

Meeting Minutes

MEETING OF THE NEW MEXICO BOARD OF
LICENSURE FOR PROFESSIONAL ENGINEERS
AND PROFESSIONAL SURVEYORS held at
9:00 a.m., Friday, June 7, 2024,
Carruthers Building, Yucca Room
1209 Camion Carlos Rey, Santa Fe, NM 87505
& Virtual

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

Members Absent – Stephen Ney, PE, Secretary
Elizabeth McNally, PE

Others Present – Crystal Bustamante, BLPEPS, Budget/Finance Manager, CPO
Miranda Gonzales, BLPEPS, Administrative Manager
Ralph Vincent, BLPEPS, Project Manager
Kristin Hovie, NM DOJ, AAG, Legal Counsel
Derek Bohannan
Dr. Shelley Gruenig
Gregor Catto, Senior Trade Policy Advisor, British Embassy

1. **Convene, Roll Call and Introduction of Audience**

Ms. Gonzales read the meeting script regarding the virtual meeting protocols. Ms. Nichols convened the meeting at 9:05 a.m. Roll call was taken and a quorum was noted. Audience introductions made at this time.

**** Dr. Elaksher joined the meeting at 9:08 a.m.****

2. **Meeting Notification**

Ms. Gonzales informed the Board the meeting was noticed on the Board's website and at the Board Office.

3. **Approval of Agenda**

Mr. Tonander suggested to move up agenda item 8. h. up to 5. b., to accommodate the gentleman from the British Embassy.

MOTION by Ms. Dohleman to approve the agenda as amended, **SECONDED** by McReynolds,

Roll Call Vote:

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

The motion **PASSED unanimously**.

4. Approval of Minutes

a. Minutes of April 12, 2024,

b. Minutes of April 29, 2024

MOTION by Mr. Wayne to approve the Minutes of April 12, 2024, and April 29, 2024, as presented, **SECONDED** by Ms. Nichols,

Roll Call Vote:

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

The motion **PASSED unanimously**.

5. Requested Public Comment/Correspondence

a. D. Bohannon – R4 Creating Funding Request

Mr. Bohannon presented his request for R4C funding. He stated that he owns and operates a remote sensing firm based in NM called Volo Pervidi and works with Tierra West, LLC, as an EIT. His firm specializes in collecting mapping data as well as traffic data for engineering applications and design. He recently completed his BS and master's degree at UNM in Civil Engineering. He is preparing to take the PE and apply for licensure soon. His father, Ron Bohannon, is a former Board Member and owns and operates Tierra West, LLC; and, his grandfather, Jerry Bohannon, was a founding member of Bohannon Huston. His R4C funding request is because of his son whose interests are taking him in a STEM direction and most likely engineering.

He requested the Board to consider allocating funds annually from the Board Scholarship Fund in the amount of \$25,000 to \$40,000 to the STEM program called R4 Creating. He went on to say that the program is run by Dr. Shelley Gruenig, and under her leadership, R4 Creating has been instrumental in shaping the future of STEM in the community. Of those who have participated in this program, 75% move on to a career in a STEM oriented field, 85% pursue higher education, and 80% return to participate again. The R4 Creating program

is designed to build the STEM workforce in NM. Alumni of the program are the next generation of critical workforce roles and are involved in local companies such as Sandia National Labs, Intel, LANL, Rocket Labs, Ideal Vacuum, Honeywell, Northrop Grumman, and many more.

The Board discussed the R4 Creating program and possible paths to fund the program at length.

Mr. Tonander added that as a state entity, we are subject to anti-donation. The law the Board created is specifically for a University Support Program that specifies scholarships, equipment and materials for universities, but it doesn't go beyond that. If this request was for equipment or related materials for a university, he could see a direct path to funding. He added that perhaps the program could work with the universities, and the idea that this is for their students may help, but this could be challenging.

Mr. Gromatzky recommended that the Executive Committee or Public Information Committee look into opportunities for the Board to get involved or possibly support STEM programs before the next Full Board meeting.

b. Mutual Recognition Agreement between NCEES and Engineering Council (UK)

Mr. Catto, Senior Trade Policy Advisor, at the British Embassy in Washington, DC, introduced himself to the Board. He added that he covers bilateral trade between the UK and the US, and he is interested in mutual recognition of professional qualifications. He stated that the National Council of Architectural Registration Boards (NCARB) signed a mutual recognition agreement with the UK Architects Registration Board about a year ago, which prompted him to look into engineering. He stated that Mr. David Cox, CEO at NCEES, has spent time with his counterpart, the UK's Engineering Council, to see how this might work for US & UK engineers, and he understands, they are close to signing the agreement. At that point, it will be a question for the various state boards whether or not to opt into this agreement. The core principle is that professional engineers in the US are able to become chartered engineers in the UK, and we're trying to create a streamlined process. Of the states surrounding NM, Texas is considering a rule change to move forward, along with California, Arizona, and Oklahoma. He advised the Board members to contact Rick Moore, Executive Director of the California Board, or Lance Kinney, Executive Director of the Texas Board, with any questions. He added that he is sure that they'd be happy to share the experience they had when they went to the UK. He offered to set up a meeting in the UK for those who were interested.

Mr. Tonander stated that NCEES has been working with their British counterparts to create a system where they've found equivalency between the US and the British system for licensure. It's basically a Model Law engineer who has an additional two years of experience, who can apply for the national registry and then essentially receive an expedited comity in the UK and vice versa. Any US jurisdiction that becomes a party to this agreement essentially creates that bi-directional path to comity. Though NM's economy is small, this could be beneficial to some of the niche engineering talents, such as high-speed rail and renewable energy – particularly wind, where they have very developed skill sets. There is an event coming up in August, at the Annual NCEES meeting in Chicago, IL, there would be a ceremonial signing process that is non-committal, other than stating interest in following through with the agreement, for those jurisdictions that have interest in adopting and signing into the agreement. As for NM, he believes changes to its regulations would be necessary if this agreement were to be adopted. The representatives of the UK offered to support us with our local legislators and our governor, if needed, in that regard. It would be supported if the Board proceeded to notify the legislature and the governor's office that the Board is proactively looking for opportunities to bring more licensees to NM and to have a broader practice for its licensees. The purpose of this agenda item is for the Board to consider supporting this agreement with a future vote at the NCEES event in Chicago, IL.

Mr. Gromatzky asked Mr. Tonander what part of the Board's Practice Act would need to be changed if the Board decided to move forward with the agreement.

Mr. Tonander answered stating that he doesn't believe the Act would require a change, but the rules would need to be updated. He added that he doesn't anticipate the Board will have to go back to the State Legislature for this, but they will need to be made aware of what is happening.

Mr. Gromatzky recommended that this agenda item be reviewed by the Legal Enforcement Committee to identify necessary rules or regulations changes in order to support the agreement.

****Dr. Elaksher left at 9:54 a.m. and returned at 10:13 a.m.****

6. Director's Report

a. Staff Vacancies

Ms. Bustamante reported that the Board's Executive Assistant position is currently vacant, and interviews were held last week. The interview panel will need to meet once more before a decision is made.

b. Financial Report

Ms. Bustamante reported that the scholarship fund budget began at \$250,000. As of May 29, 2024, there were expenditures in the amount of \$199,500, encumbrances in the amount of \$50,000, with a remaining amount of \$500 through June 30, 2024.

Mr. Gromatzky asked how the funding mechanism works for the scholarship support to get to the various universities, if the universities are responsible for disbursing the funds to the students, and which universities are currently participating.

Ms. Bustamante replied that staff creates purchase orders after the Board approves the scholarship amounts and the universities submit invoices, which are paid by payment vouchers. The universities are responsible for awarding the scholarship to their students. They provide scholarship metrics at the Boards request that show the quantity of students awarded, the amount awarded to each student, the amount leftover and how they plan to use it. The universities participating in the scholarship program are UNM, NM Tech, and NMSU. She added that \$100,000 goes to student scholarships and the remaining \$150,000 is used to support equipment requests from the universities. In the current fiscal year, we have received two equipment applications from NMSU and one from NM Tech.

Ms. Dohleman confirmed that the universities must be ABET accredited. The ABET review of the Navajo Technical University in NM is due this summer. If the Board has scholarship funds available next fiscal year, we may be able to include them.

Ms. Bustamante reported that the Board's regular budget, personal services and benefits category began at \$729,300, as of May 29, 2024, there were expenditures in the amount of \$628,800, and a remaining amount of \$100,500 through June 30, 2024. The contracts category budget began at \$962,200, there were expenditures in the amount of \$153,500, encumbrances in the amount of \$569,000, and an available amount of \$240,000. The other expenses category budget began at \$118,900, there were expenditures in the amount of \$61,600, encumbrances in the amount of \$19,400, and an available amount of \$37,900.

The Board's fund balance began at \$1,368,060. As of May 29, 2024, the revenue collected is \$1,186,800, total expenses are \$1,093,900, and net revenue is \$92,900. The projected fund balance is \$1,460,960.

As of May 30, 2024, the Board has waived a total of 100 fees, totaling \$12,240. 93. The fees waived were for NM residents, and 7 were for the military exemption.

c. License Status Report

Number of Active Licenses: 10,796 as of May 31, 2024

o Professional Engineers

- Number of active PEs: 10,257
 - In State: 1,955
 - Out of State: 8,302

o Professional Surveyors

- Number of active PSs: 531
 - In State: 204
 - Out of State: 327

o Professional Engineers/Professional Surveyors

- Number of active PEPS: 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: 47*
 - In State: 24
 - Out of State: 23

7. Old Business

a. NCEES Candidates

Mr. Tonander stated that there will be an election in August, at the NCEES Annual Meeting in Chicago to confirm president-elect, Elizabeth Johnston.

Mr. Gromatzky requested to identify the Board members who will attend the NCEES Annual Meeting in August.

Ms. McReynolds stated she is interested and she would like to reconsider attending the meeting.

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

Mr. Gromatzky is working with Mr. Medrano to address his comments and hopes to have this finalized by the next regular meeting.

8. New Business

a. FY25 Open Meetings Resolution

MOTION by Ms. Nichols to adopt this year's open meeting resolution,
SECONDED by Ms. Dohleman,

Roll Call Vote:

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

The motion **PASSED unanimously**.

b. Election of Officers

1) Board Chair

MOTION by Mr. Tonander to nominate Ms. Dohleman as Board Chair,
SECONDED by Dr. Elaksher,

Roll Call Vote:

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

Abstained: Ms. Dohleman

The motion **Passed**.

2) Vice Chair

MOTION by Mr. Gromatzky to nominate Mr. Wayne as Vice Chair,
SECONDED by Ms. McReynolds,

Roll Call Vote:

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

Abstained: Mr. Wayne,

The motion **Passed**.

3) Secretary

MOTION by Dr. Elaksher to nominate Ms. McReynolds as Secretary,
SECONDED by Ms. Nichols,

Roll Call Vote:

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

Abstained: Ms. McReynolds

The motion **Passed**.

c. Emeritus Status Request

1) Karl Tonander, PE

Mr. Tonander stated that this doesn't mean he is quitting today, it's simply a preemptive Emiratisation.

Mr. Gromatzky expressed gratitude to Mr. Tonander for the important contributions he made to the Board during his tenure.

MOTION by Ms. Nichols to approve Mr. Tonander's request for Emeritus Status, **SECONDED** by Ms. McReynolds,

Roll Call Vote:

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

Abstained: Mr. Tonander

The motion **Passed**.

d. Intern Certification for Professional Endorsement Applicants

Ms. Gonzales stated that this was brought before the Board because there are Professional Engineers (PE) and Professional Surveyors (PS) who are applying by endorsement and don't have a verification of their Engineer Intern (EI) or Surveyor Intern (SI) certifications. Pursuant to the Board's statutes, applicants must meet or exceed current requirements, which means they must be EI/SI certified, and most states do not verify intern certifications. To meet the requirements, applicants must pay the \$100 EI/SI certification application fee just to be a certified intern for a short period of time before their PE or PS endorsement application is approved and their certification is superseded by the license number. Board staff would like to get direction from the Board how to proceed.

Mr. Tonander stated that the revenue collected for the current process is minimal, it's more of a technicality because our regulations do require PE and PS endorsement applications to be EI or SI certified beforehand. He recommended waiving the EI/SI certification fee for endorsement applications to improve the process, make it easier for applicants, and expedite the issuance of licenses to allow people to start working. He added that this would be a good narrative in combination with the fees waived with regard to graduates and NM residents to speak about during the next legislative session.

MOTION by Mr. Aragon to waive the fee for intern certification for professional endorsement applicants, **SECONDED** by Dr. Elaksher,

Roll Call Vote:

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

The motion **PASSED unanimously**.

e. PDH's for Reinstatement and Reactivation Applications

Ms. Gonzales stated that we require 30 Professional Development Hours (PDH) for license reinstatement and reactivation applications. The current process entails the applicant to submit a PDH reporting form that details the dates, class names, and number of hours, which differs from the license renewals attestation of PDH's. During a tailoring session for the new licensing system, questions arose regarding the systems management for PDH reporting, and it was recommended that the process be uniform with license renewals.

If the Board allows the attestation of PDH's, the Board staff will conduct a higher rate of PDH audits, which will be easier to do with the new system. The current audit process entails staff to send a letter to the licensees under audit and they're given 30 days to comply. The licensee is required to submit proof of PDH documentation and is reviewed for compliance once it is received. The licensee is notified of the audit results by letter when the audit is complete.

The Board discussed the PDH reporting process for reinstatement and reactivation applications at length and directed staff to use the attestation of PDH's for reinstatement and reactivation applications and increase the audit rate to 30%.

f. Paper Verification Fee

Ms. Gonzales stated that the majority of verifications received by the Board staff are electronic and verified through NCEES, at no charge. The paper verification process is similar except the verification is received by mail, and the fee is \$25 with estimated revenue of \$250 collected. During a tailoring session for the new licensing system, it was advised that the addition of the paper verification application would require an amendment to the project. The revenue collected for paper verification fees is minimal and an amendment would not be worthwhile. Board staff requests the Board's approval to stop charging for paper verification fees.

MOTION by Ms. Nichols to waive the paper verification fee, **SECONDED** by Mr. Aragon,

Roll Call Vote:

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

The motion **PASSED unanimously**.

g. Arizona Board 2024 Sunset Update

Mr. Gromatzky stated that an Arizona State Representative introduced a striker bill that would replace the Arizona Board's Sunset Act, which would greatly reduce the Arizona Board of Technical Registration's (AZBTR) ability to enforce their rules, to issue fines, and to manage their licensees. The state of Arizona doesn't have a grace period, meaning if their Sunset Act is not signed, the Board no longer exists. He added that the AZBTR website was requesting support by contacting state representatives and state senators about the bill.

Mr. Gromatzky asked the Board to issue a letter of support for the original bill that AZBTR submitted and express concern about the striker bill, and if agreed, he would work with staff to draft the letter.

After a lengthy discussion, the Board agreed to draft and send a letter of support for the continuance of the Arizona Board.

9. Committee Reports

a. PS Committee

Mr. Wayne reported the Committee discussed the SPCS 2022 update, NM Handbook for Building Officials, and the Advisory Opinion for the day-to-day right of way easements. The election for officers was held; Mr. Aragon was elected Committee Chair, Ms. McReynolds, was elected Committee Vice-Chair. There were 5 PS endorsements and 2 expedited endorsements confirmed. In closed session, there were 5 disciplinary cases: 1 resulted in a reprimand and a fine, 1 case was referred to staff, 1 case was referred to the Board's Legal Counsel, 1 case where the respondent was given 30 days to file his plat, and 1 case was dismissed. There was 1 approved PS endorsement.

b. PE Committee

Ms. Nichols reported that the Committee met on May 10, 2024. There were 5 applications for PE exam: 4 approved, and 1 tabled for additional experience. There were 3 applications for PE licensure: 1 approved for civil, and 2 tabled for additional experience. There were 9 applications for PE endorsement: 1 not approved, 1 tabled for additional review, 1 approved for structural and civil, 2 approved for civil, 1 approved for mechanical effective in June, 1 approved for architectural and civil, 1 approved for civil and construction, and 1 approved for structural. Lastly, there was 1 application for PE reinstatement that was approved and 1 for PE license renewal where the Staff was directed to communicate his options.

The Committee met again on June 6, 2024. There were 4 disciplinary cases: 1 tabled with no further action, 1 closed with no action, 1 voted for a pre-NCA settlement agreement, and 1 hearing officer's report was accepted. 1 self-report was acknowledged with no further action. There were 3 applications for PE exam: 3 approved. There was one application for licensure, after passing the PE exam, that was approved. There were 6 applications for PE endorsement: 4 approved, 1 was tabled for an experience update, 1 was not approved. There were 2 applications for reinstatement that were approved. The election of officers was discussed and the Committee decided to continue with the current officers until the agenda item can be revisited at the next meeting.

c. Executive Committee

Mr. Gromatzky reported that the Committee met on March 8, 2024. The responses to the Industrial Exemption questions were discussed and finalized. There were 2 Board Advisory Opinions issued with another on the way. It should be completed on or before the next Board meeting.

d. Joint Practice Committee

Mr. Aragon reported that a meeting is scheduled for June 20th. The Committee is gathering comments from the member boards of engineers, surveyors, architects, and landscape architects to modify the existing 2016 NM Handbook for Building Officials. He and Ms. Dohleman will bring the revised Handbook to the August meeting for the Board's approval from the surveying and engineering perspective.

Ms. Dohleman reported that at the PEC meeting on June 6th, there were questions from the JPC presented. The first question was whether or not engineers or architects could conduct virtual inspections. After a lengthy discussion, it was recommended that the Board could provide suggestions about what virtual inspections should require. The second question was whether an architect or engineer stamp is a form of copyright. Legal counsel was willing to look into this but the question needs to be refined. There are different meanings, one of which is whether or not a drawing can be copyrighted.

e. Public Information, Exam and Licensure Promotion Committee

1) Newsletter

Ms. Dohleman thanked Ms. Bustamante for her assistance with the Newsletter, she stated that it was very nice and informative.

Ms. Bustamante reported that the Newsletter was sent out via the Board's Constant Contact account and presented the email performance report which reflected a 51% open rate. She added that the next Newsletter will be issued in the Fall of this year.

2) Presentation(s)

Mr. Gromatzky reported that the Committee met on May 31st and discussed creating a list of organizations for possible outreach to younger students to promote engineering and surveying by providing presentations. The next meeting is scheduled for July 12th.

f. Legal Enforcement Committee

Ms. McNally reported that the Committee has not met since February 6th and will need to reconvene to prioritize the review of the mutual recognition agreement between the UK and US and decide whether or not a rule change is necessary for the Board's participation.

g. Penalties and Fees Committee

Mr. Wayne stated that he believed the fine schedules need to be reviewed and updated. He added that the fines should be higher than \$750, especially for the individuals that fail to respond to our investigators.

Mr. Gromatzky asked staff what the procedure is to modify the fines.

Ms. Gonzales answered, stating that the Penalties and Fees Committee needs to provide the PEC and PSC with the proposed fine schedule. When the document is finalized, it will be brought to the Full Board for final approval.

h. NCEES Committee Members

Dr. Elaksher reported that he is on the UPLG Committee and has requested to transfer to the Education Committee.

Ms. McReynolds attended the Western Zone Meeting in Bozeman, MT, and stated that she found the meeting to be incredibly useful and she has a greater appreciation for the NM Board and how it fits into the bigger picture of licensure. She expressed interest in joining the NCEES Rules Committee.

i. Project Steering Committee

Mr. Gromatzky reported that the Committee met on May 31st. They new licensing system go-live date is September 23rd. The staff and vendor are currently working on the data conversion which seems to be a critical item in the flow chart that could impact the go-live date. A reoccurring topic is the Payment Card Industry (PCI) compliance, which is being worked on and pretty close to being resolved. The next scheduled meeting is June 11th and will be in-person. He extended the invitation to the Board if they'd like to attend.

****Dr. Elaksher left the meeting at 12:03 p.m.****

10. Closed Session

MOTION by Mr. Gromatzky that the Board enter into Closed Session to discuss the items listed on the agenda pursuant to NMSA 1978, Section 10-15-1 (H) (2) to discuss limited personnel matters, **SECONDED** by Mr. Wayne.

Roll call vote taken, voting ‘Yes’: Mr. Gromatzky, Ms. Dohleman, Mr. Ney, Mr. Wayne, Ms. Nichols, Ms. McReynolds, Ms. McNally, Mr. Aragon, Mr. Tonander

11. Action on Items Discussed During Closed Session

Mr. Gromatzky brought the Committee back into open session at 12:47 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) (2).

a. Staff Compensation

MOTION by Ms. McReynolds to approve that the Executive Director of the Board of Licensure for Professional Engineers and Professional Surveyors be granted a 14% salary increase above his current salary effective this fiscal year, **SECONDED** by Ms. Nichols,

Roll Call Vote:

Voting ‘Aye’: Mr. Gromatzky, Ms. Dohleman, Mr. Wayne, Ms. Nichols, Ms. McReynolds, Mr. Aragon, Mr. Tonander

The motion **PASSED unanimously.**

12. Next Scheduled Meeting Date: August 9, 2024 – Albuquerque/Virtual

13. Adjourn

Meeting adjourned at 12:48 a.m.

Submitted by:

s/Crystal Bustamante

Crystal Bustamante, Budget/Finance Manager, CPO

Approved by:

s/Robert Gromatzky

Robert Gromatzky, Board Chair

August 9, 2024 **Approved Date**