorsement in civil engineering, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

PASSED unanimously.

b) Berglin, T.

MOTION by Dr. Elaksher to approve for PE endorsement in geotechnical engineering, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

PASSED unanimously.

c) **Blair, R.**

MOTION by Dr. Elaksher to approve for PE endorsement in electrical engineering, **SECONDED** by Ms. Nichols,

Roll Call Vote:

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

PASSED unanimously.

3) PE Reinstatement

a) **Haught, D.**

Mr. Ney tabled the item and directed Board staff to reach out to Haught D. and request he enroll in an ethics course to complete reinstatement.

11. Next Scheduled Meeting Date: August 10, 2023 – Albuquerque/Virtual Ms. Dohleman asked if there will be a special meeting in July.

Mr. Ney asked staff if there was a need for a special meeting.

Ms. Gonzales reported that there was not a need for a special meeting at this time.

12. Adjourn

Meeting adjourned at 3:20 p.m.

Submitted by:

s/Isaac Maes

Isaac Maes, Executive Assistant

Approved by:

s/Karen Nichols

Karen Nichols, Committee Chair

August 10, 2023 Approved Date