

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, January 11, 2024,
Tony Anya Building, Rio Grande Conference Room
2nd Floor, 2550 Cerrillos Rd. Santa Fe, NM 87505
& Virtual**

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

Members Absent- Stephen Ney, PE

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Administrative Manager
Marlene Segura, BLPEPS, Licensing Administrator
Jessie James, BLPEPS, Compliance Officer
Isaac Maes, BLPEPS, Executive Assistant
Kristen Hovie, NM DOJ, AAG, Legal Counsel
Todd Baran, NM DOJ, AAG, Legal Counsel
Joe Barela, PE, Board Investigator

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 1:13 p.m. Roll call was taken and a quorum was noted. There was no audience in attendance.

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 Ms. Dohlman to approve the agenda as presented, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4. **Approval of Minutes**

a. **Minutes of November 2, 2023**

MOTION by Ms. McNally to approve the minutes of November 2, 2023, as presented, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

5. **Public Comment/Correspondence**

a. **Offshore Engineering Design and Computer Aided Drafting (CAD) Work**

Mr. Valdez stated he received an email from a concerned professional engineer, the email was sent anonymously. The individual indicated they are licensed and work for a multi-national consulting firm. The individual's concern was about projects being outsourced for cheaper and quicker turnaround time. Mr. Valdez then provided a brief summary of what the individual stated in the email which included concerns such as:

"Most multi-national engineering firms are now pursuing this strategy, and I believe that without strong regulatory intervention this "race to the bottom" will likely accelerate in the coming years."

"Once the design is done, it will be handed to a U.S.-based engineer licensed in the state the project is to be constructed in, who will be given a nominal amount of time to review the design and intense pressure from management to sign and seal it. Quality, public safety, and the reputation of the profession will all suffer, and the decline in demand for American engineering labor will drive down industry standards for wages and benefits, thereby exacerbating the current shortage of engineers."

In addition to these concerns mentioned by the anonymous individual, Mr. Valdez informed the Committee the individual also stated:

"The exact nature of those changes will vary by state, (just like the rules governing the practice of engineering do) but might start with consideration of how the definition of the idea of "responsible charge" can be strengthened to preclude the scenario I describe above."

Mr. Tonander stated that engineering designs are one thing, but drafting is another. Drafting is not regulated by the Board, but he suggested that Mr. Valdez

ask the Member Board Administrators from the other jurisdictions and see if they also have had any experience with this. Mr. Tonander also noted that he could bring it up at the Zone meetings.

Ms. Nichols and Ms. McNally agreed with Mr. Tonander. Ms. McNally said this item should be addressed to NCEES to see how other national boards are addressing this concern.

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 Requests

MOTION by Ms. Dohleman to approve the PE retired status requests,
SECONDED by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c. PE Inactive Status Requests

MOTION by Ms. McNally to approve the PE inactive status requests,
SECONDED by Ms. Dohlman,

Roll Call Vote:

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

The motion **PASSED unanimously.**

9. Closed Session

MOTION by Ms. Dohlman that the Committee enter into Closed Session at 1:29 p.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. Tonander.

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

Ms. McNally exited the meeting at: 4:19 p.m. and rejoined the meeting at 4:32 p.m.

10. Action on Items Discussed During Executive Session

Ms. Nichols brought the Committee back into open session at 4:55 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 closed session, in accordance with NMSA 1978 Section 10-15-1 (H) (1) and (3).

a. Disciplinary Cases

1) Case 3-PE-2023 Investigator's Report

Ms. Nichols tabled this item for further review by the Board's Legal Counsel.

b. Self-Reporting

1) AH-12-26-2023

2) BJI-12-11-2023

Ms. Nichols tabled these items and directed the Board Staff to request additional information.

3) DHR-02-21-2023

MOTION by Mr. Tonander to authorize staff to offer a pre-NCA settlement agreement of probated suspension of the respondent's NM PE license under the same terms as outlined in Section IV, Parts 1, 3 & 4 of the Texas Board of Professional Engineers and Land Surveyors Consent Order issued to the respondent dated February 16, 2023, and that if no agreement is executed within 60 days, the matter will be automatically referred to the Administrative Prosecutor for the issuance of an NCA, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4) ESK-12-26-2023

MOTION by Ms. McNally to acknowledge receipt and no further action, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED unanimously**.

5) ADL-12-26-2023

7) CTS-11-08-2023

9) JCT-01-03-2024

11) JMM-12-20-2023

12) JPB-12-12-2023

13) SEH-11-03-2023

MOTION by Ms. Dohleman to attempt to enter into a pre-NCA settlement agreement for agenda items 9. b. 5), 7), 9), 11), 12), and 13) in the amount of \$500.00 and that if no agreement is executed within 60 days, the matter will be automatically referred to the Administrative Prosecutor for the issuance of an NCA, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously**.

6) CMH-10-31-2023

MOTION by Mr. Tonander to authorize staff to offer a pre-NCA settlement of \$500 fine and require a signed, notarized statement by the respondent to agree to not offer or provide structural engineering services within the state of New Mexico prior to providing evidence of competency satisfactory to the Board and that if no agreement is executed within 60 days, the matter will be automatically referred to the Administrative Prosecutor for the issuance of an NCA, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED unanimously**.

8) IG-12-29-2023

MOTION by Ms. Dohleman to attempt to enter into a pre-NCA settlement agreement with a fine of \$500 and a voluntary audit of PDHs and that if no agreement is executed within 60 days, the matter will be automatically referred to the Administrative Prosecutor for the issuance of an NCA, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously**.

10) JLP-12-21-2023

Ms. Nichols tabled this item and directed the Board Staff to request additional information.

14) EBK-12-21-2022

15) STK-12-2022

MOTION by Ms. McNally to rescind the previous Committee action on EBK-12-21-2022 and STK-12-2022 and acknowledge receipt and take no action, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously**.

16) HAD-11-28-2022

17) TAP-01-04-2023

MOTION by Ms. McNally to close the cases HAD-11-28-2022 and TAP-01-04-2023 due to fulfillment of the pre-NCA settlement agreements, **SECONDED** by Dr. Elaksher,

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 Exam

a) **Miskarov, A.**

MOTION by Mr. Tonander to approve to take the PE Civil exam
SECONDED by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) **Morgan, M.**

MOTION by Mr. Tonander to approve the bypass of the FE exam and take the PE Electrical exam, **SECONDED** Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c) **Porcheron, R.**

MOTION by Mr. Tonander to approve the bypass of the FE exam and take the PE Fire Protection exam, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED unanimously.**

d) **Rowan, A.**

MOTION by Ms. Dohleman to approve to take the PE Civil exam, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously**.

e) Varela, I.

MOTION by Ms. Dohleman to approve to sit for the PE Civil exam with the stipulation that prior to licensing the applicant would need to secure more detailed engineering experience, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously**.

2) PE Licensure

a) Mondragon, Z.

Ms. Nichols tabled this item and directed the Board Staff to request additional information.

b) Sanchez Ramos, G

MOTION by Ms. McNally to approve for licensure in Civil engineering, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED unanimously**.

c) Williams, E

Ms. Nichols tabled this item and directed the Board Staff to request additional information.

3) PE Endorsement

a) Biroun, B. – Reconsideration

MOTION by Mr. Tonander to approve for PE endorsement in

Civil engineering, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously**.

b) Gilhousen, M.

Ms. Nichols tabled this item and directed the Board Staff to request additional information.

c) Mishriki, H

MOTION by Mr. Tonander to approve for PE endorsement in Civil and Environmental engineering, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

Abstained: Ms. McNally, she recused herself from the discussion.

The motion **PASSED**.

d) Patel, K.

MOTION by Ms. McNally to not approve for PE endorsement, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously**.

e) Smith, J.

MOTION by Ms. Dohleman to approve for PE endorsement in mechanical engineering, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously**.

4) PE Inactive Status Request

a) Silva, P.

MOTION by Ms. McNally to not approve for inactive status,
SECONDED by Mr. Tonander,

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. February 16, 2024 – Virtual (*if needed*)
- b. April 18, 2024 – Farmington/Virtual

12. Adjourn

The meeting was adjourned at 5:15 p.m.

Submitted by:

s/Isaac Maes

Isaac Maes, Executive Assistant

Approved by:

s/Elizabeth McNally

Elizabeth McNally, Committee Vice-Chair

April 11, 2024 **Approved Date**