

Meeting Minutes

MEETING OF THE NEW MEXICO BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS held at

9:00 a.m., Friday, November 8, 2024,
Souder, Miller & Associates (SMA), Gordita Conference Room
3500 Sedona Hills Pkwy, Las Cruces, NM 87109
& Virtual

Members Present – Emilie Dohleman, PE, Chair
John Wayne, PS, Vice Chair
Maxine McReynolds, Esq., Public Member, Secretary
Benjamin Aragon, PS
Elizabeth McNally, PE
Karen Nichols, Public Member
Robert Gromatzky, PS
Dr. Ahmed Elaksher, PEPS

Members Absent – Karl Tonander, PE

Others Present – Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Administrative Manager
Earl Burkholder, PE/PS

1. Convene, Roll Call and Introduction of Audience

Mr. Valdez read the meeting script regarding the virtual meeting protocols. Ms. Dohleman convened the meeting at 9:08 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 Board the meeting was noticed on the Board's website and at the Board Office.

3. Approval of Agenda

Ms. Dohleman stated that item 4. A. Minutes of August 9, 2024, were not ready for Board consideration and needed to be removed.

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

Roll Call Vote:

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

The motion **PASSED unanimously**.

4. Approval of Minutes

a. Minutes of August 9, 2024

Agenda item 4. a. was removed during the approval of the agenda.

b. Minutes of October 2, 2024

MOTION by Ms. Nichols to approve the Minutes of October 2, 2024, as presented, **SECONDED** by Mr. Gromatzky,

Roll Call Vote:

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

The motion **PASSED unanimously**.

5. Requested Public Comment/Correspondence

Mr. Valdez informed the Board that there was no correspondence at this time.

6. Director's Report

a. License Status Report

Mr. Valdez gave the following licensing status report:

November 2024

Number of Active Licenses: **11,281** as of November 4, 2024

▪ Professional Engineers

- Number of active PEs: **10,708**
 - In State: 1,985
 - Out of State: 8,723

▪ Professional Surveyors

- Number of active PSs: **565**
 - In State: 207
 - Out of State: 358

▪ Professional Engineers/Professional Surveyors

- Number of active PEPS: **8**
 - In State: 7
 - Out of State: 1

**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: **46***
 - In State: 24
 - Out of State: 22

October 2023

Number of Active Licenses: **10,760** as of October 25, 2023

- Professional Engineers
 - Number of active PEs: **10,222**
 - In State: 1,989
 - Out of State: 8,233
- Professional Surveyors
 - Number of active PSs: **528**
 - In State: 216
 - Out of State: 312
- Professional Engineers/Professional Surveyors
 - Number of active PEPS: **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: 49*
 - In State: 25
 - Out of State: 24

2024 License Renewals

Number of Licenses in Renewal: **5,425** as of September 11, 2024

Number of Licenses that need to renew: **4,854** as of November 4, 2024

- Professional Engineers
 - Number of renewed PEs: **4,630**
 - In State: 874
 - Out of State: 3,756
- Professional Surveyors
 - Number of renewed PSs: **219**
 - In State: 81
 - Out of State: 138
- Professional Engineers/Professional Surveyors
 - Number of renewed PEPS: **5**
 - In State: 4
 - Out of State: 1

** These numbers do not include those who requested retired and inactive status.*

b. Financial Report

Mr. Valdez reported to the Board the budget projection for FY25. He noted that the Board budgeted \$767,900 for personnel, \$296,500 for contractual services, and \$363,900 for operating costs.

Mr. Valdez provided the Board with a detail of the FY25 waiver of fees. He noted that there was 1 military waiver and 3 NM resident waivers for the PE initial license fee, 17 NM resident recent graduate waivers for the application for EI certification, 30– EI waivers for PE Endorsement applicants who need EI certification, 1 NM resident recent graduate waivers for application for SI certification, 11 NM resident recent graduate waivers for application for PE Examination and 1 NM resident recent graduate waivers for application for PS Examination. The Board granted 64 waivers for fiscal year 2025, compared to last fiscal year the Board granted 114 waivers.

7. Old Business

a. NM Handbook for Building Officials

Mr. Aragon informed the Board that the JPC reviewed all the comments and edits for the NM Handbook for Building Officials at their September meeting. He noted that the new chair, Ray Vigil, wants to finalize the Handbook at their next JPC meeting in January.

Mr. Valdez noted that the NM Handbook for Building Officials that was provided in the packet, was the finalized version. However, there were still some unanswered questions, which could be resolved at the JPC's, January meeting.

b. University Scholarship Criteria

Mr. Valdez informed the Board that the Criteria was placed on the agenda because a Board member asked if Navajo Technical University could receive the Board's scholarship. He emailed Board council to see if Navajo Technical University could receive funds from the University Support Funds. Mr. Valdez noted that legal counsel states that State law lists those schools that are state educational institutions. Based on the definition outlined by New Mexico Constitution Article 12 Section 11 we are unable to provide them with the scholarship. Furthermore, Mr. Valdez stated that legal counsel stated that we could provide scholarships if the Board updated language in the Practice Act.

Mr. Gromatzky asked if Navajo Technical receives any state funding.

Ms. Dohleman informed the Board that the question was raised during the ABET review it was stated that there was no funding from the State, but they receive federal funding.

Mr. Gromatzky stated that we will have to update the language during the next sunset review.

Mr. Valdez informed the Board that it can be updated during any legislative session and not just the sunset of the Board.

c. **University Scholarship Disbursements – For Fiscal Year 2025**

Mr. Valdez informed the Board that this item was placed on the agenda to receive a vote to proceed with the scholarship disbursement for this fiscal year. He noted that the normal amounts that are sent for scholarships are \$23,333 to UNM, \$23,333 to New Mexico Tech, \$23,333 to the NMSU Engineering Department, and \$30,000 to the NMSU Surveying/Geomatics Program.

Mr. Gromatzky asked if there are any other University that have expressed interest in providing geomatic or surveying degrees?

Mr. Valdez said that he has not had anyone express interest. However, he will be reaching out to Highlands, Western, and Eastern.

Ms. McNally noted that Navajo Technical University is interested in learning more about getting professional surveying and geomatics at their university.

Mr. Gromatzky volunteered to help Navajo Technical University with their interest.

Dr. Elaksher stated that if there are any universities that needs help with ABET accreditation he can help with the process and criteria.

Ms. McReynolds stated that when the Board does open the Practice Act, we should think about raising the amount for scholarships.

Mr. Gromatzky suggested that the Board start drafting up new language for increasing the scholarship amount.

Ms. Dohleman directed the drafting of the scholarship language to the Rules Committee.

Mr. Gromatzky asked if Board staff could come up with budgetary numbers for the increase for the scholarship.

MOTION by Ms. McReynolds to approve the University Scholarship disbursements for Fiscal Year 2025 as presented by Mr. Valdez, **SECONDED** by Ms. Nichols,

Roll Call Vote:

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

Recused: Dr. Elaksher

The motion **Passed**.

d. Recommendations for the Fines and Penalties Guideline Table

Mr. Valdez informed the Board that this item was tabled from the August meeting for additional edits from Board members. He noted that Ms. Nichols provided two edits correcting the spelling of adherence, as well as, changing the word incompetency to incompetence on the definitions page.

MOTION by Mr. Wayne to approve the Recommendations for the Fines and Penalties Guideline Table with the edits **SECONDED** by Ms. Nichols,

Discussion: Ms. McReynolds stated that she noted that there were still comments that seemed to be unresolved.

Mr. Wayne asked Mr. Valdez if those comments were resolved?

Mr. Valdez responded that these comments were not resolved as he did not receive any clarification from the Board member.

Ms. Dohleman asked if the last four rows on page four were the same violation or if it is a different citation that is being violated.

Ms. McReynolds stated that there were some slight differences, as one states an offer and perform consulting services. Whereas the next violation only refers to offer only. Ms. McReynolds stated that she is fine with approving with the revisions that the Board has made but wants to note that there could be a possible revision of the Recommendations for the Fines and Penalties Guidelines Table.

Mr. Gromatzky asked if Appendix A, Repeat Offenders Schedule will be included in the Recommendations for the Fines and Penalties Guideline Table?

Mr. Wayne responded that this has been discussed at previous meetings and the Penalties and Fee Committee decided to incorporate it with the Guideline.

Roll Call Vote:

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

The motion **PASSED unanimously**.

e. Yamada, J. – English Proficiency Certificate

Mr. Valdez stated that at the last Board meeting the Board directed him to find out what other states do with English proficiency. He noted that majority of the

states do not require English proficiency. Furthermore, Louisiana requires the TOFEL but within that Director's 19 years of service they have not required it. That if the applicant passes the exam, then they do not require the TOFEL.

Mr. Gromatzky asked where is the requirement for TOFEL?

Mr. Valdez stated that are rules does not require TOFEL, but the rules require the applicant to show proficiency in the English language. TOFEL is listed on our website as the requirement to show English proficiency.

Ms. McReynolds suggested taking the TOFEL requirement off the website and make the English proficiency a case-by-case basis.

8. New Business

a. Advisory Opinion: Expert Witness Testimony

Mr. Valdez informed the Board that this was placed on the last Board meeting agenda, and legal counsel requested more time to review the advisory opinion. The document before the Board was reviewed and edited by legal counsel and back for the Boards review.

Mr. Gromatzky noted that the documents need to include surveying as well. He stated that anywhere it states Professional Engineer or Engineering it would need to include Professional Surveyor or Surveying.

Mr. Valdez stated that we would remove Professional Engineering Committee and make the opinion of the Full Board.

Mr. Gromatzky asked to change the wording "in New Mexico without local licensure" to "a New Mexico license" and, making the last section to end at the comma.

Ms. Gromatzky asked if the citation NMSA 1978, Section 61-23-21 speaks to both engineering and surveying.

Ms. Gonzales informed the Board that the citation did not include surveying but added the citation 61-23-27.9 to include surveying.

Ms. McReynolds stated that legal work product would not normally be produced in a legal setting. She suggested changing legal work product to expert witness materials.

Mr. Gromatzky does not want to limit the Advisory opinion to just construction and would like to strike out "and not suitable for construction. He also wanted to change the word "Avoid using" to "Do not use".

Ms. Dohleman directed Mr. Valdez to provide the edited document to legal counsel for review and to place the revision on the agenda for the next scheduled meeting.

b. ABET Accreditation

1) NMSU Review

Mr. Gromatzky informed the Board that NMSU Geomatics program was going through the ABET review and that NMSU has not received an official results or comments regarding the review.

Dr. Elaksher stated that the review went well and that NMSU does not anticipate receiving the official letter until August of next year.

2) Navajo Technical University Accreditation

Mr. Valdez informed the Board that on August 19, 2024, Navajo Technical University, located in Crownpoint, NM, was granted ABET accreditation for six different degrees, including Advanced Manufacturing Engineering Technology (AMET), Chemical Engineering Technology (ChET), Electrical Engineering (EE), Engineering Technology (ET), Industrial Engineering (IE), and Information Technology (IT).

Ms. McNally noted that NTU is the first tribal college and university (TCU) in the U.S. to obtain ABET accreditation for its programs. NTU's ChET (A.A.S.), AMET (B.A.S.), and ET (A.A.S.) degrees are now accredited through 2030, and the IT (B.A.S.) degree is accredited through 2026. Ms. McNally was informed that NTU will continue to seek more accreditations for its Bachelor of Science degree programs in Computer Science (CS), Environmental Engineering (ENVE), and Mechanical Engineering (ME) in 2029. She noted that within their metrics they will be working with the New Mexico Board. Ms. McNally questioned if there was anything barring NTU students from applying to have their FE exam fees waived?

Mr. Valdez noted that the Board can only waive the fees for NM residents who file application of EI certification and PE examination, because the Board approved the waiver for New Mexico Institutes of Higher Learning.

Ms. Dohleman stated that the Board should reach out to NTU to provide honor cords for students.

9. Committee Reports

a. PS Committee

Mr. Aragon reported that there were four audience members in attendance at the meeting.

Mr. Aragon stated that under the Recommended Approval the Committee approved 1 PS endorsement, 1 PS reinstatement and 2 PS retired requests. There were 7 PS endorsement applications that were approved under the expedited path for surveying.

Mr. Aragon concluded that the Committee went into closed session and there were five cases, four of those cases were dismissed and one was tabled. One application for PS endorsement was reviewed and approved.

b. PE Committee

Ms. McNally reported that the Committee approved the agenda with modifications of tabling ten disciplinary cases to a special meeting. This was to allow sufficient time for the Committee to review the cases.

Ms. McNally said there were five self-reporting cases on the agenda. Four were acknowledge receipt and no further action was taken, one was tabled with staff direction.

Ms. McNally stated that there were eight PE endorsement applications. Six were approved and two were tabled with direction to staff. There was one PE reinstatement application which was approved.

c. Executive Committee

Mr. Valdez noted the Committee had not met.

d. Joint Practice Committee

Mr. Aragon stated that the Committee met on September 20, 2024. The Committee voted Ray Vigil as the Chair, Robert Loftis as the Vice Chair and Barbara Felix as the Treasure.

e. Public Information, Exam and Licensure Promotion Committee

1) Newsletter

2) Presentation(s)

Ms. McNally noted that they have not had a committee meeting since the last Board meeting. She noted that NMSPE invited Perry and a Board member to their November 22nd meeting to provide an update from the Board.

Mr. Gromatzky stated that the Board is also holding ethics courses for the licensees.

Ms. McNally asked if Board staff would put a post on LinkedIn regarding NTU receiving their ABET accreditation.

Mr. Valdez informed the Committee that Ms. Bustamante is working on the newsletter.

f. Legal Enforcement Committee

Ms. McReynolds noted that the Committee had not met.

g. Penalties and Fees Committee

Mr. Wayne stated that the Recommendations for fines and penalties guideline table were approved in today's meeting. He noted that the Committee had not met.

h. NCEES Committee Members

Mr. Valdez stated that Mr. Tonander is the Treasurer and has been doing a lot of traveling. He noted that he was appointed on the MBA committee, and he will be traveling to South Carolina in January for the MBA meeting. He was asked to sit at the Board of Directors meeting in February in California.

Dr. Elaksher informed the Board that he is serving on the Committee for Educations. The Committee has seven charges to promote engineering and surveying education. They are also trying to draft standards for engineering technology. Dr. Elaksher is serving on the second subcommittee which is on a subcommittee charged to study how to strengthen NCEES relationship with faculty. He is also on charged to research and contact two-year surveying programs nationwide. His next meeting is November 21st.

Ms. McReynolds was invited to participate in a special committee regarding bylaws. She stated that there is an in-person meeting in South Carolina in January 2025.

Mr. Valdez provided an update on the 2025 combined Central/Western Zone meeting. He noted that he has identified a few locations for the event, the gift and a speaker for the meeting.

i. Project Steering Committee

Mr. Valdez stated that the Board is currently working with the vendor to schedule a close out meeting.

Mr. Gromatzky asked when it would be appropriate to have a Project Steering Committee meeting.

Mr. Valdez noted that the meeting will be scheduled after the close out meeting.

10. **Next Scheduled Meeting Date:** January 17, 2025 – Santa Fe/Virtual

11. **Adjourn**

The meeting adjourned at 11:17 a.m.

Submitted by:

s/Miranda Gonzales

Miranda Gonzales, Administrative Manager

Approved by:

s/Emilie Dohleman

Emilie Dohleman, Board Chair

January 17, 2025 **Approved Date**