

Meeting Minutes

**MEETING OF THE PROFESSIONAL ENGINEERING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held at
9:00 a.m., Friday, February 16, 2024,
Virtually**

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

Others Present- Perry Valdez, BLPEPS, Executive Director
Jessie James, BLPEPS, Compliance Officer
Dominique Trujillo, BLPEPS, Licensing Administrator
Marlene Segura, BLPEPS, Licensing Administrator
Todd Baran, DOJ, Legal Counsel
Kristin, Hovie, DOJ, Legal Counsel
Joe Barela, PE, Board Investigator
Jason Stearns

1. Convene, Roll Call and Introduction of Audience

Mr. Valdez read the meeting script regarding the virtual meeting protocols. Ms. McNally convened the meeting at 9:04 a.m. Roll call was taken and a quorum was noted. Audience introductions made at this time.

Ms. Nichols joined the meeting at 9:06 a.m.

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

Roll Call Vote:

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

The motion **PASSED unanimously.**

4. **Public Comment/Correspondence**

Mr. Valdez reported that there was no public comment nor correspondence at this time.

After the closed session, Ms. Nichols revisited this agenda item at the request of Ms. Dohleman.

Ms. Dohleman informed the Committee that she received an invitation to attend the NMSPE Engineers Week Conference. She noted that there is a speaker providing a presentation regarding the need for professional engineers on design for their distribution systems. That this may be in response to the Industrial Exemption topic under discussion by the Full Board. She also wanted to know who else would attend the conference, either in person or virtually.

Ms. Nichols asked Mr. Valdez if he had a link to the virtual option. Mr. Valdez responded he would provide one for the members.

5. **Application Review – Recommended Approval**

a. **PE Retired Status Requests**

MOTION by Dr. Elaksher to approve the requests for retired status,
SECONDED by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. **PE Inactive Status Requests**

MOTION by Ms. Dohleman to approve the four requests for inactive status,
SECONDED by Mr. Ney,

Roll Call Vote:

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

The motion **PASSED unanimously.**

6. **Closed Session**

MOTION by Mr. Ney that the Committee enter into Closed Session at 9:17 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 Ms. Dohleman,

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

7. **Action on Items Discussed During Closed Session**

Ms. Nichols brought the Committee back into open session at 11:19 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) (1) and (3).

a. **Disciplinary Cases**

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

2) **Case 5-PE-2023 Investigator's Report**

MOTION by Ms. Dohleman to attempt to enter into a pre-NCA settlement agreement with a fine of \$500 for Cases 1-PE-2023 and 5-PE-2023 and that if no agreement is executed within 30 days, the matter will be automatically referred to the New Mexico Department of Justice for the issuance of an NCA, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

3) **Case 8-PE-2023(A) Investigator's Report**

4) **Case 8-PE-2023(B) Investigator's Report**

MOTION by Ms. McNally to close Cases 8-PE-2023(A) and (B) as they are outside of the purview of the Board, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

5) **Case 7-PE-09-14-2022 Investigator's Report**

MOTION by Ms. McNally to dismiss the case as it is without merit, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. Self-Reporting

1) ADL-12-26-2023

Ms. Nichols directed Mr. Valdez to continue with the pre-NCA process.

2) JLP-12-21-2023

MOTION by Mr. Ney to attempt to enter into a pre-NCA settlement agreement with a fine of \$1,500 and that if no agreement is executed within 30 days, the matter will be automatically referred to the New Mexico Department of Justice for the issuance of an NCA, **SECONDED** by Ms. McNally,

Roll Call Vote:

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

The motion **PASSED unanimously.**

3) JCT-01-03-2024

4) JPB-12-12-2023

5) SEH-11-03-2023

6) MOTION by Mr. Tonander to rescind the prior motions for self-reports JCT-01-03-2024, JPB-12-12-2023, and SEH-11-03-2023 and take no further action, **SECONDED** by Mr. Ney,

Roll Call Vote:

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

The motion **PASSED unanimously.**

7) JMM-12-20-2023

MOTION by Dr. Elaksher to close due to the fulfillment of the settlement agreement, **SECONDED** by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c. Applications for Review

1) PE Exam

a) Zelkowski, P.

Ms. Nichols noted for the record that there was a correction to the spelling of the applicant's name. The agenda indicated Kelkowski, the name should be spelled out as Zelkowski.

MOTION by Mr. Tonander to not approve for the FE bypass,
SECONDED by Mr. Ney,

Roll Call Vote:

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

The motion **PASSED unanimously.**

2) PE Endorsement

a) Gilhousen, M. – Reconsideration

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

Roll Call Vote:

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

The motion **PASSED unanimously.**

b) Hatem, O.

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

Roll Call Vote:

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

The motion **PASSED unanimously.**

- c) **Hodge, J.**
- d) **Lasky, K.**
- e) **Monsif, N.**

MOTION by Ms. Dohleman to approve for PE endorsement in mechanical for Hodge, J., civil for Lasky, K., and structural for Monsif, N., **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

3) PE Reinstatement

- a) **Fox, D.**

MOTION by Ms. McNally to approve for PE reinstatement, **SECONDED** by Mr. Tonander,

Roll Call Vote:

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

The motion **PASSED unanimously.**

8. **Next Scheduled Meeting Date:** April 12, 2024 – Farmington/Virtual

9. **Adjourn**

The meeting was adjourned at 11:35 a.m.

Submitted by:

s/Perry Valdez

Perry Valdez, Executive Director

Approved by:

s/Elizabeth McNally

Elizabeth McNally, Committee Vice-Chair

April 11, 2024 **Approved Date**