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Instructions

Provisions of the New Mexico Sunset Act (12-9-19 NMSA 1978) require the Legislative Finance Committee (LFC) to schedule public hearings to receive testimony and determine if boards and commissions scheduled for sunset should be recommended for extension or be allowed to terminate.

Please complete the following agency self-evaluation report and return it to the LFC. Your department is responsible for demonstrating a public need for continuation of regulatory authority and recommending necessary amendments to enabling statutes that would improve operational efficiency. You may add or remove additional rows in any of the tables or replace the tables with your own charts and information where appropriate. We would appreciate your analysis, recommendation, and completed questionnaires by June 30, 2016. Contact LFC analyst, Sunny Liu, with any questions about this report.

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I. Agency Contact Information

A. Please fill in the following chart.

Table 1: Key Agency Contacts

Position Title	Name	Address	Telephone & Fax Numbers	Email Address
Executive Director	Perry Valdez	Mailing: PO Box 25101, Santa Fe, NM 87504 Physical: 2550 Cerrillos Rd., Santa Fe, NM 87505	Mobile: (505) 570-7213 Phone: (505) 476-4681 Fax: (505) 476-4802	Perry.valdez@state.nm.us
Deputy Director	Annette Thompson-Martinez	Mailing: PO Box 25101, Santa Fe, NM 87504 Physical: 2550 Cerrillos Rd., Santa Fe, NM 87505	Mobile: (505) 795-1345 Phone: (505) 476-4628 Fax: (505) 476-4802	Annette.thompson-ma@state.nm.us

II. Key Functions and Performance

A. Provide an overview of your agency’s mission, objectives and key functions.

The mission of the Engineering and Surveying Program is to regulate the practices of engineering and surveying in the State as they relate to the welfare of the public in safeguarding life, health and property.

The purpose of the Board is to provide licensed professional engineers and licensed professional surveyors to consumers of engineering and surveying services so they may be assured that only qualified licensees are permitted to provide these services. This is done by effectively administering the Engineering and Surveying Practice Act and Rules through its Program and its major activities.

The Board’s program consists of four major program activities:

A. Regulation/Management (Administration/Finance)/Public Information – These functions include management, administration (promulgation of rules, policies & procedures), budgeting, accounting, administrative support, and public information to ensure the provisions of the Engineering and Surveying Practice Act are implemented.

Goals and Objectives:

1. Maintain a self-reliant and self-sufficient agency which meets the needs of the public it protects, the licensees/applicants it serves and its employees.
 - a. Develop and submit by the statutory deadline a performance-based annual budget in accordance with this Strategic Plan and which allows for the implementation of the Board’s licensing and regulation program and preserves an appropriate fund balance.
 - b. Submit to the Department of Finance and Administration and the Legislative Finance Committee an annual operating budget and regularly review operations and monitor revenues and expenditures.
 - c. Review periodically licensing fees to ensure they are appropriate in supporting the necessary expenses in carrying out the provisions of the New Mexico Engineering and Surveying

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- Practice Act.
- d. Ensure Board's operations are efficient and self-sufficient
 - (1) Review and update annually this document to ensure compliance with pertinent laws and rules.
 - (2) Complete regularly a performance review.
 - (3) Document any problems with State procedures that affect the functions of the Board.
 - (4) Maintain and enhance the agency's computer databases.
 - (a) Incorporate and implement Information Technology (IT) goals and objectives, including the upgrading of computing equipment approximately every five years and software as necessary.
 - (b) Contract an IT expert to maintain and enhance the agency's information systems and its applications.
 - (5) Hire other professional services providers when due to the lack of resources and/or expertise within the agency's staff, it is more cost-effective than funding a new full time or part-time employee.
- 2. Provide accurate and timely information to applicants, licensees, and the public.
 - a. Promote public awareness and provide for consumer protection information in cooperation with the law enforcement staff.
 - (1) Develop a consumer information publication.
 - (2) Post information on the Board's internet website home page describing the responsibilities of licensees and informing consumers of the process of filing valid complaints against licensees.
 - (3) Regularly update and upgrade the searchable roster of professional engineers and professional surveyors on the Board's internet website.
 - b. Enhance communication efforts with applicants and licensees.
 - (1) Publish regularly the Board's newsletter.
 - (2) Prepare an annual report.
 - (3) Use news releases when necessary.
 - (4) Hold at least one public meeting outside the Santa Fe/Albuquerque area.
- 3. Ensure compliance with all State statutes, rules and regulations.
 - a. Review regularly State Personnel Office (SPO) rules and regulations for agency compliance.
 - b. Review and update agency policies and procedures as they relate to SPO rules.
 - c. Develop and/or update annual Information Technology Plan, ADA plan, and Loss Control Plan as required by State rules or policy.
 - d. Review annually the Open Meetings Act and the Public Records Act and adopt an annual Open Meetings Resolution.
 - e. Review regularly the Engineering and Surveying Practice Act for compliance.
 - f. Review/comply with all financial statutes & rules.
- 4. Promulgate Rules and Regulations to Clarify the Engineering & Surveying Practice Act and Provide Procedure.

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- a. Establish appropriate Board task forces and subcommittees to address problem areas.
 - b. Amend the Administrative Code to clarify the Act.
 - (1) Work with the Rules and Regulations Committee on needed amendments.
 - (2) Assist Rules and Regulations Committee in proposing amendments, revisions, or new rules to the Board.
 - (3) Prepare proposed rules for adoption by Board.
 - (4) Schedule public rules hearing.
 - (5) File new amendments with the State Records Center and Archives.
 - c. Review and amend if necessary the Minimum Standards for Surveying.
5. Hire and promote qualified staff members when appropriate and provide adequate training.
- B. Application and Examinations – Functions include: 1) processing of applications, 2) review of qualifications, and 3) administration of examinations to qualified candidates.

Goals and Objectives:

1. Process applications and review qualifications for minimum competency to ensure qualified individuals are being licensed.
 - a. Provide updated application forms and licensing information via the internet.
 - b. Present complete applications with recommendations to the appropriate committee (engineering or surveying) of the Board at each regular Board meeting.
 - (1) Process/review daily application files using checklists to ensure documentation establishing qualifications is being received.
 - (2) Review each application file for compliance with the education, experience, and testing requirements as set forth in the Act.
2. Administer valid and defensible national and state examinations for engineering and surveying.
 - a. Provide candidate approval to the National Council of Examiners for Professional Engineers and Surveyor (NCEES) for administration of exams.
 - b. Minimize examination breaches and liability to the Board.
 - c. Participate in the formulation of policies and development of national examinations.
 - (1) Promote participation of Board Members on NCEES national committees & NM registrants on NCEES examination writing committees.
 - (2) Participate in NCEES Zone and National Meetings.
 - d. Develop and maintain a valid NM state specific surveying examination.
 - (1) Enhance examination item writing and review procedures.
 - (2) Recruit, periodically, examination item writers.
 - (3) Hire periodically psychometrician to assist in the conduct of exam-writing workshops and exam validation process.
3. Promote strong education and experience background for applicants.
 - a. Develop specific rule on what constitutes a surveying board-approved related science degree.
 - b. Develop guidelines and policies for the review and approval of engineering and surveying experience.
4. Promote licensure and fundamentals examinations to engineering and surveying graduates.

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- a. Provide presentations on the licensing process.
 - (1) Utilize NCEES literature/tools (pamphlets, posters and presentation kits) to promote the FE and licensure.
 - b. Collaborate with NMSPE & NMPS in promoting licensure.
 - (1) Provide Board representation at NMSPE and NMPS board meetings.
 - (2) Endorse/assist NMPS efforts in promoting the surveying profession to increase the number of qualified future professional surveyors.
 - (3) Hold licensure ceremony for newly licensed professionals
- C. Intern Certification/Professional Licensure - These program activities include: 1) issuance of initial licenses as professional engineers and professional surveyors, 2) issuance of certifications for engineer interns and surveyor interns, 3) renewal of licenses biennially, and 4) monitoring of professional development requirements for each licensee.

Goals and Objectives:

- 1. Certify and license only qualified individuals.
 - a. Establish and maintain accurate Intern (Applicant) and licensees (Client) databases.
 - (1) Issue certification/license number and a wall certificate to each qualified intern and professional promptly.
 - (2) Ensure all information on qualified and approved professional engineers; professional surveyors and engineer and surveyor interns are correctly key-entered into databases.
 - b. Renew licenses biennially if renewal requirements are met.
 - (1) Prepare/develop online renewal and hardcopy renewal statements and professional development reporting forms.
 - (2) Mail renewal reminder postcards in October of each year to the appropriate licensees, with a penalty renewal reminder later in the fiscal year to all who fail to renew licenses by the statutory date.
 - (3) Update licensees' records for the next two years by recording professional development information, fees, and other general information such as changes of address, etc.
 - (3) Prepare/develop license pocket cards and mail to all qualified licensees.
 - c. Conduct a 1% audit on professional development submittals for compliance with rules.
 - (1) Train staff to review professional development activities submitted by licensees being audited.
 - (2) Review professional development activities submitted with renewal forms for compliance with the rules and regulations.
 - d. Enhance communication efforts with licensees.
 - (1) Provide email blasts of notices, announcements, and renewal reminders.
 - (2) Enhance outreach regarding all Professional Development Hours (PDH) requirements.
 - e. Streamline procedures for the renewal and issuance of licenses.
 - f. Incorporate emerging forces of change.
 - (1) Incorporate technology and tools of technology as they affect the implementation of the Act and the practices of engineering and surveying, such as the renewal of licenses.
 - g. Acceptance of credit card payments. In an effort to become more efficient and

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identify more cost-effective way to better serve the public and possibly improve the revenue collection process. Section 6-10-1.2NMSA 1978 provides the state agency may accept payment by credit card or electronic means of any amount due the state under any law or program administered by the state agency and that the state board of finance shall adopt rules on the terms and conditions of accepting.

D. Law Enforcement – These functions include: 1) processing of complaints, 2) prosecuting, violators of the of the New Mexico Engineering and Surveying practice Act, and any pertinent rules, codes, regulations, standards, 3) promoting education for licensees regarding their obligations as licensed professionals, and 4) making the public aware of their right to file complaints against licensees and non-licensed individuals who may be placing their life, health, property, and welfare in danger.

Goals and Objectives:

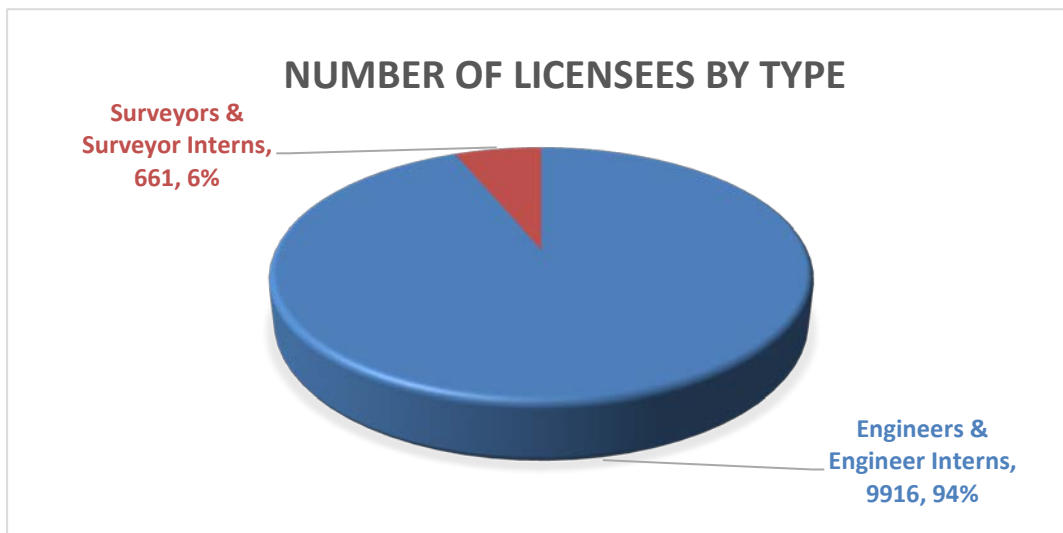
1. Provide an efficient process for timely and appropriate adjudication of complaints against licensees.
 - a. Obtain appropriate resources for prosecuting violators (licensees & non-licensees).
 - (1) Contract with complaint investigator for technical engineering or surveying cases.
 - (2) Set up advisory committees in appropriate engineering disciplines.
 - b. Process complaints and alleged violations in accordance with set procedure, the Engineering and Surveying Practice Act and the Uniform Licensing Act.
 - (1) Conduct preliminary conferences and disciplinary hearings.
 - (2) Work with Attorney General’s Office, District Attorney’s Office and other jurisdictions in the enforcement of the “Act”.
 - c. Establish guidelines for the disposition of disciplinary cases involving specific types of violations.
 - d. Provide guidance to all licensees and others affected individuals and entities regarding the statutes, rules, and standards.
 - (1) Continue to develop & publish clarifications regarding the statutes rules/regulations by issuing advisory opinions when appropriate.
 - (2) Promote presentations, workshops, panel discussions on Act, rules/regulations and standards of practice.
 - e. Promote enforcement of the New Mexico Engineering and Surveying Practice Act by other government agencies.
 - (1) Educate building officials regarding the practice of engineering and surveying in cooperation with other technical state boards.
 - (b) Provide information through handbooks, listings of current licensees, and other appropriate means.
 - (c) Participate in joint meetings and/or seminars to share information and discuss issues of mutual interest.
 - (2) Inform federal entities regarding exemptions & limitations.
 - f. Assist in the development and distribution of a consumer guide to include information on licensees’ professional obligations, the Board’s function, and procedures for filing consumer complaints.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

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The Board of Licensure for Professional Engineers and Professional Surveyors was created under Chapter 61, Article 23 NMSA 1978 known as the New Mexico Engineering and Surveying Practice Act. Through this Act, the legislature declared the matter of public safety, interest and concern that the practice of engineering and surveying merit and receive the confidence of the public and only qualified persons are permitted to engage in the practices of engineering and surveying. The Board ensures that all applicants have met the educational, experience and testing requirements. In addition the Board reviews all alleged violations of the Act and Board rules to determine appropriate discipline. The Board regulates the practice of Engineering and Surveying while protecting the safety and welfare of the general public. By not performing these functions, infrastructure such as bridges may be designed and built by unqualified individuals. In addition surveying would not be regulated and property boundaries would not be recorded properly.

- C. Describe who or what this agency affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.



ENGINEERS

16.39.3.9 APPLICATION - ENGINEERING INTERN AND PROFESSIONAL ENGINEER:
9,916 Professional Engineers and Professional Engineer Interns (94%)

B. Any application, to be complete, must include acceptable replies from references, official transcripts provided directly from the colleges or universities attended; and if applicable, verification of prior examinations taken in other states.

D. Applications for engineering intern certification will be accepted after applicant has passed the fundamentals of engineering exam and graduated from a board-approved, four (4)-year engineering curriculum; or graduated from a four (4)-year engineering technology program that is accredited by the technical accreditation commission of the ABET, augmented by at least two (2) years of board-approved, post graduate engineering experience. Applications to take the fundamentals of engineering exam administered by the NCEES will not be required from the state board. Successful passing of the fundamentals of engineering exam does not ensure certification as an engineer intern.

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E. Applicants for the principles and practices of engineering examination with an ABET accredited engineering curriculum of four (4) years or more or equivalent as determined by the board shall have a minimum of two (2) years of post-baccalaureate experience acceptable to the professional engineering committee at the date of application and shall have passed the fundamentals of engineering examination. Applicants with an ABET accredited engineering technology degree shall have a minimum of four (4) years of post-baccalaureate experience acceptable to the board at the date of application and shall have passed the fundamentals of engineering examination.

G. Applicants for the professional engineering license will be accepted after applicant has passed the professional engineering exam and has fulfilled the education and experience requirements. Successful passing of the professional engineering exam does not ensure licensure as a professional engineer. To satisfy the statutory requirement for board-approved engineering experience prior to licensure, a candidate with an ABET accredited engineering curriculum of four (4) years or more or equivalent as determined by the board shall have four (4) years of post-baccalaureate experience acceptable to the professional engineering committee, and a candidate with an ABET accredited engineering technology degree shall have six (6) years of post-baccalaureate experience acceptable to the professional engineering committee. After successfully completing the professional engineering examination, an applicant, if necessary to meet the licensing requirements in the New Mexico Engineering and Surveying Practice Act, shall update the application as provided by Subsection H of 61.39.3.9 NMAC.

J. An applicant with foreign credentials requesting licensure by examination or endorsement shall provide to the professional engineering committee's satisfaction, evidence that the applicants' qualifications are equal to, or exceed those in New Mexico.

K. All applicants for PE licensure shall also show proficiency in the English language and shall have a minimum of four (4)-years experience working in the United States under the direction of an engineer who will attest to the applicant's ability and knowledge.

16.39.3.13 ENDORSEMENTS: For the purpose of New Mexico licensees by endorsement from other states, or possessions, the professional engineering committee will only recognize licensure granted by those authorities when the professional engineering committee has determined that the applicant possesses qualifications which "do not conflict with the provisions of the Engineering and Surveying Practice Act and are of standard not lower than that specified in Sections 61-23-14 and 61-23-14.1, NMSA 1978". Conditions establishing eligibility for licensure by endorsement shall have been met at the time of initial licensure. Additionally, the applicant must have a current license in another state, the District of Columbia, a territory or a possession of the United States, or in a foreign country. Conditions for endorsement for licensure as a professional engineer shall be as follows:

A. graduation from an approved engineering curriculum, four (4) years of experience satisfactory to the professional engineering committee, and passing of the eight (8)-hour fundamentals and eight (8)-hour professional examinations; (1979 law and 1987 law);

B. graduation from an ABET accredited engineering technology program, six (6) years of experience satisfactory to the professional engineering committee, and passing of the eight (8)-hour fundamentals examination and 8-hour professional examination(1993 law);

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C. licensure prior to July 1, 2002 graduation from an ABET accredited engineering technology program or from an engineering or related science curriculum approved by the committee, six (6) years of experience satisfactory to the professional engineering committee, and passing of the eight (8)-hour fundamentals and eight (8)-hour professional examination (1993 law);

D. licensure prior to July 1, 1993 by graduation from an engineering or related science curriculum other than the ones approved by the committee, eight (8) years of experience satisfactory to the professional engineering committee, and passing of the eight (8)-hour fundamentals and eight (8)-hour professional examination (1979 law and 1987 law);

E. licensure prior to July 1, 1993, by graduation from an engineering or related science curriculum, twenty (20)-years experience satisfactory to the professional engineering committee, and passing the eight (8)-hour professional examination (1979 law and 1987 law);

F. licensure prior to July 1, 1940, by twelve (12) years of experience satisfactory to the professional engineering committee (1934 law);

G. licensure prior to July 1, 1957, by graduation from an approved curriculum, and four (4) years or more of experience satisfactory to the professional engineering committee (1935 law);

H. licensure prior to July 1, 1957, by passing a written and oral examination designed to show knowledge and skill approximating that attained through graduation from an approved curriculum, and four (4) years or more of experience satisfactory to the professional engineering committee (1952 law);

I. licensure prior to July 1, 1967, by twenty-four (24) years of experience satisfactory to the professional engineering committee, and by passing an oral examination (1957 law);

J. licensure prior to July 1, 1967, by graduation from an approved curriculum prior to July 1, 1957, and passing the eight (8)-hour professional examination (1957 law);

K. licensure prior to July 1, 1979, by eight (8) years of experience satisfactory to the professional engineering committee, and by having passed the eight (8)-hour fundamentals and 8-hour professional examinations (1969 law);

L. licensure prior to July 1, 1979, by thirty (30) years of experience, the last twelve (12) years of which must have been of outstanding nature and by having been nationally eminent among his peers (1967 law);

M. for the purposes of endorsement, an approved engineering curriculum shall be an ABET accredited engineering curriculum of four (4) years or more or equivalent as determined by the board.

SURVEYING

16.39.5.8 APPLICATION - SURVEYOR INTERN AND PROFESSIONAL SURVEYOR: 661 Professional Surveyors and Surveyor Interns (6%)

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B. Any application, to be complete, must include acceptable replies from references, official transcript(s) provided directly from the university; and if applicable, verification(s) of prior examinations taken in other state(s).

D. Applications for surveying intern certification will be accepted after an applicant has passed the fundamentals of surveying exam and has graduated from a board-approved, four (4)-year surveying curriculum, or if a graduate of an approved four (4)-year curriculum in a related science as defined by Subsection C of 16.39.5.7 NMAC above and augmented with four (4) years of combined office and field board approved surveying experience obtained under the direction of a licensed professional surveyor. Class time will not be counted in the four (4) years of experience, but work prior to or while attending school may be counted toward the four (4) years of required experience at the discretion of the board.

E. Applicants for the principles and practices of surveying examination having graduated with a board-approved four (4)-year surveying curriculum of four (4) years or more, or with a related-science degree, as determined by the board shall have a minimum of four (4) years of experience acceptable to the professional surveying committee at the date of application and shall have passed the fundamentals of surveying examination.

F. No applicant will be eligible to take the professional surveying examination whose application for eligibility has not been completed, reviewed and approved by the board, as set forth in 16.39.5.8 NMAC.

G. Applicants for the professional surveying license will be accepted after applicant has passed the professional surveying exam and has fulfilled the education and experience requirements. Successful passing of the professional surveying exam does not ensure licensure as a professional surveyor. To satisfy the statutory requirement for board-approved surveying experience prior to licensure, a candidate with a board-approved surveying curriculum of four (4) years or more as determined by the board shall have four (4) years of experience acceptable to the professional surveying committee. This experience may be acquired before or after certification as a surveying intern. A candidate with a related science degree shall have four (4) years of surveying experience acceptable to the professional surveying committee subsequent to certification as a surveying intern. After successfully completing the professional surveying examination, an applicant, if necessary to meet the licensing requirements in the New Mexico Engineering and Surveying Practice Act, shall update the application as provided by Subsection H of 61.39.5.8 NMAC.

J. An applicant with foreign credentials requesting licensure by examination or endorsement shall provide to the professional surveying committee's satisfaction, evidence that the applicant's qualifications are equal to or exceed the qualifications for licensure in effect in New Mexico at the time of application.

K. All applicants for professional surveyor license shall show proficiency in the English language and shall have a minimum of four (4) years of experience if a graduate of a board approved, four (4) year surveying curriculum or eight (8) years if a graduate of a board approved related science curriculum, working in the United States under the direction of a licensed professional surveyor who can attest to the applicant's ability and knowledge as a competent surveyor.

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16.39.5.12 ENDORSEMENTS: For the purpose of New Mexico licensees by endorsement from other states, or possessions, the professional surveying committee will only recognize licensure granted by those authorities when the professional surveying committee has determined that the applicant possesses qualifications which “do not conflict with the provisions of the Engineer and Surveying Practice Act and are of standard not lower than that specified in Sections 61-23-27.3 and 61-23-27.4 NMSA 1978”. Conditions establishing eligibility for licensure by endorsement shall have been met at the time of initial licensure. Additionally, the applicant must have a current license in another state, the District of Columbia, a territory or a possession of the United States, or in a foreign country. Conditions for endorsement for licensure as a professional surveyor shall be as follows:

A. Graduation from a four (4)-year board-approved surveying curriculum, four (4) years of experience satisfactory to the professional surveying committee, and passing of the fundamentals of surveying and professional surveying examinations (1995 law).

B. Graduation from an engineering or related science curriculum that are approved by the committee and augmented with eighteen (18) semester hours of surveying, eight (8) years of experience satisfactory to the professional surveying committee, and passing of the eight (8) hour fundamentals and eight (8) hour professional examinations (1995 law).

C. Licensure prior to July 1, 1995 by graduation from a two (2) year board-approved surveying or associated curriculum, eight (8) years of experience satisfactory to the professional surveying committee and passing of the eight (8) hour fundamentals and eight (8) hour professional examination.

D. Licensure prior to July 1, 1995 by graduation from a board- approved surveying or associated curriculum of at least forty-five (45) semester hours, eight (8) years of experience satisfactory to the professional surveying committee, and passing of the eight (8) hour fundamentals and eight (8) hour professional examination;

E. Licensure prior to July 1, 1979, eight (8) years of experience satisfactory to the professional surveying committee and passing of the eight (8) hour fundamentals and eight (8) hour professional examinations.

D. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

Management monitors performance measures for the NM Board of Licensure for Professional Engineers & Professional Surveyors. The purpose of the performance measures is to ensure the efficiency and effectiveness of the Board’s staff and timely completion of tasks such as processing of complaints, complying with the Open Meetings Act, and conducting compliance investigations. These measures can be used to ensure quality customer service. The Board meets regularly to review investigations and complaints as well as applications and examinations. Minutes are available on the Board’s website. In 2015 several Ethics courses were provided at no cost by the Board to the licensees.

E. Does your agency’s enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature

in the past to improve your agency's operations? If so, explain. Were the changes adopted?

The Agency's law does continue to correctly reflect the mission, objectives and approach to performing its functions. In July 2010 SB41 was signed into law and created 61-23-33 Notice of Boundary Survey for Certain Land Grants. In July 2012 HB105 was signed into law and increased the civil penalty from 5,000 to 7,500.

- F. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies? If applicable, briefly discuss any memorandums of understanding, interagency agreements, or interagency contracts.**

The Agency's functions do not duplicate or overlap those of another state or federal agency.

- G. In general, how do other states carry out similar functions?**

There are fifty (50) states, two (2) territories and three (3) commonwealths of the United States that carry out the same or similar functions.

- H. What key obstacles impair your agency's ability to achieve its objectives?**

The inability to fill the Agency's vacancies in order for the Agency to operate effectively. Once the Agency is fully staffed, the Boards goals and objectives will be attainable.

- I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).**

Possible changes to the antitrust immunity for state regulatory agencies.

- J. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**

- why the regulation is needed;

The Engineering and Surveying Program is needed to regulate the practices of engineering and surveying in the State as they relate to the welfare of the public in safeguarding life, health and property.

- initial and continuing requirements for licensure, registration, or certificate applicants;

Each licensee is required to obtain thirty (30) professional development hours (PDH) units during a biennium at least two (2) of which shall be in ethics. A maximum of ten (10) PDH units may be earned in self-directed study. If a licensee exceeds the biennial requirement in any biennial cycle, a maximum of fifteen (15) PDH units may be carried forward into the subsequent biennium in accordance with what has been previously reported to the board.

- the scope of, and procedures for, inspections or audits of regulated entities;

N/A

- follow-up activities conducted when non-compliance is identified;

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N/A

- sanctions available to the agency to ensure compliance;

Pursuant to 61-23-24 (Engineering, Violations, Disciplinary Action, Penalties, Reissuance of License) states "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 time with specific conditions or reprimand any professional engineer who is found by the board to have...

- (1) practiced or offered to practice engineering in New Mexico in violation of the Engineering and Surveying Practice Act;
- (2) attempted to use the license of another;
- (3) given false or forged evidence to the board or to a board member for obtaining a license;
- (4) falsely impersonated any other licensee of like or different name;
- (5) attempted to use an expired, suspended or revoked license;
- (6) falsely purported to be a professional engineer by claim, sign, advertisement or letterhead;
- (7) violated the rules of professional responsibility for professional engineers adopted and promulgated by the board;
- (8) been disciplined in another state for action that would constitute a violation of either or both the Engineering and Surveying Practice Act or the rules adopted by the board;
- (9) been convicted of a felony; or
- (10) procured, aided or abetted any violation of the provisions of the Engineering and Surveying Practice Act or the rules of the board.

Pursuant to 61-23-27.11. (Surveying – Violations, Disciplinary Actions, Penalties, Reissuance of Licenses) the board may suspend, refuse to renew or revoke the 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 a professional surveyor who is found by the board to have:

- (1) practiced or offered to practice surveying in New Mexico in violation of the Engineering and Surveying Practice Act [61-23-1 NMSA 1978];
- (2) attempted to use the license of another;
- (3) given false or forged evidence to the board or to any board member for obtaining a license;
- (4) falsely impersonated any other licensee of like or different name;
- (5) attempted to use an expired, suspended or revoked license;
- (6) falsely purported to be a professional surveyor by claim, sign, advertisement or letterhead;
- (7) violated the rules of professional responsibility for professional surveyors adopted and promulgated by the board;
- (8) been disciplined in another state for action that would constitute a violation of either or both the Engineering and Surveying Practice Act or the rules adopted by the board pursuant to the Engineering and Surveying Practice Act;
- (9) been convicted of a felony; or
- (10) procured, aided or abetted any violation of the provisions of the Engineering and Surveying Practice Act or the rules adopted by the board.

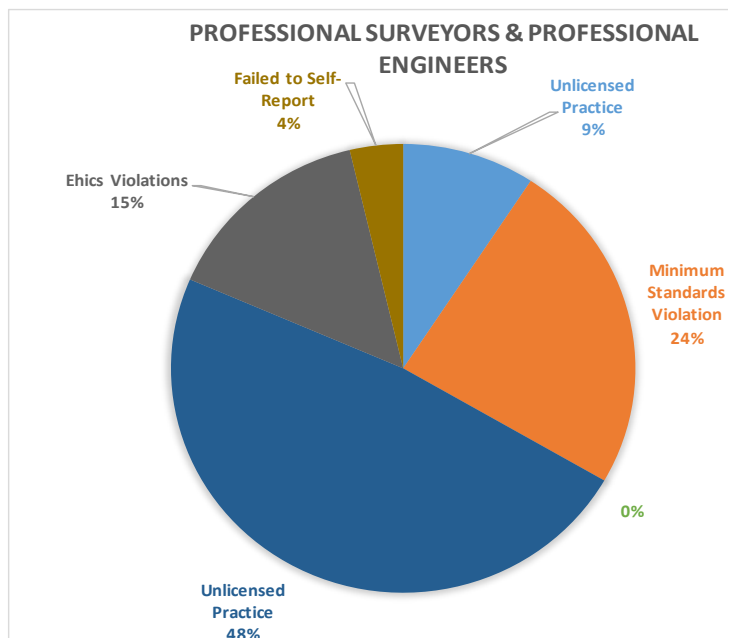
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The Uniform Licensing Act (61-1-3 NMSA 1978) gives the Board the authority to take the following action after every licensee or applicant is afforded notice and an opportunity to be heard:

- Deny permission to take an examination for licensing for which application has been properly made as required by board rule;
 - Deny a license after examination for any cause other than failure to pass an examination;
 - Deny a license for which application has been properly made as required by board rule on the basis of reciprocity or endorsement or acceptance of a national certificate of qualification;
 - Withhold the renewal of a license for any cause other than:
 - failure to pay the required renewal fee;
 - failure to meet continuing education requirements; or
 - issuance of a temporary license extension if authorized by statute.
 - Suspend of a license;
 - Revoke of a license;
 - Place restrictions or limitations on the scope of a practice;
 - Require a licensee or applicant to complete a program of remedial education or treatment;
 - Require monitoring of a licensee’s practice by a supervisor approved by the board;
 - Censure or reprimand of the licensee or applicant;
 - Require conditions of probation or suspension for a specific period of time;
 - Require payment of a fine for a violation not to exceed one thousand dollars (\$1,000) for each violation, unless a greater amount is provided by law;
 - Place licensee on a corrective action, as specified by the board; or
 - Require a licensee to issue a refund to the consumer of fees that were billed to the consumer of fees that were billed to and collected from the consumer by the licensee.
- the number and types of complaints received for the past three fiscal years;
Professional Surveyors 67% Professional Engineers 11%;

Professional Surveyors
Total=18
Unlicensed Practice=5
Minimum Standards Violation=13

Professional Engineers
Total=36
Unlicensed Practice=26
Ethics Violation=8
Failed to Self-Report=2



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- procedures for handling consumer/public complaints against Licensees; and
The following complaint procedures are used for the Board:
 - Complaints must be submitted to the Board Office on a notarized Complaint Form. Complainants are logged and processed within three days of receipt.
 - An acknowledgement letter is sent to the complainant.
 - A letter is sent to respondent with a copy of the complaint and a request for response.
 - The Compliance Officer will provide the Investigator with the complaint, responses, and evidence received by the Board.
 - The complaint is presented to the Board's respective Committee at their next meeting, once the Investigator's report is complete.
 - The Committee reviews the complaint, response, and any additional documentation or evidence available.
 - The Committee will determine whether they have enough information to go forward with issuing a Notice of Contemplated Action (NCA) or vote to dismiss the case.
 - If the Committee determines violations occurred they will identify and cite specific violations of the Board's Statutes and/or Rules; what action or behavior caused/resulted in the violations; and what disciplinary action, if any, would be appropriate to take against the respondent.
 - Refer to the Attorney General's Office for the issuance of a Notice of Contemplated Action (NCA) with, or without, proposed early resolution.
 - When the Board returns to open session, they will make motions and vote on the actions discussed in executive/closed session. Committee members abstain or recuse themselves from voting on action who may not be able to make an impartial decision to avoid the appearance of any bias.
 - Following the Board Meeting, the Investigator will complete the Board's directives which may include requesting additional information or documentation. The Compliance Officer sends closure letters to the complainant and respondent, and preparing a request/referral to the Attorney General's Office (AGO) – Litigation Division for the issuance of a Notice of Contemplated Action (NCA).
 - The AGO will determine whether they will prosecute or decline to prosecute the matter. They may also decide to propose an early resolution to the respondent without the need to issue a NCA or proceed to a formal hearing.
 - If the matter does not result in an early resolution, the AGO may proceed with the issuance of a NCA and the respondent will be afforded an opportunity to request a hearing.
 - After the NCA is issued the AGO will prosecute the matter at a formal hearing before a Hearing Officer appointed by the Board, and in accordance with the ULA.
 - The AGO may resolve the matter through a settlement agreement; or
 - The matter will be referred to the Board for the issuance of a Default Order if respondent does not request a hearing.
 - If the matter is resolved through a settlement agreement, the Board will review and consider the allegations and proposed resolution. The Board may:
 - vote to accept the proposal, offer a counter proposal; or
 - decline the proposal and refer to a formal hearing.
 - If the matter goes through a formal hearing, the matter will be referred to the Board for

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deliberation within ninety (90) days after the hearing has concluded to consider:

- o the Hearing Officer's Findings of Fact and Conclusions;
- o the evidence and testimony presented at the hearing;
- o the appropriate disciplinary action for the violations identified, if any.
- o The Board will vote issue a Decision and Order through their Open Government Attorney and Compliance Liaison.
- If the matter is referred to the Board for the issuance of a Default Order, the Board will:
 - o consider the allegations, violations, evidence and severity of the matter;
 - o determine the appropriate action to impose on the respondent; and
 - o issue a Default Order through their Open Government Attorney and Compliance Liaison.
- The Compliance Officer will monitor and assure compliance with all Board orders (Settlement Agreement, Decision and Order or Default Order).
- issues surrounding enforcement of unregulated activity, if applicable.

If a firm advertises engineering or surveying services without having a licensed engineer or surveyor on staff, a complaint is initiated and investigated following the procedures outlined above.

K. What are your agency's biggest opportunities for improvement in the future? Are these included in your agency's strategic plan?

Due to the Boards vacancy rate, specific goals have not been able to be met. Listed below are some of the goals the Agency is working towards:

- Outreach Programs
- Records Management
- Staff Development/Trainings
- Improve communication through e-mail distribution system and programs.

L. In the following chart, provide information regarding your agency's key performance measures including outcome, input, efficiency, and explanatory measures.

Table 2: Key Performance Measures

No.	Performance Measure	FY15 Actual	FY16 Actual	FY16 Target	FY17 Target
1	Percent of consumers requesting information who are provided with information.	100%	100%	100%	100%
2	Number of examinations administered.	515	552	600	600
3	Number of licenses of certifications issued within one year.	843	731	725	750
4	Percent of cases resolved through compliance or legal action within one year.	20%	33%	95%	95%
5	The number of days, upon receipt of a complaint, to process and investigate a complaint and present it to the respective professional committee of the board.	90	90	180	180

*

M. If applicable, explain why certain targets for key performance measures were not met.

Target was not met for number of examinations administered due to less applicants registering for the Fundamentals of Engineering and Fundamentals of Surveying Exams. This phenomenon has been experienced nationally, the cause has been attributed

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Target was not met for the percent of compliance for legal action with one year. The process to contract a Professional Engineer Investigator was done through a request for proposal (RFP) since the Board encountered issues with the standard contract process. The RFP process began in August 2015 and was finalized approximately four months later. This caused a back log of investigations which the Board is working on currently resolving. The contract Investigator is diligently working on cases to ensure no complaints are closed due to the statute of limitations.

N. Provide a timeline of your agency’s history and key events, including:

- the date your agency was established;

February 21, 1935

- the original purpose and responsibilities of your agency;

The Board of Licensure for Professional Engineers and Professional Surveyors was created under Chapter 61, Article 23 NMSA 1978 known as the New Mexico Engineering and Surveying Practice Act (Act). Through this Act, the legislature declared that it is a matter of public safety, interest and concern that the practice of engineering and surveying merit and receive the confidence of the public and that only qualified persons are permitted to engage in the practices of engineering and surveying.

It is the Board’s responsibility with the authority to 1) ensure that all applicants meet the specific requirements for licensure as set forth in the Act; 2) to promulgate rules, regulations, and professional standards of practice to be applied to all applicants, and/or licensees; and 3) to ensure violators of the statutes, rules, regulations and professional standards are prosecuted to the extent of the law.

The public and the public’s well-being are of the greatest concern and the foremost important constituency served by the Board; the second most important constituency is the Board’s applicants and licensees.

- major changes in responsibilities or statutory authority;

There have been no major changes in the responsibilities or statutory authority.

- changes to your policymaking body’s name or composition;

Refer to Table 3.

- significant changes in state/federal legislation, attorney general opinions, or funding;

N/A

- significant state/federal litigation that specifically affects your agency’s operations; and

N/A

- key changes in your agency’s organization (e.g., a major reorganization of the agency’s divisions or program areas).

N/A

Table 3: Agency History and Major Events

Year	Major Event
1935	February 21, 1935 – Governor Clyde Tingley approved the NM Board of Registration for Professional Engineers and Land Surveyors. May 22, 1935 – Effective date of the Board. June 4, 1935 – The Board held its first Board

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	meeting.
	The original name of the Board was "State Board of Registration for Professional Engineers and Land Surveyors"
1936	June 30, 1936 – 302 registrations were made during the fiscal year.
1986	Change of name to "State Board of Registration for Professional Engineers and Surveyors"
1995	Applicants for a Surveyor license required to have a degree from a four year board approved surveying curriculum, or from an engineering or related science curriculum augmented with 18 semester hours in surveying.
1999	Change of name to "State Board of Licensure for Professional Engineers and Surveyors"
2005	Change of name to : "State Board of Licensure for Professional Engineers and Professional Surveyors"

See Attachment A for Rule Change History

III. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Table 4: Policymaking Body

Member Name	Term/Appointment Dates/Appointed by (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Augusta Meyers	1st Term/ 7-1-10 thru 7-1-15/ Governor	Public Member	Albuquerque
Clifford Spirock	1st Term/ 11-13-14 thru 7-1-18/ Governor	Professional Surveyor	Corrales
David Cooper	1st Term/ 7-11-14 thru 7-1-17/ Governor	Professional Surveyor	Albuquerque
Dr. Nadir Yilmaz	1st Term/ 5-23-16 thru 7-1-20/ Governor	Professional Engineer	Albuquerque
Glen Thurow	1st Term/ 7-2-13 thru 7-1-18/ Governor	Professional Surveyor	Albuquerque
Joshua Skarsgaard	1st Term/ 8-16-11 thru 7-1-16/ Governor	Public Member	Albuquerque
Julie Samora-Petrocco	2nd Term/ 7-1-09 thru 7-1-19/ Governor	Professional Engineer	Albuquerque
Karl Tonander	1st Term/ 11-14-14 thru 7-1-19/ Governor	Professional Engineer	Las Cruces
Paul Brasher	1st Term/ 7-15-11 thru 7-1-16/ Governor	Professional Engineer	Albuquerque
Ronald Bohannon	1st Term/ 11-28-12 thru 7-1-17/ Governor	Professional Engineer	Albuquerque

B. Describe the primary role and responsibilities of your policymaking body.

The purpose of the Board of Licensure for Professional Engineers and Professional Surveyors is to carry out the provisions of the New Mexico Engineering and Surveying Practice Act. The Board's statutory mandate is to safeguard life, health, and property and to promote the public welfare. The Board is authorized by the Act to regulate the practices of engineering and surveying. The functions of the Board include: licensure of qualified individuals as professional engineers and professional surveyors; certification of engineer interns and surveyor interns; promulgation of rules and regulations, including the development of professional standards for the practice of engineering and surveying, and enforcement. [61-23-2, NMSA 1978]

C. How is the chair selected?

In accordance with 16.39.1.11 NMAC, the Board elects its officers annually, at the last meeting of the fiscal year.

D. Please list all vacant positions and the date of vacancy.

No vacancies. (Paul Brasher & Joshua Skargaard will expire on 7-1-16)

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E. List any special circumstances or unique features about your policymaking body or its responsibilities. State if there are any specific requirements for public or professional members.

The Board is comprised of ten Board members, “five licensed professional engineers, at least one of whom shall be in engineering education, three licensed professional surveyors, and two public members.” [61-23-5. A., NMSA, 1978]

The Act states: “Each engineer member of the board shall be a citizen of the United States and a resident of New Mexico. Each shall have been engaged in the lawful practice of engineering as a professional engineer for at least ten years, including responsible charge of engineering projects for at least five years as a professional engineer licensed in New Mexico, or engaged in engineering education for at least ten years, including responsible charge of engineering education for at least five years, and shall be a professional engineer licensed in New Mexico.” [61-23-6. A., NMSA, 1978]

“Each surveyor member of the board shall be a citizen of the United States and a resident of New Mexico. Each shall have been engaged in the lawful practice of surveying as a professional surveyor for at least ten years, including responsible charge of surveying projects for at least five years as a professional surveyor licensed in New Mexico.” [61-23-6. B., NMSA, 1978]

“Each public member shall be a citizen of the United States and a resident of New Mexico, shall not have been licensed nor be qualified for licensure as an engineer, surveyor, architect, or landscape architect and shall not have any significant financial interest, direct or indirect, in the profession regulated.” [61-23-6. C., NMSA, 1978]

F. In general, how often does your policymaking body meet? How many times did it meet in the current fiscal year? How many times did it meet in the previous fiscal year?

Generally the Board meets five (5) times a year. This current fiscal year the Board met 8 times.

The meetings consisted of 5 regularly scheduled meetings, two additional Professional Surveying Committee meetings. A Rule Hearing was also held and a meeting took place immediately following to adopt proposed changes.

G. What type of training do members of your agency’s policymaking body receive?

Training for members includes a review of the New Mexico statutes, including but not limited to the Practice Act, Administrative Code, Uniform Licensing Act, Public Records Act, Open Meetings Act, and others. It also includes a review of the Board’s policies and procedures and processes. The Board’s legal counsel also provides additional training on statutes, including the role of the Board member in administrative hearings. Members are also encouraged to attend regional and annual meetings of the National Council of Examiners for Engineering and Surveying (NCEES), where issues pertaining to the practice and licensure of the professions are discussed. There are also special sessions for new members at the NCEES meetings. Networking among other members from different states is also encouraged.

H. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

16.39.1.12 DUTIES OF THE BOARD, OFFICERS OF THE BOARD, AND THE EXECUTIVE DIRECTOR:

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A. The board shall act as a whole in all administrative, financial and personnel matters and any other activity not specifically related to the practices of engineering or surveying.

B. The board shall appoint an executive director who shall serve at the pleasure of the board.

C. The chair of the board shall preside at all meetings; shall appoint all committees; shall sign all certificates of licensure, vouchers and other official documents; and shall otherwise perform all duties pertaining to the office of the chair.

D. The vice-chair shall, in the absence or incapacity of the chair, exercise the duties and shall possess all the powers of the chair.

E. The secretary of the board shall co-sign all certificates of licensure and in the absence or incapacity of the chair and vice-chair, exercise the duties and shall possess all the powers of the chair.

F. The executive director shall perform and supervise the following for the board and professional engineering and professional surveying committees:

(1) conduct and care for all correspondence in the name of the board, the professional engineering committee and the professional surveying committee;

(2) record and file all applications, certificates of licensure, examinations, licenses and revocations for both professional engineering and professional surveying committees;

(3) prepare and submit to the board, at the first meeting of each fiscal year for review and approval, an annual report of board activities and statistics for the preceding fiscal year, including a financial report; prepare the approved annual report for transmittal to the governor;

(4) keep a record of all meetings of the board and committees and maintain a proper account of the business of the board; a draft of the meetings' minutes shall be provided to each member for comment within ten (10) working days after each meeting; a final draft shall be provided to each board member at the next meeting for final approval;

(5) receive and account for all funds and transfer same to state treasurer within twenty-four (24) hours of receipt; authorize and approve payment by department of finance and administration invoices and vouchers for only those expenditures included in the board's approved operating budget;

(6) present and submit to the board at the first meeting of each fiscal year a financial report prepared by the rules of generally accepted accounting principles as of the preceding June 30th, such report to include the reporting of the transactions of the board during the preceding fiscal year, and a complete statement of the receipts, expenses and expenditures of the board; upon being approved by the board, shall be included in the annual report and submitted to the governor;

(7) receive and review licensure applications for completeness for consideration by the respective committees;

(8) schedule and arrange for the administration of written examinations provided for in the Engineering and Surveying Practice Act, content of which having been approved by the board or respective

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professional engineering or professional surveying committees; when requested by the applicant, the director shall make reasonable accommodations for the testing of an applicant with a certified disability in accordance with the provisions of the Americans with Disabilities Act and who meets the minimum qualifications in the Engineering and Surveying Practice Act and these rules; when necessary qualified assistance, approved by the board, may be retained Title 16, Chapter 39, Parts 1, 2, 3, 4, 5, 6, 7, 8 NMAC 2

for conduct of examinations;

(9) prepare and maintain a current roster on the board's website, and furnish copies to the public upon request and payment of a fee as determined by the board; in accordance with Section 61-23-13 NMSA 1978;

(10) provide one (1) week in advance of each meeting, drafts of the agenda of the meeting to each member of the board;

(11) publish an annual newsletter at a minimum;

(12) direct investigations of any alleged violations or infringements of the Engineering and Surveying Practice Act; a written report covering status of protest actions and alleged violations shall be presented to the appropriate committee at each meeting; this may be in the form of appropriate commentary recorded in the minutes, supported by a separate file on the case; when necessary, qualified assistance, approved by the board, may be retained for conduct of investigations;

(13) file formal disciplinary actions upon approval by the board with the appropriate jurisdiction for prosecution of alleged violations of the act and/or the board's rules.

I. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

The Executive Director presents financial reports, licensure statistical data, exam passing rates, and present personnel issues as needed. In addition, any correspondence from the public for the Board's consideration.

J. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The Board adheres to the Uniform Licensing Act and the Open Meetings Act to ensure proper rule making. Notices of proposed changes to the rules are sent to the Licensees, Professional Societies/Associations, and noticed in a newspaper of general circulation, at least 30 days prior to the rule hearing being convened. The Board office receives comments from the public, which are entered as exhibits at the rule hearing.

The Board office, in addition, receives correspondence from the public which are placed on the agenda for the Board's review. The public is also encouraged to attend meetings to address their issues.

K. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

Table 5: Subcommittees and Advisory Committees

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Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee
Professional Engineering Committee (PEC)	6 Members/ 5 Professional Engineer Board members and 1 public member/ Appointment is through the Governor.	<p>“The professional engineering committee shall adopt and promulgate rules of professional responsibility exclusive to the practice of engineering. All such bylaws and rules shall be binding upon all persons licensed pursuant to the Engineering and Surveying Practice Act.” (61-23-10. C., NMSA, 1978)</p> <p>The PEC reviews applications for engineering licensure, as well as, complaints pertaining to engineering.</p>	61-23-10. C., NMSA, 1978
Professional Surveying Committee (PSC)	4 Members/ 3 Professional Surveyor Board members and 1 public member/ Appointment is through the Governor.	<p>“The professional surveying committee shall adopt and promulgate rules of professional responsibility exclusive to the practice of surveying. All such bylaws and rules shall be binding upon all persons licensed pursuant to the Engineering and Surveying Practice Act.” (61-23-10. D., NMSA, 1978)</p> <p>The PSC reviews applications for engineering licensure, as well as, complaints pertaining to engineering.</p>	61-23-10. D., NMSA, 1978
Joint Engineering and Surveying Committee	4 Members/ 2 members from the Professional Surveying Committee, 2 members from the Professional Engineering Committee, which are the public member and the Chair of each respective Committee / Appointed by the Act.	<p>“The joint engineering and surveying standing committee shall have the exclusive authority over practice disputes between engineers and surveyors to determine if any proposed rules of professional responsibility are exclusive to the practice of engineering or exclusive to the practice of surveying so that rulemaking authority is delegated to the engineering committee or to the surveying committee. Determination of exclusive practice of engineering or surveying requires an affirmative vote by no less than three members of the committee. If an affirmative vote of three members cannot be achieved, the determination of exclusivity shall be made by the full board.” (61-23-10. E. , NMSA, 1978)</p>	61-23-9. D. & 61-23-10. E. , NMSA, 1978
Joint Practice Committee (JPC)	7 Members/ 2 Professional Architects, 2 Registered Landscape Architects, 1 Professional Engineer, 1 Professional Surveyor, and 1 Public Member/ Appointment for Board member is through the respective Board. The public member is appointed through the JPC professional members.	<p>“The board, in cooperation with the board of examiners for architects and the board of landscape architects, shall create a joint standing committee to be known as the "joint practice committee". In order to safeguard life, health and property and to promote the public welfare, the committee shall have as its purpose the promotion and development of the highest professional</p>	61-23-10. K., NMSA, 1978

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		standards in design, planning and construction and the resolution of ambiguities concerning the professions. The composition of the committee and its powers and duties shall be in accordance with identical resolutions adopted by each board.” (61-23-10. K., NMSA, 1978)	
Enforcement Committees	Advisory A minimum of 4 licensed Professionals/ Appointed by the Board.	“The board shall create enforcement advisory committees composed of licensees as necessary. Each committee shall include at least four licensees in the same category as the respondent. An engineering enforcement advisory committee shall have at least one licensee in the same branch as the respondent. Enforcement advisory committees shall provide technical assistance to the board and its staff. The board shall select members from a list of volunteers submitting their resumes and letters of interest.” (61-23-10. I., NMSA, 1978)	61-23-10. I., NMSA, 1978

IV. Funding

A. Provide a brief description of your agency’s funding.

Pursuant to section 61-23-11. (Receipts and Disbursement-Fund Created) A. states “The professional engineers and surveyors fund is created in the state treasury. The executive director of the board shall receive and account for all money received under the provisions of the Engineering and Surveying Practice Act [61-23-1 NMSA 1978] and shall pay that money to the state treasurer for deposit in the fund. Money in this fund shall be paid out only by warrant of the secretary of finance and administration upon the state treasurer, upon itemized vouchers approved by the chairman and attested by the executive director of the board. All money in the fund is appropriated for the use of the board. Earnings from investment of the fund shall accrue to the credit of the fund.”

The Primary source for revenues for the Board is registration fees. The two-year cycle for the registration culminates with all current registration expiring on December 31st of the odd numbered calendar year.

B. Please fill in the following chart.

Table 6: Agency Budget Summary (dollars in thousands)

Category	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Projected
SOURCES				
General Fund Transfers				
Other Transfers				
Other Revenues	980.5	1,039.0	839.9	836.0
Fund Balance*	3,439.2	2,924.6	2,924.6	2977.5
SOURCES TOTAL	980.5	1039.0	839.9	839.9
USES				
Personal Services and Employee Benefits	404.4	277.8	504.8	530.0

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Contractual Services	65.3	179.5	224.5	224.5
Other Costs	109.8	74.7	110.6	100.0
Other Financing Sources (overhead)	133.3	131.7	135.0	135.0
TOTAL USES	712.8	663.7	974.9	989.5
FTE				
Permanent	8.0	8.0	8.0	8.0
Term				
Temporary				
TOTAL FTE POSITIONS	8.0	8.0	8.0	8.0

*Fund Balance was not utilized for budget expenses/ Fund Balance swept of one million at the end of FY16.

C. If you receive funds from multiple federal programs, show the types of federal funding sources.

Table 8: Federal Funds/Other Grants

Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
N/A				
TOTAL				

D. If applicable, provide detailed information on fees collected by your agency.

Table 9: Fee Revenue

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (i.e., Fund Name)
Application and examination fees	61-23-17 61-23-27.5 61-23-27.6	FY16 950 Applicants	165,200	Professional Engineers and Surveyors Fund
Engineering/Surveying licensure and renewal fees/expiration	61-23-20 61-23-27.7	FY16 4,727	812,500	Professional Engineers and Surveyors Fund
Engineering/Surveying Violations disciplinary action penalties	61-23-24 61-23-27.11 61-23-20 61-23-27.7	FY16 238	48,040	Professional Engineers and Surveyors Fund

E. If fees are set by your agency, provide detailed information on how fees are determined. Include a description of any proposed changes to agency fee and revenue structure.

The New Mexico Board of licensure for Professional Engineers and Professional Surveyors adopt the fee schedule and review the fees on a regular basis to determine if fees need to be modified. A fee analysis is done and presented to the Board to determine if fees need to be changed.

F. If contracted expenditures are made through this program, please provide:

- a short summary of the general purpose of the contracts;

The Board contracts with a Professional Engineer and a Professional Surveyor for investigative Services. In addition, the Board is required to contract with a firm to conduct the annual audit for the Boards financial responsibilities. The Board also contracts for web site hosting.

- the expenditure amount for the latest fiscal year;

The total amount expended in contractual services in FY16 was \$43,063. The amount will increase as the Board receives final invoicing for the month of June.

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- the number of contracts accounting for those expenditures;

There was a total of four contracts done in fiscal year 2016.

- top five contracts by dollar amount, including contractor and purpose;

1. Charles Cala, Investigative services for surveying \$20,000 original and increased by 15,000 for a total of \$35,000.
2. Joe B. Engineering LLC, Investigative services for engineering \$23,000
3. Barraclough & Associates, for Audit Services \$12,800
4. Real Time Solutions Inc, for Web site hosting and maintenance \$7,074.38

- the methods used to ensure accountability for funding and performance; and

The Board reconciles revenue and expenditures on a monthly basis to ensure proper funding and compliance with the State Procurement Code.

- a short description of any current contracting problems.

The Board initiated a request for proposal (RFP) for investigative services which caused a delay since the process for completing the RFP procedures requires more time. This allowed the contractor to receive approval for extension not to exceed three years.

G. If applicable, provide a projection of ending cash balances for the latest fiscal year. If cash balances represent more than 5 percent of recurring appropriations, state reasons for this condition and any planned uses for remaining cash balances.

The projected ending cash balance for FY16 is estimated at 2,439.0. This is due to the Board having three vacancies which created a vacancy savings of 138,206.

The Board has established fees to provide sufficient revenues to meet operational requirements and to maintain at least one year's operating budget in the Board's cash fund.

V. Organization

A. Provide an organizational chart that includes major programs and divisions, showing the number of FTE in each program or division. Details should include, if possible, department heads with subordinates and actual FTE with budgeted FTE. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field or regional offices are used, if applicable.

See Attachment B.

B. Please fill in the following chart.

Table 10: Agency FTE and Vacancies

	FY15 Actual	FY16 Actual	FY17 Budget	FY18
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				Projected
Budgeted FTE Positions	8	8	8	8
Number of Actual FTE as of June 30	4	5	6	8
Annual Vacancy Savings (in dollars)	152.9	132.2	17.7	-

Compliance Officer – vacant since January 16, 2016

Bus Ops Supervisor – vacant since October 24, 2015

Licensing Clerk – vacant since March 15, 2014

C. If applicable, fill in the chart below listing field or regional offices.

Table 11: FTE by Location

Headquarters, Region, or Field Office	Location	Co-Location? Yes/No	Number of Budgeted FTE (latest fiscal year)	Number of Actual FTE as of June 1 (latest fiscal year)
N/A				

D. List each of your agency’s key programs or functions, along with expenditures and FTE by program.

Table 12: List of Program FTE and Expenditures

Key Function/Strategy	Number of Budgeted FTE (latest fiscal year)	Number of Actual FTE as of June 1 (latest fiscal year)	Actual Expenditures (projected for FY17)
Executive Director	1	1	110,244
Deputy Director	1	1	93,615
Executive Assistant	1	1	44,616
Compliance Officer	1	1	52,644
Bus Ops Supervisor	1		70,827
Bus Ops-O	1	1	53,217
Bus Ops-O	1	1	61,906
Licensing Clerk	1		61,828
TOTAL	8	6	548,897

VI. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency’s operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue. Instead, this section is intended to give the Sunset Review committee a basic understanding of the issues so staff can collect more information during our detailed research on your agency.

Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency’s ability to get the job done? Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasigovernmental, etc.) may be included, but the Sunset Review committee has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. This section contains the following three components.

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A. Brief Description of Issue

The vacancy of three positions. As of this report, one vacancy has been advertised and should be filled by the end of June 2016.

B. Discussion. Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?

The concerns encountered with the vacancies is the work overwhelming current staff, as well as, the quality of work being produced at times that may affect the public and licensees.

- Who does this issue affect?

This issue affect the constituents of New Mexico and the licensees.

- What is the agency's role related to the issue?

The agency has been actively trying to fill its vacant positions throughout the past three years.

- Mention any previous legislative action related to the issue.

The Budget has been appropriated to fill the vacancies of the agency. The Agency continues to justify the need to fill the positions.

C. Possible Solutions and Impact. Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?

Once the positions are filled, the agency would operate more efficiently.

- How will the proposed change impact any entities or interest groups?

The agency will be able to provide outreach to the universities to promote licensure. In addition informational brochures will be created to enhance the knowledge of the general public and licensees.

- How will your agency's performance be impacted by the proposed change?

The agency's performance will be enhanced and allow it achieve the various goals the Board has set to be more pro-active with the licensees and the Universities to promote licensure.

- What are the benefits and possible drawbacks of the recommended change?

The benefits of being fully staffed would provide the opportunity to accomplish the goals.

- What is the fiscal impact of the proposed change?

There is no fiscal impact on filling the vacancies since they are budgeted for in the agency's annual budget.

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Complete this section for **each** issue. Copy and paste components A through C as many times as needed to discuss each issue.

VII. Other Contacts

A. Fill in the following chart with updated information on individuals or groups with an interest in your agency.

Table 15: Other Contacts

Group or Association Name/ Contact Person	Physical Address	Telephone Number	Email Address
Glen Thurow, PS, Board Chair	5700 Harper Drive NE, Ste. 220, Albuquerque, NM 87109	505-274-8571	glen@landlinks.net
Ron Bohannon, PE, Board Chair Elect	Tierra West, LLC 5571 Midway Park Place, NE, Albuquerque, NM 87109	505-858-3100 (work) 505-238-5385 (cell)	rrb@tierrawestllc.com
New Mexico Society of Professional Engineers (NMSPE) – Wayne Yevoli/ Dr. Walter Gerstle, PE/ Kendra Yevoli		505-977-7353	Nmspe.state@gmail.com NMSPE.ABQ@gmail.com
New Mexico Professional Surveyors (NMPS) – David Acosta, PS/ Patty Floyd	412 N. Dal Paso, Hobbs, NM 88240	575-393-1462	Patty.nmps@gmail.com
American Council of Engineering Companies (ACEC) - Dawn Tibbetts		505-888-6161	acecnm@acecnm.org

VIII. Agency Comments

Provide any information needed to gain a preliminary understanding of your agency.