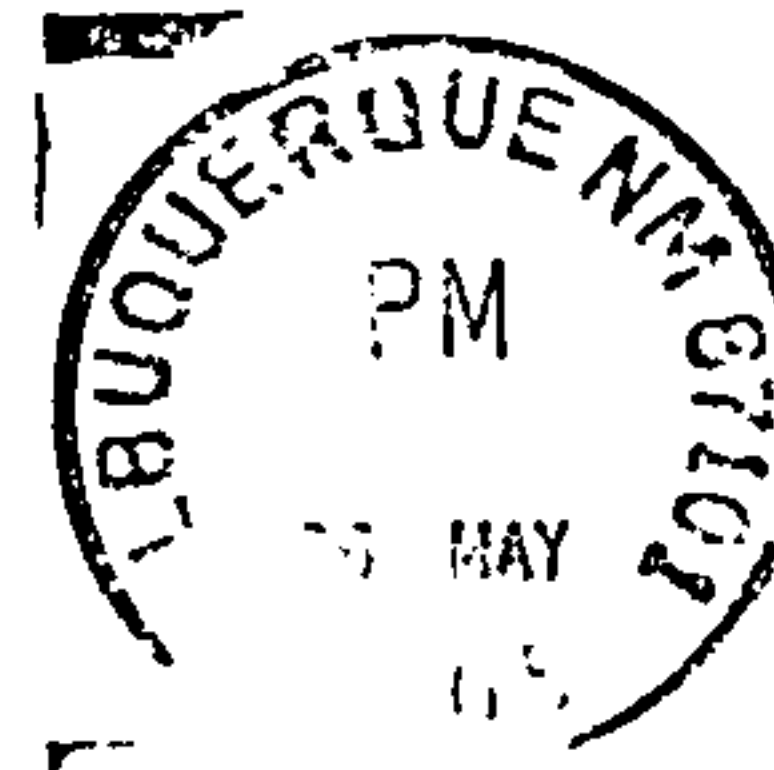


BRASHER & LORENZ, INC.
2201 San Pedro NE
Building 1, Suite 1200
Albuquerque, New Mexico 87110



Richard H. Dourte, PE, City Engineer
Development and Building Services Division
Planning Department
City of Albuquerque
PO Box 1293
Albuquerque, New Mexico 87103

87103+1293



rec'd 5-11-05 *af*



BRASHER & LORENZ, INC.
CONSULTING ENGINEERS

2201 San Pedro NE Bldg 1 Suite 1200 • Albuquerque, NM 87110 • Phone (505) 888-6088 • Fax (505) 888-6188 • www.brasherlorenz.com

May 6, 2005

Richard H. Dourte, P.E., City Engineer
Development and Building Services Division
Planning Department
City of Albuquerque
P. O. Box 1293
Albuquerque, NM 87103

Re: **Jeffrey G. Mortensen, P.E.**
Elastimold (K10/D11) - LOMR

FILE

Dear Mr. Dourte:

I have received, reviewed and discussed with others a letter dated February 18, 2005, from Jeffrey Mortensen to you regarding certain plans I worked on and submitted to the City. I take this opportunity to write to you, with a copy to Mr. Mortensen, explaining my actions and my position.

The original Grading and Drainage Plan and Certification Mr. Mortensen prepared for the Elastimold property was prepared by him and submitted by him to the City. The City approved his Grading and Drainage Plan and Certification, and in so doing, placed it on file as a plan of record. As a record document, it is available for reference and citation by others, and having been prepared under the direction of a professional engineer, can be considered reliable. By highlighting information already available on the plan of record, I used a copy of Mr. Mortensen's approved plan only as an exhibit, in order to assist FEMA with their review of the plan. I did not obscure the context of Mr. Mortensen's plan and did not claim or conceal his work in any way. On the contrary, I clearly, and in detail, specified on the exhibit, the intent of the exhibit, and took responsibility for my notations.

Mr. Mortensen is correct when he states in his February 18th letter that I did not consult with him ahead of time and/or seek his permission to make the modifications to his plan which was already on file with the City. I have discussed this with several respected colleagues and believe that it is a matter of internal company policy among engineers whether to seek or not to seek permission or prior authorization to utilize plans which are already on file. My understanding is that permission or prior authorization is not "required" nor recognized as being required by either State Statute or by the State of New Mexico Engineering and Surveying Practice Act. I do not agree with Mr. Mortensen that my use of such plans is "unprofessional", "unauthorized", or that my behavior in using a filed plan is not acceptable within the professional community. As I indicate, based upon my own experience, and my discussions with other recognized professionals, my actions here were professional, ethical and acceptable. As is the case with all work done by me and my firm, we stand behind our work, and we have never attempted to "embellish" other's work as our own.

drainage plan
on file?

Check Microfilm
NO Plans on file - sketch
NO Master plan

Richard H. Dourte, P.E., City Engineer
May 6, 2005
Page 2

Although Mr. Mortensen's February 18, 2005 letter to you is rather confrontational, and accuses me of unprofessional and embarrassing conduct, I welcome this opportunity to set the record straight and to defend my actions in this matter. I believe that the notations that I made on this plan clearly reflect and distinguish the work that I did versus the work that Mr. Mortensen did, and I believe that "the honor system still does work." It is a system that I respect and comply with.

I disagree with Mr. Mortensen that the City was inattentive or otherwise at fault in accepting the work, which included the exhibit in question. I see the City's role in review of engineering submittals as primarily one of ensuring that the City's technical and procedural requirements are met, and that work it approves does not place the City or public at risk. Nothing in this whole issue places the City or public at risk. I do not believe it is the City's responsibility or charge to police issues of ethics or professionalism. As suggested by Mr. Mortensen, if the City, under similar circumstances, requires a release letter from the original engineer, then such a policy might avoid situations such as this one, but I am not certain that such a requirement is necessary, especially given the clarity with which amendments are typically made to plans, including in this instance.

While I flatly deny Mr. Mortensen's assertion of unprofessional or unethical conduct, his complaint does not go unnoticed. From today forward, I am adopting a policy in my office of seeking written permission prior to utilizing any existing or filed plans prepared by others.

As always, thank you very much for your attention to these matters, and if I can be of any further assistance, please call me.

Sincerely,

BRASHER & LORENZ, INC.



Dennis A. Lorenz, PE
Principal

DL/th

cc: Jeffrey G. Mortensen, P.E.
Thomas M. Domme, Miller Stratvert, PA
Alice T. Lorenz, Miller Stratvert, PA



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 4, 1996

Jeff Mortensen, P.E.
Jeff Mortensen & Associates, Inc.
6010-B Midway Park Blvd. NE
Albuquerque, New Mexico 87109

RE: ENGINEER'S CERTIFICATION FOR ELASTIMOLD, TRACT A, ATRISCO BUSINESS PARK
(K10/D11), SUBMITTED FOR CERTIFICATE OF OCCUPANCY RELEASE, ENGINEER'S
STAMP DATED 3/28/96.

Dear Mr. Mortensen:

Based on the information provided in the submittal of March 29, 1996, the Engineer's
Certification for the above referenced project is acceptable for Certificate of Occupancy release.

If I can be of further assistance to you, please call me at 768-2666.

Sincerely,

Susan M. Calongne, P.E.
City/County Floodplain Administrator

c: Andrew Garcia, City Hydrology
John Carpenter, Elastimold

File



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 24, 1995

Jeff Mortensen, P.E.
Jeff Mortensen & Associates, Inc.
6010-B Midway Park Blvd. NE
Albuquerque, New Mexico 87109

RE: GRADING AND DRAINAGE PLAN FOR ELASTIMOLD (K10/D11),
SUBMITTED FOR BUILDING PERMIT APPROVAL, ENGINEER'S STAMP
DATED 3/3/95.

Dear Mr. Mortensen:

Based on the information provided in the submittal of March 30, 1995, the above referenced plan is approved for Building Permit Release.

Please be advised that prior to release of the Certificate of Occupancy, the Engineer's Certification, per the D.P.M. checklist must be submitted to and approved by this office.

Also, as you are aware, any further development of this site may require a master drainage plan and/or a storm drain system providing an outfall for this property.

If I can be of further assistance, please do not hesitate to call me at 768-2650.

Sincerely,

Susan M. Calongne, P.E.
City/County Floodplain Administrator

c: Andrew Garcia, City Hydrology
File

DRAINAGE INFORMATION SHEET

950204

PROJECT TITLE: ELASTIMOLD ZONE ATLAS/DRNG. FILE #: K10/D11

DRB #: 95-146 EPC #: _____ WORK ORDER #: _____

LEGAL DESCRIPTION: TR. A, ATRISCO BUS. PARK, UNIT 1

CITY ADDRESS: 6625 BLUEWATER NW

ENGINEERING FIRM: JEFF MORTENSEN & ASSOC. CONTACT: JEFF MORTENSEN

ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250

OWNER: ELASTIMOLD CONTACT: CONTRACTOR

ADDRESS: 6625 BLUEWATER NW PHONE: _____

ARCHITECT: ALEX HARRISON CONTACT: SAME

ADDRESS: 8605 MOUNTAIN RD NE PHONE: 299-6322

SURVEYOR: JEFF MORTENSEN & ASSOC CONTACT: JEFF MORTENSEN

ADDRESS: 6010-B MIDWAY PARK BLVD NE PHONE: 345-4250

CONTRACTOR: NEW MEXICO DIVERSIFIED CONTACT: EMIL HARGETT

ADDRESS: 221 RIO RANCHO BLVD NE PHONE: _____

87124

TYPE OF SUBMITTAL:

- ☐ DRAINAGE REPORT
- ☐ DRAINAGE PLAN
- ☐ CONCEPTUAL GRADING & DRAINAGE PLAN
- ☐ GRADING PLAN
- ☐ EROSION CONTROL PLAN
- ☒ ENGINEER'S CERTIFICATION
- ☐ OTHER

PRE-DESIGN MEETING:

- ☐ YES
- ☐ NO
- ☐ COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

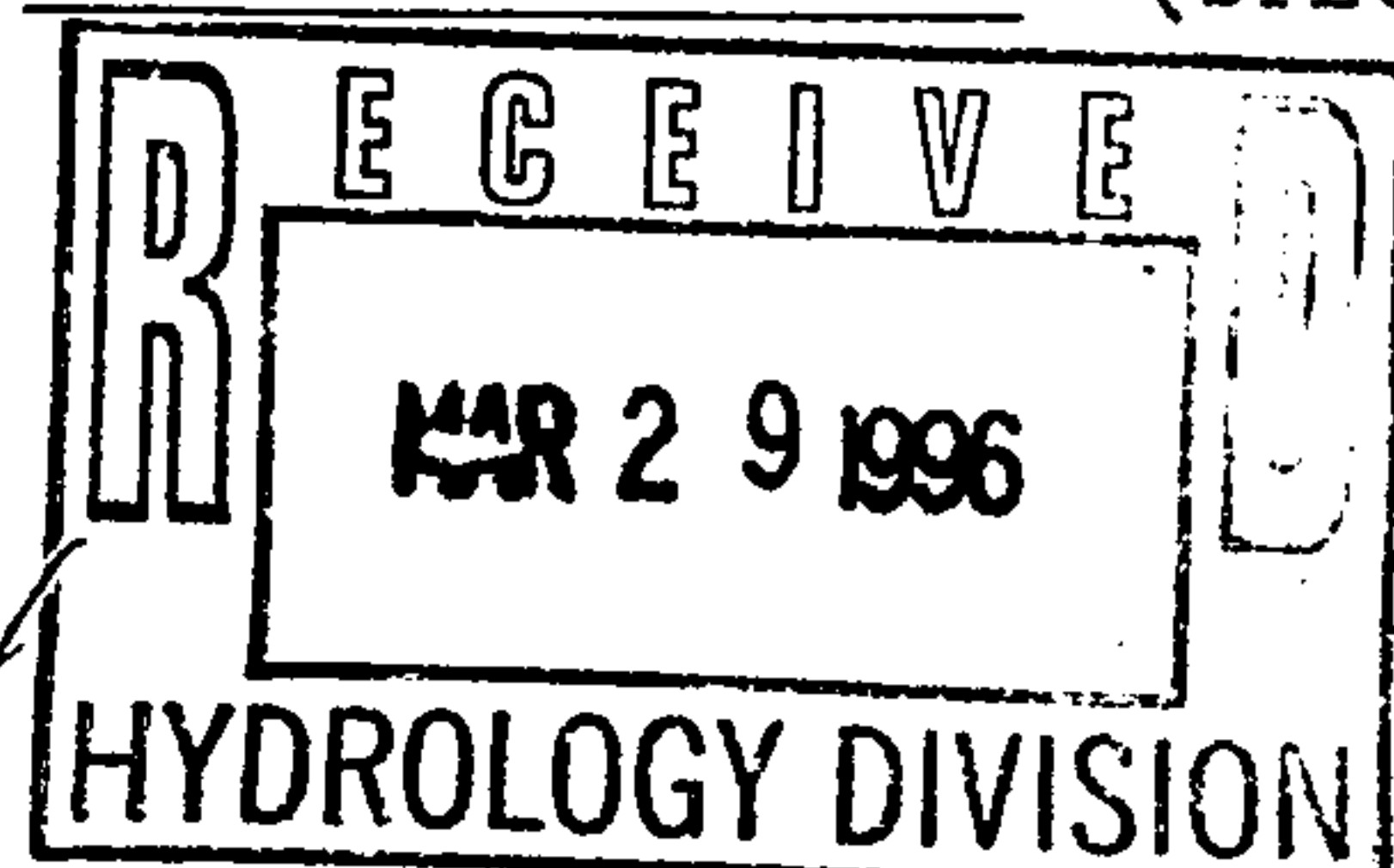
- ☐ SKETCH PLAT APPROVAL
- ☐ PRELIMINARY PLAT APPROVAL
- ☐ S. DEV. PLAN FOR SUB'D. APPROVAL
- ☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL
- ☐ SECTOR PLAN APPROVAL
- ☐ FINAL PLAT APPROVAL
- ☐ FOUNDATION PERMIT APPROVAL
- ☐ BUILDING PERMIT APPROVAL
- ☒ CERTIFICATE OF OCCUPANCY APPROVAL
- ☐ GRADING PERMIT APPROVAL
- ☐ PAVING PERMIT APPROVAL
- ☐ S.A.D. DRAINAGE REPORT
- ☐ DRAINAGE REQUIREMENTS
- ☐ OTHER _____ (SPECIFY)

DATE SUBMITTED:

03-29-96

BY:

JEFFREY G. MORTENSEN



 ENGINEERS & SURVEYORS	JEFF MORTENSEN & ASSOCIATES, INC. 6010-B MIDWAY PARK BLVD. NE ALBUQUERQUE NEW MEXICO 87109	P: 505.345.4250 F: 505.345.4254 ESTABLISHED 1977
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95.020

February 18, 2005

Mr. Richard H. Dourte, P.E., City Engineer
 Development and Building Services Division
 Planning Department
 City of Albuquerque
 P.O. Box 1293
 Albuquerque, NM 87103

Re: Elastimold (K10/D11)
 LOMR

Dear Richard:

We have recently learned that Dennis A. Lorenz, NMPE 9647, of the firm Brasher & Lorenz, submitted a LOMR to the City of Albuquerque using a Grading and Drainage Plan prepared by Jeff Mortensen & Associates, Inc. (JMA) and bearing my stamp. Mr. Lorenz not only used the drawing without permission, but worked upon the drawing and affixed his stamp to the JMA Plan as well. A copy of the Plan is attached for reference.

The unauthorized use of the JMA Plan is unprofessional. We are surprised that Mr. Lorenz would overlook asking our permission and that the City Floodplain Administrator would accept unauthorized work and as such condone such behavior. The City has inadvertently sent a message that this type of behavior is somehow acceptable within the professional community.

Our initial reaction was to report this incident to the State Board of Registration and to demand that the City rescind its prior approval. After further consideration, we believe that Mr. Lorenz should be allowed the opportunity to amend his prior submittal with work prepared by him or under his direct supervision. We see no problem with him including a copy of the JMA Plan as approved by the City for reference only, but he should in no way alter that work, or embellish it as his own. We believe that he should also make a formal disclosure to all parties that his prior actions were done without consent and that JMA and I had no knowledge of or part in the preparation of his original submittal. He should also provide JMA and me individually with a hold harmless agreement that indemnifies JMA and me from any and all responsibility for his inappropriate use of the JMA Plan.

We also request that the City adopt a more rigorous policy with respect to matters such as this. Had the City reviewer questioned the appropriateness of the submittal, this could have been aborted in advance sparing Mr. Lorenz this embarrassment. In the past, the City would police occurrences such as this as a matter of policy. It may be time to re-visit the topic and heighten staff awareness. Requiring a copy of the release letter from the original engineer consenting to the use of his Plan is just one possible solution. As we can see, the "honor system" doesn't work.

PRINCIPALS	JEFFREY G. MORTENSEN, P.E.	JUAN M. CALA	CHARLES G. CALA, JR., P.S.
GRADY E. BARRENS	J. GRAEME MEANS, P.E.	RICHARD C. WHITE	JOSEPH M. SOLOMON, JR., P.S.

95.020

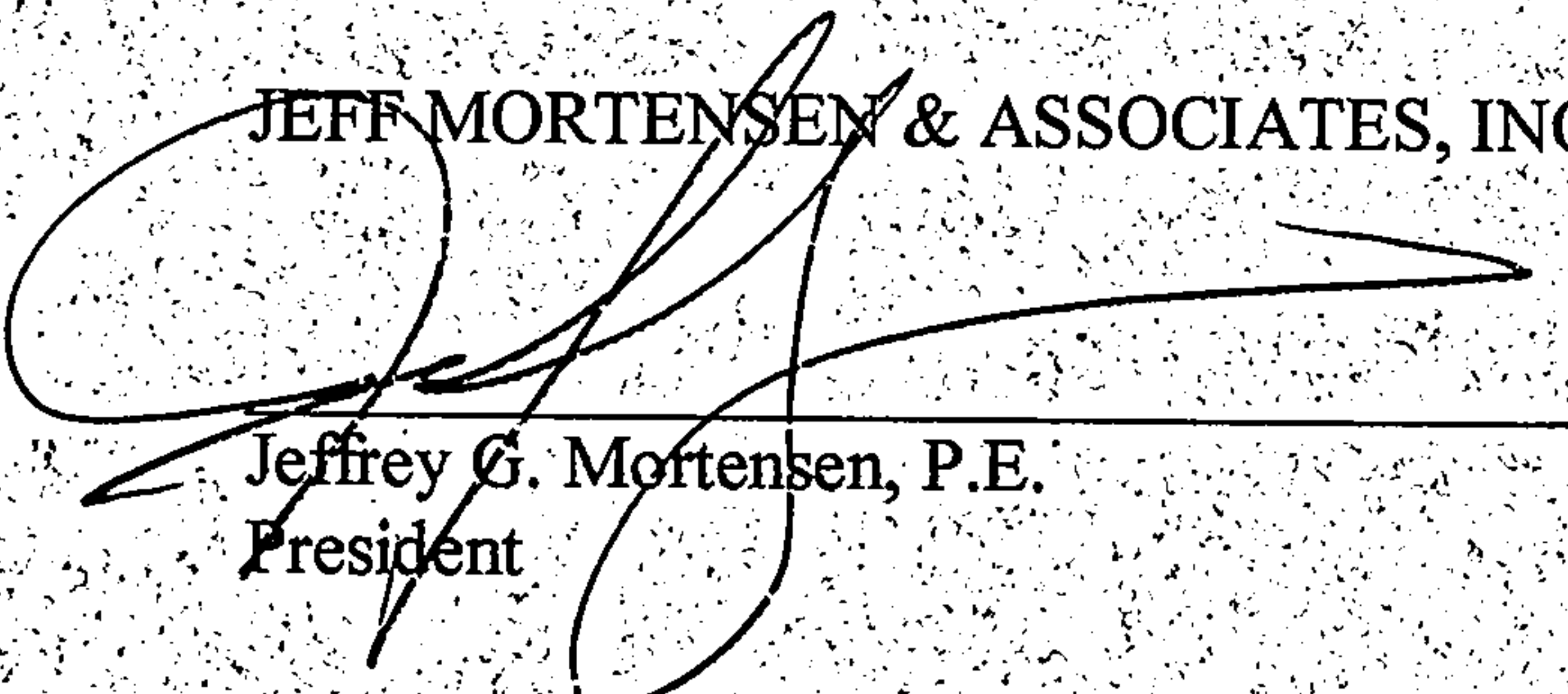
February 18, 2005

Page 2

Please review this matter at your earliest convenience. We look forward to your prompt attention to this request. In the meantime, please do not hesitate to call if you should have any questions or comments.

Sincerely,

JEFF MORTENSEN & ASSOCIATES, INC.



Jeffrey G. Mortensen, P.E.
President

JGM:jgm
enclosures

xc: Dennis Lorenz

DRAINAGE INFORMATION SHEET

950202

PROJECT TITLE:

ELASTIMOLD

ZONE ATLAS/DRNG. FILE #:

K10/D11

DRB #:

EPC #:

WORK ORDER #:

LEGAL DESCRIPTION:

TRACT A, ATMISCO BUSINESS PARK, UNIT 1

CITY ADDRESS:

4625 BLUEWATER ROAD NW

ENGINEERING FIRM:

JEFF MORTENSEN & ASSOC.

CONTACT:

JEFF MORTENSEN

ADDRESS:

6010-B MIDWAY PARK BLVD NE

PHONE:

345-4250

OWNER:

ELASTIMOLD

CONTACT:

ARCHITECT

ADDRESS:

4625 BLUEWATER

PHONE:

ARCHITECT:

ALEXANDER HARRISON

CONTACT:

ALEX HARRISON

ADDRESS:

8605 MOUNTAIN RD

PHONE:

299-6322

SURVEYOR:

JEFF MORTENSEN & ASSOC

CONTACT:

JEFF MORTENSEN

ADDRESS:

6010-B MIDWAY PARK BLVD NE

PHONE:

345-4250

CONTRACTOR:

NOT KNOWN

CONTACT:

ADDRESS:

PHONE:

TYPE OF SUBMITTAL:

☐ DRAINAGE REPORT☒ DRAINAGE PLAN☐ CONCEPTUAL GRADING & DRAINAGE PLAN☒ GRADING PLAN☐ EROSION CONTROL PLAN☐ ENGINEER'S CERTIFICATION☐ OTHER

PRE-DESIGN MEETING:

☒ YES(DISCUSSION W/
FRED & SUE)☐ NO☐ COPY PROVIDED

CHECK TYPE OF APPROVAL SOUGHT:

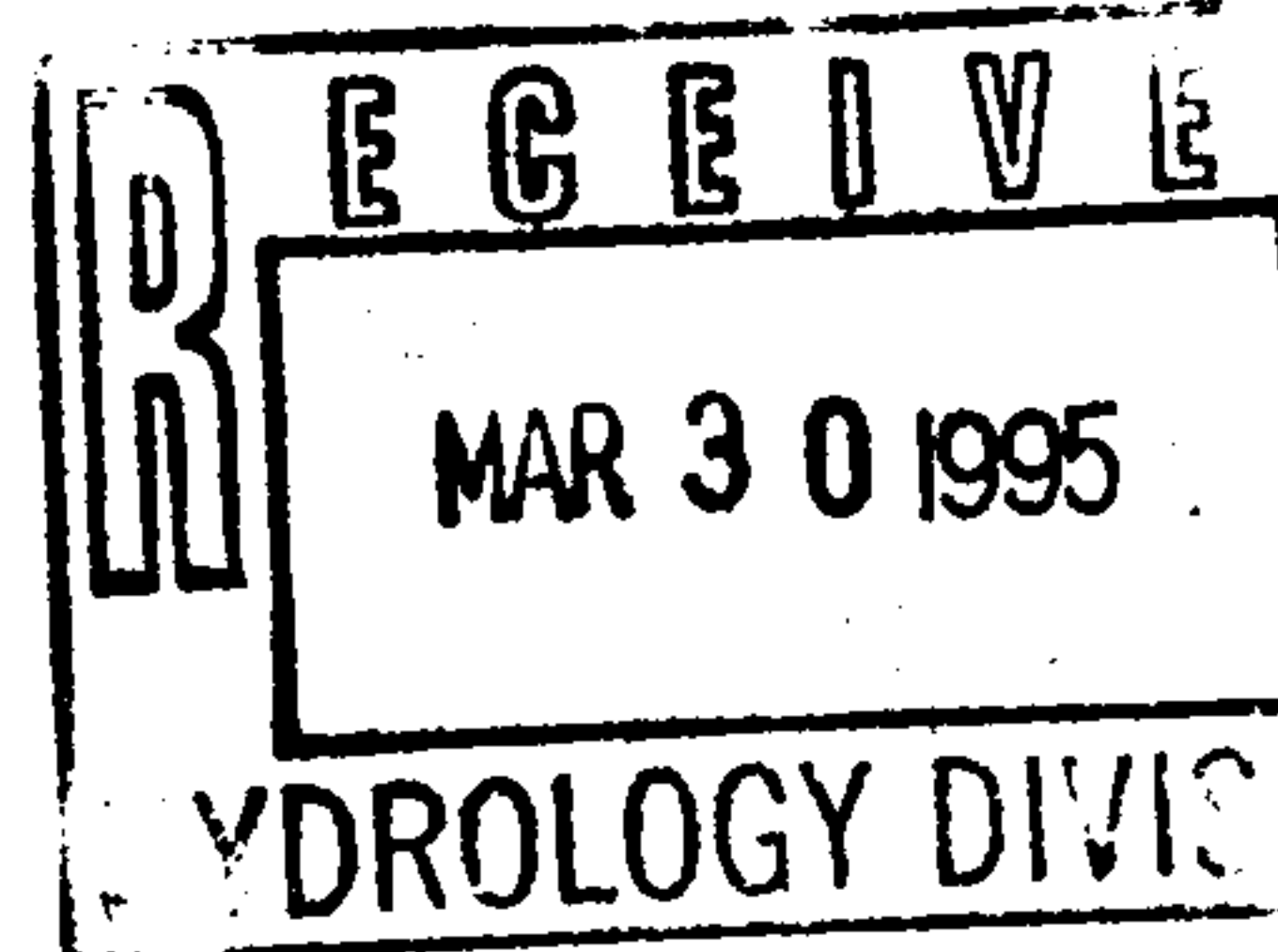
☐ SKETCH PLAT APPROVAL☐ PRELIMINARY PLAT APPROVAL☐ S. DEV. PLAN FOR SUB'D. APPROVAL☐ S. DEV. PLAN FOR BLDG. PERMIT APPROVAL☐ SECTOR PLAN APPROVAL☐ FINAL PLAT APPROVAL☐ FOUNDATION PERMIT APPROVAL☒ BUILDING PERMIT APPROVAL☐ CERTIFICATE OF OCCUPANCY APPROVAL☐ GRADING PERMIT APPROVAL☐ PAVING PERMIT APPROVAL☐ S.A.D. DRAINAGE REPORT☐ DRAINAGE REQUIREMENTS☐ OTHER (SPECIFY)

DATE SUBMITTED:

03-30-95

BY:

JEFFREY G. MORTENSEN



1-26-96

John Carpenter 833-2612

Called Mayor's office re: permit for ELASTIMOLD
Felicia (5727) gave me his number

Elastimold has an approved plan for BP

- need Engineer's Certification ~~for~~ Cert. of Occupancy

I called Mr. Carpenter's office - left a very long
message explaining this.

Mr. Alan Weckel (833-2666) returned my call.

He would like a temporary C.O.

Some grading on-site will be done prior to

Engineer's cert. I explained that the

temporary C.O. was for 30 days. Before the

30 days are over, they must complete the

grading and have an Engineer's Certification

Submitted to me - or else he would not get

his permanent Certificate of Occupancy.

I called Vickie @ 1-stop to release Temp. C.O.

I spoke to Jeff Mortensen to let him know

that the Engin. Cert. will need to be done soon.