

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, November 2, 2023,

New Mexico Institute of Mining and Technology Campus,

Room 113 of the Speare Building.

801 Leroy Pl., Socorro NM 87801

Hybrid

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

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Administrative Manager
Marlene Segura, Licensing Administrator
Jessie James, BLPEPS, Compliance Officer
Isaac Maes, BLPEPS, Executive Assistant
Todd Baran, AAG, Legal Counsel
Stephen Jenkins
Tony P. Simmions, PE (NV and CA)
William Bruno

1. Convene, Roll Call and Introduction of Audience

Mr. Valdez read the meeting script regarding the hybrid meeting protocols. Ms. Nichols convened the meeting at 1:08 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': Ms. Nichols, Ms. McNally, Mr. Tonander, Ms. Dohleman, Mr. Ney

The motion **PASSED unanimously.**

4. Approval of Minutes

a. **Minutes of September 15, 2023**

b. **Minutes of October 13, 2023**

MOTION by Mr. Tonander to approve the Minutes of September 15, 2023 and October 13, 2023 as presented, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously.**

5. Public Comment/Correspondence

a. **Bruno, W. – Letter Regarding PRC Case 22-00058-UT (PNM)**

Mr. Bruno said he reached out to the Board because he was concerned both by PNM and the New Mexico Public Regulatory Commission (PRC) have not been adhering to the Engineering and Surveying Practice Act.

He indicated that he had two concerns, firstly, PNM not employing licensed professional engineers in responsible charge for their new modernization project, which was still in the planning stages. It's a massive \$300 million project throughout their territory, and it includes many aspects outside the company's private property boundaries, including installing new electric meters on everyone's private property, often on houses.

Mr. Bruno noted the new style meters being considered by PNM have failed in the past and 18 utility companies had to remove hundreds of thousands of meters due to fire risks.

He said he simply wanted to ensure that PNM performed its engineering due diligence before installing any new metering system.

To the best of his knowledge, PNM had not performed a site-specific engineering analysis to ensure that the specific meters that they are proposing will be properly protected from fault currents and over voltage hazards on their specific system.

He added that any utility company must abide to the current rules set in place to protect the public from incidents such as fires and other factors that can place the public in harm's way.

Mr. Bruno's second concern was regarding the Public Regulatory Commission's past project review processes.

He commented that the PRC does not seem to enforce the Engineering and Surveying Practice Act. It seems that policy makers who are not engineers themselves end up making engineering decisions such as whether PNM needs to perform a site-specific analysis to ensure meters are properly protected from fault current, i.e. whether the project is safe or will endanger the public.

Mr. Bruno said the project is still in the planning phase and would appreciate it if the Board could somehow ensure that PNM designate a licensed professional engineer to be in responsible charge of their new modernization project. He suggested this could be accomplished through an advisory opinion.

He also suggested the Board could contact all licensed New Mexico professional engineers that the Industrial Exemption only applies to projects that are fully contained within the private property boundaries of a company.

Mr. Bruno requested that the Board let the PRC know that decisions on engineering matters must be based on qualified engineering analysis. That the PRC base engineering related decisions upon reports and testimony overseen by a licensed professional engineer who is willing to take responsibility for the engineering analysis by being in responsible charge of the project.

He ended by stating, one of the purposes of the Engineering and Surveying Practice Act is to ensure that policy makers have qualified engineering analysis that covers all aspects of a project upon which to base electric engineering decisions.

Ms. Nichols thanked Mr. Bruno for his comments and requested that he send the letter with his concerns to Mr. Valdez so he could distribute it to the members of the Committee.

Mr. Simmons introduced himself as a professor and a licensed engineer in Nevada and in California. He noted that he was involved with a smart meter project that failed after he left it. Nationally the utility exemption is applied quite often by utilities, and the utilities don't realize smart meters, electronic meters, in general have different failure modes that require a different engineering analysis for safety.

He concluded by commenting that it is to the benefit of New Mexico to clarify that PNM have the same engineering rigor on electronic meters that they have on the rest of the grid.

Mr. Jenkins asked to be recognized and introduced himself as being affiliated with but not speaking on behalf of the PRC of New Mexico and also being affiliated with the University of New Mexico and Jenkins Engineering LLC.

He indicated he was not involved with grid modernization at PNM, but his department was working with their legal counsel trying to figure out the full scope of what engineering documents need to be reviewed by a professional engineer under the updated language of the Practice Act and which ones don't.

Mr. Jenkins requested clarification from the Board as to which projects would be affected, which would include grid modernization.

Ms. Nichols informed Mr. Jenkins a response to his request would be provided at the Full Board meeting scheduled for the next day.

****Dr. Elaksher joined the meeting at 1:26 p.m.****

6. Old Business

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

7. New Business

Mr. Valdez informed the Committee that there was no "New Business".

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)

c. PE Inactive Status Request(s)

MOTION by Mr. Tonander to approve the PE retired status requests and the PE inactive status requests, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously.**

9. Closed Session

MOTION by Ms. Dohleman that the Committee enter into Closed 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': Ms. Nichols, Ms. McNally, Dr. Elaksher, Mr. Tonander, Ms. Dohleman, Mr. Ney

****Mr. Ney exited the meeting at 2:57 p.m.****

10. Action on Items Discussed During Executive Session

Ms. Nicholes brought the Committee back into open session at 3:06 p.m. 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 10-PE-9-01-2021(A)

MOTION by Mr. Tonander to close the case due to fulfillment of the conditions of expedited settlement, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously**.

2) Case 1-PE-01-31-2022

3) Case 3-PE-02-15-2022

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

Ms. Nicholes stated that no further action would be taken on these items at this time.

b. Self-Reporting

1) PCG-07-31-2023

MOTION by Ms. Dohleman to acknowledge receipt and direct Board Staff to issue a letter of caution, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously**.

2) WR-01-19-2023

MOTION by Ms. McNally to rescind the pre-NCA motion from February of 2023 with further direction given to Board Staff, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously**.

- 3) JV-12-28-2021
- 4) CHK-12-27-2022
- 5) WNV-12-05-2022
- 6) YY-12-27-2022
- 7) LS-01-03-2023

MOTION by Mr. Tonander to close the cases due to the fulfillment of the conditions of expedited settlement, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

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 Endorsement

a) Monahan, B.

MOTION by Ms. Dohleman to approve for PE endorsement in mechanical discipline and direct Board Staff to reach out to the applicant in regard to the civil engineering requirements, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED unanimously**.

b) Park, J.

MOTION by Mr. Tonander to approve for endorsement in civil discipline, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously**.

****Mr. Baran requested the motion for WR-01-19-2023 be amended to include the direction to the staff. Ms. McNally amended her previous motion to the following motion****

b. Self-Reporting

2) WR-01-19-2023

MOTION by Ms. McNally to amend her previous motion to state that that in addition to rescinding the pre-NCA motion from February of 2023 the Board Staff be given direction to issue a letter of caution, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously**.

11. Next Scheduled Meeting Date:

- a. December 8, 2023 – Virtual (*if needed*)
- b. January 11, 2024 – Santa Fe/Virtual

12. Adjourn

The meeting was adjourned at 3:16 p.m.

Submitted by:

s/Isaac Maes

Isaac Maes, Executive Assistant

Approved by:

s/Karen Nichols

Karen Nichols, Committee Chair

January 11, 2024 **Approved Date**