

Meeting Minutes

**MEETING OF THE NEW MEXICO BOARD OF
LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS held at
9:00 a.m., Friday, August 9, 2024,
Wilson and Company, Inc., Sandia Conference Room
4401 Masthead St. NE Suite 150, Albuquerque, 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
Karl Tonander, PE
Karen Nichols, Public Member
Dr. Ahmed Elaksher, PEPS

Members Absent – Robert Gromatzky, PS

Others Present – Perry Valdez, BLPEPS, Executive Director
Crystal Bustamante, BLPEPS, Budget/Finance Manager, CPO
Miranda Gonzales, BLPEPS, Administrative Manager
Dr. Mohammad Qureshi, Western Zone Vice President, NCEES

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 9:13 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

MOTION by Mr. Wayne to approve the agenda as presented, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4. Approval of Minutes

a. Minutes of June 7, 2024

MOTION by Mr. Wayne to approve the Minutes of June 7, 2024, as presented,
SECONDED by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously**.

5. Requested Public Comment/Correspondence

a. Dr. Qureshi – NCEES Annual Meeting Nomination Support

Dr. Qureshi addressed the Board, requesting support for a nomination from the floor for the president-elect position at the upcoming NCEES Annual Meeting. According to the NCEES bylaws, a nomination can be made from the floor if a Board delegate nominates a candidate, and four Board members second the nomination.

Dr. Qureshi shared that they had been working over the summer to gather support from other Boards for the nomination, expressing a desire to offer an alternative candidate and allow council members to actively choose, rather than passively accepting the precedent that was set in a previous meeting.

Dr. Qureshi concluded by asking if the Board members would be willing to second their nomination if they could rally enough support. He thanked the Board for their time and consideration.

The Board assured Dr. Qureshi that they would communicate the outcome of their discussions.

Mr. Valdez advised that the matter could be addressed under agenda item 10. b during the closed session later in the meeting.

b. Yamada, J. – English Proficiency Certificate

The Board discussed the TOEFL (Test of English as a Foreign Language) requirement for applicants. The conversation stemmed from previous committee discussions about the differences between the ITP (Institutional Testing Program) and IBT (Internet-Based Test) versions of TOEFL.

A key question raised was whether the Board should continue requiring a minimum TOEFL score of 575 as listed on their website or potentially lower the threshold.

Dr. Elaksher shared information from NMSU about their TOEFL requirements:

- IBT TOEFL: Minimum score of 68–78.
- PBT TOEFL: Minimum score of 549.
- IELTS (International English Language Testing System): Minimum score of 6.0.

The Board discussed whether to accept the TOEFL IBT (Internet-based test) as a standard for English proficiency and if so, how to update or revise the current policy.

Ms. McReynolds noted that the Board's website currently mentions both the TOEFL exam and a companion certificate requirement, but the companion certificate is no longer offered. The TOEFL IBT now covers both aspects. She was uncertain about whether this was a policy decision or a standard set by prior Board motions. She suggested that the Board should clarify if this requirement needs to be updated.

The Board agreed that further research was necessary to make an informed decision, including checking what other states and institutions, like UNM and NMSU, require for language proficiency. The Board also considered looking at other licensing bodies, such as the NM Architects Board to ensure consistency across professions.

The Board decided to gather more information about language proficiency standards and possibly reach out to other NCEES members or universities to compare requirements.

Dr. Elaksher was tasked with reaching out to Dr. Gerstle at UNM for more insights on their language proficiency requirements.

The Board would revisit the issue after gathering additional data, ensuring they have a comprehensive understanding of standards before making a final decision.

6. Director's Report

a. License Status Report

Licensee Statistics (as of July 2024):

- Total Active Licensees: 10,967

- Professional Engineers
 - Number of active PEs: 10,413
 - In State: 1,966
 - Out of State: 8,447
- Professional Surveyors
 - Number of active PSs: 546
 - In State: 206
 - Out of State: 340
- Professional Engineers/Professional Surveyors
 - Number of active PEPS: 8
 - In State: 7
 - Out of State: 1
- Licensees with two numbers: 42
 - In State: 24
 - Out of State: 18

The Board discussed reinitiating random audits for license renewals. The Compliance Officer will be responsible for conducting the audits and will include engineers, surveyors, and dual licensees.

The process for the audits will involve randomly selecting individuals using an Excel formula, ensuring fairness and transparency. There will also be checks to include Board members. The goal is to begin the audits in the current fiscal year.

b. Staff Vacancies

The Board currently has an Executive Assistant vacancy. Despite multiple attempts to fill the position through advertising and interviews, they have not yet found a suitable candidate. Mr. Valdez planned to re-advertise the position and potentially conduct another round of interviews.

c. Financial Report

Ms. Bustamante provided a financial report to the Board. She reported on the scholarship fund, the project support fund, and the agency's budget.

Scholarship Fund:

- FY24: \$249,507 spent, leaving a balance of \$493.
- No expenditures have been made for FY25, leaving an available balance of \$250,000 for scholarships.

Program Support Fund:

- The FY25 Program Support Fund, Personal Services and Benefits Category, has a beginning balance of \$767,900.
 - Personal Services (Staff Salaries and Benefits) Category: the FY24

expenses were \$693,698. The current budget amount is \$767,900 and will require an additional \$70,250 from the fund balance for staff raises, if approved, leaving \$11,517.

- Contracts Category: \$201,095 spent in FY24. The current budget amount is \$296,500, and a BAR (Budget Adjustment Request) for \$382,000 was processed to cover the ongoing IT project expenses.
- Other Expenses Category: \$75,884 spent in FY24. The current budget amount is \$113,900, with no expenditures yet.

Agency's Budget

- Waived Fees for qualifying New Mexico residents, active military, and EI applications for those applying by professional PE or PS endorsement:
 - As of August 6, 2024, the Board waived 15 fees, totaling \$1,480.
- Fund Balance:
 - The trial balance at the end of FY24 reflects net revenue of \$12,112, which will be returned to the fund balance. The FY25 beginning fund balance is expected to be \$1,380,172.

7. Closed Session

MOTION by Mr. Aragon that the Board enter into Closed Session at 9:41 a.m. to discuss the items listed on the agenda pursuant to NMSA 1978, Section 10-15-1 (H) (2) to discuss limited personnel matters and NMSA 1978, Section 10-15-1(H)(6) to discuss matters pertaining to purchases in an amount exceeding two thousand dollars five hundred dollars (\$2,500), **SECONDED** by Ms. McNally.

Roll call vote taken, voting 'Yes': Ms. Dohleman, Mr. Wayne, Ms. McReynolds, Mr. Aragon, Ms. McNally, Mr. Tonander, Dr. Elaksher, Ms. Nichols

**** Dr. Elaksher stepped away at 10:11 a.m. ****

8. Action on Items Discussed During Closed Session

Ms. Dohleman brought the Committee back into open session at 10:46 a.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 closed session, in accordance with NMSA 1978 Section 10-15-1 (H) (2) and (6).

a. FY25 Funding for Purchasing of a New Licensing System

This item was tabled.

b. Staff Compensation

MOTION by Mr. Aragon to approve the BAR from the fund balance to increase staff salaries in the amount of \$70,250, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously**.

9. Old Business

a. Paper Verification

Mr. Valdez stated that the motion at the June meeting was to waive paper verification fees, however, the correct motion should have been to remove these fees altogether, as they will no longer be required.

MOTION by Ms. McNally to rescind the motion from the June 6th meeting regarding the paper verification fee and change the motion to remove the paper verification fee, **SECONDED** by Mr. Aragon,

Roll Call Vote:

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

The motion **PASSED unanimously**.

b. Intern Certification for Professional Endorsement Applicants

Mr. Valdez stated that the form for intern certification was presented with edits to ensure applicants affirm they have completed the affidavit truthfully under penalties of perjury which was discussed at the Committee meetings in June and August.

Mr. Tonander suggested referencing specific sections in the rules related to the penalties for providing false information. However, the Board agreed to move forward with the form as revised and will revisit the issue later, if necessary.

MOTION by Ms. McNally to accept the current revised Waiver of Application Fees for Endorsement Applicants Applying for Intern Certification, as is, and revise the form in the future if needed, **SECONDED** by Mr. Aragon,

Roll Call Vote:

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

The motion **PASSED**.

c. NM Handbook for Building Officials

Mr. Aragon reported that the Joint Practice Committee (JPC) is revising the 2016 handbook and has received feedback from most groups, except for the Landscape Architects. The engineers and surveyors Board members were asked to review the redline version of the handbook and provide comments by the next meeting. The comments will be reviewed, and the JPC will meet again to finalize the handbook once the Landscape Architects' feedback is incorporated.

d. Advisory Opinion For the day-to-day right-of-way easements, are we going to have those surveyed?

Mr. Valdez stated that the advisory opinion was approved at the PSC August 8 meeting and if there are no further comments regarding this item, it will be posted on the website for public awareness.

Ms. Dohleman confirmed that there are no further comments from the Board.

****Dr. Elaksher rejoined the meeting at 11:09 a.m.****

e. University Scholarship Criteria

Mr. Valdez reported that he and Mr. Tonander presented at an NMSPE meeting, which included information on the Boards Scholarship Program. The audience expressed concern about the number of engineering students who take the Fundamentals of Engineering (FE) Exam but do not pass it.

The Board discussed the issue at length. The conversation noted that some programs require students to take the FE exam, but passing it is not mandatory for graduation, which limits their pathway to licensure; and highlighted the importance of bridging the gap between the universities and professional licensure and creating a framework for encouraging students to take the FE exam seriously.

Dr. Elaksher stated that even though some universities, such as NMSU, may offer programs that require students to take the FE exam, there is little to no emphasis on the importance of passing it, and becoming a licensed PE.

There was consensus that many students do not view licensure as critical for their career success. For example, in disciplines like chemical, electrical, and mechanical engineering, students often feel that licensure is unnecessary because they can find work in the private sector (e.g., aerospace or software companies) without it.

Ms. McNally proposed the idea of creating a "pot of money" from the university support fund to incentivize schools based on their students' participation in and

pass rates for the FE exam. The idea is to encourage universities to better prepare students and incentivize them to take the exam seriously.

However, one challenge discussed was how to fairly distribute funds. There was concern about how the amount of money allocated should account for both the number of students taking the exam and the pass rate, to avoid penalizing smaller programs with fewer students.

Ms. Dohleman suggested offering incentives to students such as exam fee reimbursement.

Mr. Valdez stated that this wasn't an option due to the "anti-donation" clause in NM, which prohibits using public funds for such incentives.

Ms. McNally suggested the formation of a subcommittee within the Public Outreach and Education Committee to work with faculty and administrators at the universities, which could help facilitate discussions about the importance of licensure and ways to improve preparation for the FE exam.

The Board discussed efforts to work directly with students through presentations and seminars. Some suggestions include focusing more on licensure awareness within engineering programs.

Ms. McNally asked the Board members to provide their suggestions regarding this topic to the Public Outreach and Education Committee.

f. Repeat Offenders Guideline Schedule

Mr. Wayne stated that the schedule was reviewed and revised by Mr. Gromatzky based on comments he received. However, there are additional comments that need to be addressed. He recommended adding the schedule to the guidelines after it is finalized.

The Board discussed revisions to guidelines for fines imposed on repeat offenders, particularly concerning the first offense. The concerns raised were about whether a fixed fine of \$750 (or up to \$750) should be assessed for every first offense, or if there should be a range for lesser infractions. A proposal was made to remove the first offense guideline and shift penalties to apply from the second offense onward, with more significant penalties after repeated offenses (e.g., a range of \$500 to \$7500, depending on severity).

The edits suggested by Mr. Tonander were incorporated, and the Board members agreed to keep the guidelines flexible while ensuring penalties reflect the severity of offenses.

Ms. Dohleman suggested that the schedule be revised as discussed and placed on the next Full Board Meeting agenda for a vote.

g. Recommendations for the Fines and Penalties Guideline Tables

The Board discussed the fine table, which lists specific fines for various infractions. The table was to be reviewed with comments incorporated by all members. The maximum fine for a violation is set at \$7500 per offense. There were discussions about how to present the fines table more clearly.

The Board agreed to review the updated guidelines and fine table with their comments and edits before the next meeting.

10. New Business

a. Advisory Opinion: Expert Witness Testimony

Ms. Dohleman stated that the advisory opinion was presented to the engineers and surveyors. She noted that it may need to be revised for clarity, particularly to add surveyors to the document.

Mr. Aragon noted some gray areas regarding the advisory opinion's application, particularly around the role of an expert witness versus a professional in engineering or surveying.

Mr. Tonander suggested that the third line of the advisory opinion, which currently says "not considered the practice of engineering", should include "or the practice of surveying".

The Board agreed to make the adjustments to avoid ambiguity in the text and will revisit the opinion after receiving a legal review from the DOJ. They will likely finalize changes and vote at the next meeting.

b. NCEES Annual Meeting Motions for Consideration

Mr. Valdez explained that the NCEES Annual Meeting involves voting on various motions, and members of the Board were encouraged to review the motions ahead of time.

The Board discussed whether they should provide guidance or pre-approval on how to vote, or if delegates should have the discretion to vote as they see fit at the meeting. The past practice has been to allow delegates to vote without formal guidance from the Board, but the discussion allowed Board members to review motions and voice any concerns before voting.

Mr. Aragon noted the two motions from the Surveying and Mapping Sciences Licensure Task Force. He raised concerns regarding the first motion, which proposed to change educational requirements for licensure as a professional surveyor. Specifically, the change would remove the requirement for a degree to be "related to surveying", allowing someone with a four-year degree in any field to become eligible for licensure, provided they have 30 or more semester credit hours in surveying coursework. The second motion was related to the experience requirements for licensure and proposed that surveying experience can be earned before graduation—not just after.

The Board agreed with Mr. Aragon's concerns regarding the first motion and decided to pull it from the consent agenda and possibly vote against it. The second motion was viewed favorably as it provides more flexibility.

Ms. Dohleman raised concerns regarding the motion from the Engineering Licensure Task Force, specifically about the qualifications for licensure by comity. The motion suggests that a licensed engineer with seven years of continuous experience may apply for licensure without further examination, except for jurisdiction-specific requirements. She questioned whether or not the Board would be comfortable with a seven-year requirement if this motion passed at the national level.

The Board noted that the current standard for licensure by comity in NM is 10 years of experience. The discussion clarified that NM would not be required to change its regulations if the NCEES motion passed, but it could affect reciprocity issues.

Ms. Dohleman recalled that Dr. Qureshi requested the Board to support his candidacy for NCEES President earlier in the agenda.

The Board discussed this request at length, and there were differing opinions regarding the approach. They ultimately agreed to leave the decision on the presidential support to the delegates at the meeting.

11. Committee Reports

a. PS Committee

Mr. Aragon reported that the Committee met on August 8, 2024, and reviewed public comments, and there were no updates on SPCS 2022. The Committee approved to move the Intern Certification for Professional Endorsement Applicants to the Full Board. They discussed the new NM handbook for Building Officials, the Repeat Offenders Guideline Schedule, the recommendations for the Fines and Penalties Guideline Table, the advisory opinion for expert witness testimony, and approved the advisory opinion for the day-to-day right-of-way

easements. The Committee confirmed staff-reviewed applications and approved the applications that were recommended by staff for approval. They reviewed complaints and NCA statuses and voted on the disciplinary cases, endorsement applications, and a retired status request.

b. PE Committee

Ms. McNally reported that the Committee met on June 27, 2024, and held elections; Ms. McNally was elected as Committee Chair, and Mr. Tonander was elected as Committee Vice Chair. The Committee voted on disciplinary cases and endorsement applications.

The Committee met again on August 8, 2024, and discussed the public correspondence: the English proficiency certificate, the BICSI credential holder for RCDD, which was tabled pending additional information from other parties, and comments from Mr. Del Toro, who had questions regarding the engineering intern certification for endorsement applications. The Committee confirmed staff-reviewed applications, reviewed complaints and NCA statuses, and voted on the self-reporting and disciplinary cases, exam and endorsement applications, and a retired status request.

c. Executive Committee

Mr. Valdez reported that the Committee drafted a public notice in response to a request from the Construction Industries Division regarding foundations and slabs affected by the Ruidoso fires. There were edits made, including the deletion of a sentence and the addition of language related to utility infrastructure.

The Board agreed to finalize the public notice, which will be posted on the website and sent to interested parties.

d. Joint Practice Committee

Mr. Aragon reported there was no quorum at the last meeting, and the Committee is waiting for the new Landscape Architect Director to schedule a future meeting. Comments on the Handbook are still pending.

e. Public Information, Exam and Licensure Promotion Committee

1) Newsletter

2) Presentation(s)

Ms. McNally reported that Mr. Valdez, Ms. Dohleman, and Mr. Tonander presented at the NMSPE meeting in June 2024 and there is no update for the Fall/Winter newsletter yet. They're working on building a stakeholder contact list for better communication on newsletters and advisories and requested that any additional contact information be sent to her for inclusion. She noted that the committee will likely move forward in creating a subcommittee to assist in

public outreach and education topics. She advised that the subcommittee would consist of people from the universities and other professional organizations and their roles will be limited to specific items with no formal actions.

f. Legal Enforcement Committee

There was no report.

g. Penalties and Fees Committee

Mr. Wayne reported the Committee met and the actions were discussed at the current meeting. Action on this will take place at the next Full Board meeting.

h. NCEES Committee Members

Mr. Valdez was notified of his selection to the NCEES Member Board Administrator Committee for the year.

Dr. Elaksher noted that he was selected to serve on the NCEES Committee for Education.

Mr. Tonander added that he is currently serving as the NCEES Treasurer.

i. Project Steering Committee

There was no report.

12. Next Scheduled Meeting Date: November 8, 2024 – Las Cruces/Virtual

13. Adjourn

The meeting adjourned at 12:24 p.m.

Submitted by:

s/Crystal Bustamante
Crystal Bustamante, Budget/Finance Manager, CPO

Approved by:

s/Emilie Dohleman
Emilie Dohleman, Board Chair

January 17, 2025 **Approved Date**