

2016 OCT 17 AM 9:07

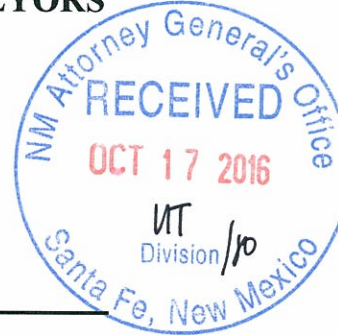
OFFICE OF THE
ATTORNEY GENERAL

**BEFORE THE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**LEE SHIELDS,
License No: 5103
Respondent**

Case No. 3-PS-07-01-2015



STIPULATED AGREEMENT OF SETTLEMENT

WHEREAS, the Board of Licensure for Professional Engineers and Professional Surveyors for the State of New Mexico ("Board") received a complaint in this case (3-PS-07-01-2015) against LEE SHIELDS ("Respondent") dated on or about July 1, 2015, regarding a survey signed and sealed by the Respondent; and

WHEREAS, Respondent wants to resolve this case (3-PS-07-01-2015) without issuance of a Notice of Contemplated Action, and without a hearing; and

WHEREAS, the Board's Administrative Prosecutor believes that settlement is appropriate and in the best interest of the parties; and

WHEREAS, Respondent enters into this Stipulated Settlement Agreement voluntarily and waives his right to a full hearing on the merits as provided for in the Uniform Licensing Act, NMSA 1978, § 61-1-1 through § 61-1-34; and

WHEREAS, Respondent agrees to waive any and all time limitations set forth by statute, particularly the Uniform Licensing Act in setting an Administrative Hearing for this case, if necessary.

IT IS HEREBY AGREED AS FOLLOWS:

1. Jurisdiction. The Respondent at all times relevant to these proceedings was a

licensee of the Board. The Board has jurisdiction over the Respondent and the subject matter.

2. Acknowledgment of violations. Respondent admits that he signed and sealed the survey that is the subject of the complaint in this case and is referred to in the Investigator's report. Respondent admits that the survey deviates in the respects identified in the Investigator's report and described in the Referral Information Sheet. Respondent admits that by reason of the above he violated Minimum Standards for Surveying in New Mexico, to wit: 12.8.2.9 (4), (6), (7), (9), and (18).

3. Discipline. This Settlement Agreement constitutes disciplinary action by the Board against the Respondent. The Board shall take no further action against Respondent with respect to the matters in case 3-PS-07-01-2015, provided that the Respondent timely complies with all of the following requirements:

A. Not more than sixty (60) days after the Board approves this Stipulated Agreement of Settlement, Respondent shall (i) correct the survey, which is the subject of the complaint, to comply with all applicable statutes, rules and regulations of the state of New Mexico; and (ii) provide a copy of the corrected survey to the Board's Investigator Chuck Cala, or other Board designee (mailed to the Board office), for review and approval, if the amended survey is in compliance. If the Investigator determines that the corrected Survey is still not in compliance, the Respondent shall make the necessary corrections and submit the corrected survey for subsequent review and approval. The survey shall be recorded upon approval by the Board's Investigator; and

B. Not more than thirty (30) days after the Board approves this

Stipulated Agreement of Settlement, Respondent shall pay an administrative penalty in the amount of five hundred dollars (\$500) payable by cashier's check or money order to the Board.

4. Waiver of rights.

A. The Respondent hereby waives the time limitations set forth in the Uniform Licensing Act.

B. The Respondent understands that he has a statutory right to a hearing on the charges made in the complaint against him, and that he would have the right to appeal any decision of the Board following such hearing; and he hereby waives these rights in the event the Board accepts this Settlement. In the event the Board does not accept this Settlement, the Respondent shall continue to have the right to a hearing and to appeal, and nothing contained herein shall be used against him at any such hearing or in any such appeal.

C. The Respondent waives his right to assert a claim of bias or move to excuse any Board member based upon the Board member's consideration of the Settlement.

D. The Respondent's waiver of any rights contained herein is made knowingly, intentionally, and voluntarily.

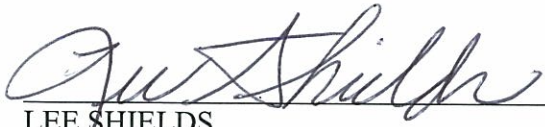
5. The Respondent's execution of this Settlement is made knowingly, intentionally, and voluntarily.

6. Upon execution of this Settlement, the Respondent releases the Board from any and all claims arising out of the Board's decision to investigate the complaint, and take the actions described herein.

7. Nothing contained herein is binding on the Board unless approved by it in an open meeting. This Settlement shall be presented to the Board at its next available meeting, and if the Board agrees to the terms of this Settlement it shall become binding upon the Board and the Respondent. If this Stipulated Settlement Agreement is rejected by the Board, a Notice of Contemplated Action will be issued, after which the Respondent can file a request for hearing, and then this matter will be heard at a time, date and place to be set by the Board. Any statements made by any party to the Board in support of this Stipulated Settlement Agreement may not be used at any hearing before the Board or its designees.

8. In the event the Board accepts this settlement and the Respondent fails to comply with any of the provisions herein, the Board shall have the right to take such action against the Respondent as it deems appropriate under the circumstances, including filing of an Order to Show Cause as to why the Board should not find the Respondent in violation of the agreement and impose lawful sanctions including but not limited to the imposition of the remainder of the civil penalty, license revocation, and additional fines or other penalties.

9. This Settlement Agreement constitutes a full and complete resolution of all claims and defenses that either party has or could have raised in this administrative proceeding.


LEE SHIELDS
Respondent

Date: 10-9-, 2016

/s/ Timothy J. Williams

Date: __September 15__, 2016

TIMOTHY J. WILLIAMS
Assistant Attorney General
Administrative Prosecutor

**BEFORE THE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**LEE SHIELDS,
License No: 5103
Respondent**

Case No. 3-PS-07-01-2015

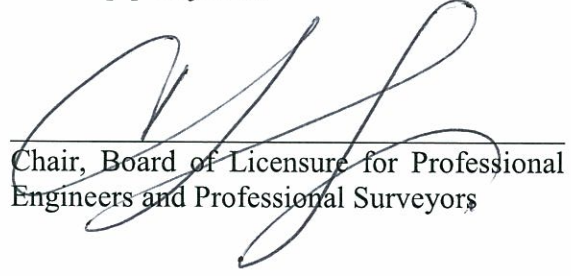
ORDER

This matter having come before the Board of Licensure for Professional Engineers and Professional Surveyors upon request of the parties for consideration of the foregoing Stipulated Settlement Agreement and with a quorum present and a majority voting in the affirmative, the foregoing Stipulated Settlement Agreement is:

☒ Accepted

☐ Rejected

11/03/16
DATE



Chair, Board of Licensure for Professional
Engineers and Professional Surveyors

9171 9690 0935 0079 1428 20