

**BEFORE THE STATE OF NEW MEXICO
BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND
PROFESSIONAL SURVEYORS**

IN THE MATTER OF:

**DANNY R. ANDERSON,
PE License No. 5941**

Case No. #3-PE-02-15-2022

Respondent.

FINAL DECISION AND ORDER

This matter was presented to the Professional Engineering Committee (“Committee”) of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors during the regular meeting held on Thursday, June 6, 2024, for a Decision and Order pursuant to the provisions of the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through 61-1-34.

On June 6, 2024, a quorum of the Committee, having familiarized themselves with the record, including the Hearing Officer’s Report, participated in the deliberation and decision in this matter. A copy of the Hearing Officer’s Report is incorporated by reference. By an affirmative vote of 4-0, the Committee adopts the Hearing Officer’s Report and reaches the following Decision and Order:

I. Adoption of Hearing Officer’s Report

The Committee hereby adopts the Hearing Officer’s Report, with the amendment of item 2 to read 61-23-24 A.: “In accordance with the Uniform Licensing Act, the board may suspend, refuse to renew or revoke a license, impose a fine not to exceed seven thousand five hundred dollars (\$7,500), place on probation for a specific period of time with specific conditions or reprimand any professional engineer who is found by the board to have practiced or offered to practice engineering in New Mexico in violation of the Engineering and Surveying Practice Act.”, dated May 29, 2024, in this matter.

II. Conclusions of Law

1. Respondent Danny Anderson is licensed in New Mexico, with the Board of Licensure for Professional Engineers and Professional Surveyors, license number 5941, and the Board has jurisdiction over the Respondent pursuant to the Engineering and Surveying Practice Act, NMSA 1978, Sections 61-23-1 through 61-23-36 (2023 Statutes).

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2. The Board may impose a fine, in accordance with the Uniform Licensing Act, not to exceed seven thousand five hundred dollars (\$7,500.00) against any professional engineer found to have practiced or offered to practice engineering in New Mexico in violation of the Engineering and Surveying Practice Act. NMSA 1978, Section 61-23-24(A).
3. A valid license is required for a person to “solicit or propose to perform work involving the practice of engineering.” NMSA 1978, Section 61-23-23.1(A).
4. It is a violation of the Act for any person to act in the capacity of a professional engineer without being licensed by the Board. NMSA 1978, Section 61-23-24.
5. The standard of proof applied in administrative proceedings is the “preponderance of evidence” standard. NMSA 1978, Section 61-1-13; *Foster v. Bd. Of Dentistry of the State of New Mexico*, 1986-NMSC-009, 103 N.M. 776, 714 P.2d 580. Proof by a preponderance of the evidence means that which is sought to be proven is more likely true than not true. NM UJI 13-304 NMRA.
6. Based on a preponderance of the evidence, Respondent violated Section 61-23-24 of the Act and engaged in the practice of engineering by providing engineering services without a valid license to practice in the State of New Mexico.

III. ORDER

Upon consideration of all the facts and circumstances the Committee **ORDERS**:

- A. In the Matter of Case No. 3-PE-02-15-2022, Respondent shall pay the administrative penalty in the amount of three thousand, five hundred dollars (\$3,500.00) to be paid within sixty days of acceptance by the board of this Order. Payment shall be made by check or money order only, referencing the Case No. as stated at the top of this Order, and made payable expressly to:

NMBLPEPS
Attn: Compliance
PO Box 1967
Santa Fe, NM 87504



B. This Decision and Order shall be served upon Respondent in accordance with Section 61-1-13 of the ULA and with the Engineering and Surveying Practice Act. Committee Chair, Elizabeth McNally, is designated to sign this Decision and Order on behalf of the Committee.

NOTICE: Pursuant to Section 61-1-17 of the Uniform Licensing Act and NMSA 1978, Section 39-3-1.1, a person aggrieved by an adverse decision of the Committee issued after a hearing may obtain a review of the decision in the district court of Santa Fe County or in the district court of any county in which a hearing on the matter was conducted. To obtain such review, a notice of appeal must be filed in the proper district court within thirty (30) days after the date of the Committee's decision. Failure to file a notice of appeal within the time stated herein shall operate as a waiver of the right to judicial review and shall result in the decision of the Committee becoming final. The procedures for filing an appeal from the Committee to the district court are governed by Rule 1-074 of the Rules of Civil Procedure for the District Courts.

Date: 7/12/2024

FOR THE NEW MEXICO BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS AND
PROFESSIONAL SURVEYORS



ELIZABETH MCNALLY, PE, CHAIRPERSON
PROFESSIONAL ENGINEERING COMMITTEE