

MEETING OF THE NEW MEXICO BOARD OF
LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS held at
9:00 a.m., Friday, January 12, 2024,
Toney Anaya Building, Rio Grande Conference Room
2nd Floor, 2550 Cerrillos Rd. Santa Fe, NM 87505
& Virtual

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

Members Absent – Stephen Ney, PE, Secretary

Others Present – Perry Valdez, BLPEPS, Executive Director
Crystal Bustamante, BLPEPS, Budget/Finance Manager
Miranda Gonzales, BLPEPS Administrative Manager
Isaac Maes, BLPEPS, Executive Assistant
Earl Burkholder, PEPS
Todd Baran, Legal Counsel, NMDO J
Kristin Hovie, Legal Counsel, NMDOJ
Adam Baker, BLPEPS Prosecuting Attorney
Bobby Kimbro, Lea County Electric Co-op
Bobby Ferris, Lea County Electric Co-op
Anthony Mercure, Northern Rio Arriba Electric Co-op
Travis Sullivan, Southwestern Electric Co-op
Antonio Sanchez, Farmers Electric Co-op
Carmen Campbell, NM Rural Electric Co-op
William Tye Pollard, El Paso Electric Company
Tom Manning
Jeremy Neil, Roosevelt County Electric Company
Omni Warner, PNM
Aaron Blaisdell, PS (Washington)
Elizabeth Johnston, PE (Alaska)

1. Convene, Roll Call and Introduction of Audience

Prior to convening the meeting Mr. Gromatzky read the meeting script regarding the virtual meeting protocols. He convened the meeting at 8:59 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**

Mr. Valdez informed the Board that the Special Full Board, December 15, 2023, minutes were not ready and requested to remove agenda item 4.e.

MOTION by Ms. Nichols to approve the agenda as amended, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of August 11, 2023,**

b. **Minutes of October 4, 2023**

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

MOTION by Ms. Nichols to approve the Minutes of August 11, 2023, October 4, 2023, October 13, 2023, as presented, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED** unanimously.

d. **Minutes of November 3, 2023**

Mr. Valdez requested to correct agenda item 6a to remove "Fiscal Year 2024".

MOTION by Ms. McReynolds to approve the Minutes of November 3, 2023, as amended, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED** unanimously.

5. Requested Public Comment/Correspondence

a. Industrial Exemption pursuant to NMSA 61-23-22 and 61-23-27.10 and NMAC 16.39.3.11 G. and 16.39.5.8 G.

Mr. Valdez stated that the Board would not be taking any additional public comment/correspondence regarding the Industrial Exemption during this meeting. This agenda item is for information purposes only.

Mr. Gromatzky informed the audience that the Board is filtering the questions and public correspondence received for the Industrial Exemption from previous meetings and possible board advisory policies. The Executive Committee will meet in the near future to review the questions and answers.

Mr. Valdez stated that the Board Staff filtered the questions and answers from previous Board meetings and categorized them in a spreadsheet for the Executive Committee to review. A special Full Board meeting would be scheduled after the Executive Committee review is complete.

Elizabeth Johnston introduced herself to the Board as a candidate for the NCEES President-elect position. The NCCES Western Zone will elect this position in May 2024 and she hoped to have the Board's support.

Aaron Blaisdell introduced himself to the Board as a candidate for the NCEES Western Zone Vice-President position. He added that he would like to use his expertise and experience being on the Exam Development Committee, Professional Surveyors Exams Committee, EPP, Public Outreach Committee, and leverage the ideas from other Zone Member Boards.

***Dr. Elaksher joined the meeting at 9:34 a.m.*

6. Director's Report

a. Financial Report

Ms. Bustamante reported that the Board spent \$334,600 in the 200's (Personal Services) Category, \$74,000 in the 300's (Contractual) Category, and \$29,000 in the 400's (Other Costs) Category. A BAR was processed to establish the Board's Scholarship Fund in the amount of \$250,000, of which \$99,508 has been spent to fund the NM Tech and NMSU equipment requests.

She reported that the Board collected \$850,200 through December 31, 2023, which increased revenue by \$161,000 compared to the same time last year and has waived \$7,565 in fees so far.

Mr. Gromatzky asked what was attributed to the increase in revenue collected.

Mr. Valdez stated that it was possibly due to the expedited process for engineering and surveying. The Board received more applications for surveying than usual.

Mr. Valdez stated that the Board staff attended their House Appropriation & Finance Committee budget hearing on January 9th. He was pleased to announce that the Committee agreed to approve the executive recommendation, which is \$700 more than what was requested.

b. Fiscal Year 2023 Audit

Mr. Valdez stated that the FY23 Audit was a clean audit with no findings.

Mr. Gromatzky asked the Board Members to review the information pertaining to the FY22 audit finding for the lack of IT security and lack of back-up files, which was resolved. He added that there were no audit findings in the FY23 Audit.

c. License Status Report

Mr. Valdez provided the following license status report:

As of January 5, 2024, there were **10,093** active licensees.

- Active PEs: **9,587**
 - In State: 1,885
 - Out of State: 7,702
- Active PSs: **498**
 - In State: 198
 - Out of State: 300
- Active PE/PS: **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: **43***
 - In State: 23
 - Out of State: 20

2023 License Renewals

Licenses Renewed as of September 12, 2023: **5,425**

Licenses Renewed as of January 5, 2024: **4,584**

- PEs Renewed: **4,339**
 - In State: 875
 - Out of State: 3,464

- PSs Renewed: **243**
 - In State: 101
 - Out of State: 142
- PE/PS Renewed: **2**
 - In State: 2
 - Out of State: 0

Expired Licenses as of January 5, 2024: **841**

- PEs Expired: **806**
 - In State: 93
 - Out of State: 713
- PSs Expired: **34**
 - In State: 12
 - Out of State: 22
- PE/PS Expired: **1**
 - In State: 0
 - Out of State: 1

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

7. Old Business

a. **Disposing of Office Property – 7 Obsolete file cabinets.**

Mr. Valdez stated that the disposal of the file cabinets was mentioned at the November 3, 2023, Full Board meeting but it wasn't on the agenda. It is necessary to have a vote to approve the disposition of the office property.

MOTION by Mr. Tonander to dispose of the 7 obsolete file cabinets,
SECONDED by Ms. Dohleman,

Roll Call Vote:

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

Abstained: Dr. Elaksher

The motion **PASSED**.

b. **Western Zone Attendance (Bozeman, MT – May 16-18, 2024)**

Mr. Valdez requested verification of attendance at today's meeting to submit names to NCEES. Attendees are Ms. McReynolds, Mr. Tonander, Dr. Elaksher, and Ms. McNally as a backup.

8. New Business

a. Legislative Update

Mr. Valdez stated that the legislative session would commence on January 16, 2024, and advised that as of January 11, 2024, there were no bills impacting engineering, surveying, or the Board.

9. Closed Session

MOTION by Mr. Gromatzky that the Board enter into Closed Session at 9:43 a.m. 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. Wayne,

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

10. Action on Items Discussed During Executive Session

Mr. Gromatzky brought the Committee back into open session at 10:07 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 executive session, in accordance with NMSA 1978 Section 10-15-1 (H) (1) and (3). No votes or actions were taken during closed session.

a. Introduction of Litigation Division Director and Administrative Prosecutor

Mr. Todd Baran and Ms. Hovie introduced themselves to the Board. Mr. Adam Baker introduced himself to the Board and provided his background. Each provided their respective responsibilities to the Board.

b. Status Review of Complaints and NCA Referrals

A report was reviewed on the status of pending cases and referrals for Notice of Contemplated Actions.

11. Committee Reports

a. PS Committee

Mr. Wayne reported that the November 2, 2023, minutes were approved, there were 4 PS endorsements approved, 5 staff reviewed applications confirmed, 5 PS retired status requests approved, 1 PS inactive status requests approved, 5 disciplinary cases and 1 self-reporting case discussed.

b. PE Committee

Ms. Nichols reported that the Committee received a letter regarding large firms outsourcing engineering design work to low-cost offshore firms and urged the Board to study the issue and consider addressing it in rulemaking. There were 163 staff reviewed applications approved, 159 PE Endorsements approved and 4

reinstatements under disciplinary cases, 1 investigation report and 3 self-reported cases were tabled for further staff review, 1 self-report case was acknowledged with no further action, 2 were referred to pre-NCA with specified fines and imposition of the same sanction imposed by the state where the unreported violation occurred, 1 was referred to pre-NCA with specified fine and requirement to submit to an audit of continuing-ed credits, 6 were referred for pre-NCA with the specified fine, 2 were closed due to fulfillment of the settlement, and 2 had previous committee action rescinded with no further action taken, 5 PE exam applications approved, 1 PE licensure application was approved, 2 were tabled with guidance to staff concerning the documentation of experience, 3 PE endorsements were approved, 1 was tabled to request additional information, 1 was not approved, and 1 PE inactive status application was not approved.

c. Executive Committee

Mr. Gromatzky reported that the committee hadn't met yet but needed to discuss the Industrial Exemption questions and answers from the past few meetings. He asked Mr. Valdez to send out a poll for possible dates for the committee to meet.

d. Joint Practice Committee

Mr. Aragon reported that the committee was scheduled to meet in December but didn't have a quorum. The meeting was rescheduled for February 8, 2024, at the Wilson & Company office.

e. Public Information, Exam and Licensure Promotion Committee

1) Presentation(s)

Mr. Valdez reported the executive directors of five states were invited to participate in a presentation of board happenings at the Western Regional Surveying Conference.

He also stated that he and Mr. Tonander presented the annual ethics seminars.

Mr. Aragon stated that Dr. Elaksher will be presenting at the Western Regional Surveying Conference related to aerial mapping.

Mr. Valdez added that Emeritus Member, Glen Thurow, will also present at the conference.

Ms. McNally reported that she met with Mr. Valdez on November 30, 2023, to get background information about this committee. She stated that Mr. Valdez mentioned that the newsletter should be close to going out. She asked Mr. Valdez for an updated status of the newsletter.

Ms. Bustamante stated that there hadn't been any movement on the newsletter because staff was working on finalizing the IT project contracts. She added that she hopes to have the newsletter released soon.

Ms. McNally stated that she and Ms. Nichols would like to review the newsletter before it's released and requested that Mr. Valdez send out a poll to schedule the next committee meeting.

Dr. Elaksher reported that many of the Board members have visited his classes and spoke about licensure, the surveying profession, among other topics.

f. Rules and Regulations Policies, Advisories, and Legal Enforcement Committee

Ms. McReynolds stated that there was nothing to report. The committee had not met yet. She asked Mr. Valdez to send out a poll for possible dates for the committee to meet.

g. Penalties and Fees Committee

Mr. Wayne reported that Mr. Gromatzky created a repeat offender list. The committee was waiting for an opinion from the Engineering Committee. He stated that the Board legal counsel should review this, in order for the committee to possibly increase the disciplinary fines.

Mr. Gromatzky added that the repeat offender list originated from an individual who was a repeat offender with several cases against them. This list is an ad hoc document that has not been adopted by the Board, he then requested recommendations from this committee.

Mr. Valdez stated that the committee also needs to review the edits made by Mr. Ney to the fines table.

h. NCEES Committee Members

Mr. Tonander reported that he is on the Finance Committee as the NCEES Treasurer and the Board Liaison for a couple of other committees. He added that the Finance Committee reported the amount of people taking exams right now are ahead of the national projections. In particular, the survey intern exam and the PS exam are exceeding expectations.

He added he will be attending a meeting at the NCEES headquarters next week, in addition to two meetings in February. He stated that he plans to bring two cases to attention during the meetings. The first, is a case that was settled in North Carolina in December, that involves Federal Courts making a decision on whether or not someone needs to be licensed to present in court but to also do

