

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

IN THE MATTER OF:

Case No. 2-PS-04-07-2017

**GARY GRISTKO,
License NMPS No. 8686,**

Respondent(s).

SETTLEMENT AGREEMENT

WHEREAS, the Professional Surveying Committee of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors ("Board") received a complaint filed on April 7, 2017, alleging that Respondent prepared a Boundary Survey Plat that did not meet the minimum standards of surveying in New Mexico;

WHEREAS, the Board voted to request the issuance of a Notice of Contemplated Action ("NCA"), which was issued on April 1, 2019;

WHEREAS, the Board wishes to resolve this matter without the time and expense of a formal hearing and believes that this Settlement Agreement is appropriate and in the best interests of both the Board and Respondent.

IT IS AGREED AS FOLLOWS:

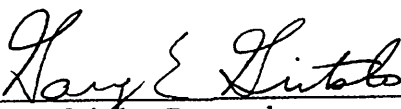
1. The Board has jurisdiction over the Respondent and the subject matter.
2. The Respondent is a licensed as a professional engineer, and is subject to the Board's jurisdiction pursuant to § 61-23-27.11.
3. Respondent enters into this Settlement Agreement voluntarily and waives the right to a full hearing on the merits, the right to confront and cross examine

witnesses, the right to an appellate process, and waives all time limitations as set forth in the Uniform Licensing Act, NMSA 1978, § 61-1-1 through § 61-1-33.

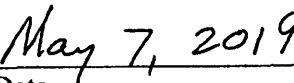
4. Respondent's waiver of rights contained herein is made knowingly, intelligently and voluntarily.
5. If the Board rejects this Settlement Agreement, the Board may proceed with a full evidentiary hearing. Terms of this agreement or statements made by either the Respondent or the Board in support of this agreement shall not be used against either party in such hearing and are not intended as general admissions.
6. The Board shall take no further action against Respondent with respect to the matters in the subject case, provided that Respondent complies with the terms of this Settlement Agreement.
7. Respondent agrees to pay a civil penalty of three hundred dollars (\$300.00) to the Board within thirty (30) days of the Board's acceptance of this Settlement Agreement.
8. Respondent agrees to provide a preliminary plat of correction for the plat that is the subject of the NCA for the Board's review within thirty (30) days of the Board's acceptance of this Settlement Agreement.
9. Respondent agrees to notify the Board, in the public's interest, of the ultimate resolution of the court matter and the recordation of the plat corrections made.
10. The Board shall send a copy of the Order accepting this Settlement Agreement to the Respondent via certified mail.
11. Respondent shall pay the penalty by check, cashier's check or money order, and shall send payment to the Board to the following address:

N.M. BLPEPS
c/o Perry Valdez, Executive Director
P.O. Box 25101
Santa Fe, NM 87504-25101

12. Respondent understands and acknowledges that any violation by Respondent of this Settlement Agreement will immediately result in the re-filing of the NCA, which could result in the imposition of lawful sanctions, including but not limited to any disciplinary action described in the Engineering and Surveying Practice Act for the above referenced case and the subsequent violation.
13. The NCA and this Settlement Agreement are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-1 *et seq.* Other data, communications, and information acquired by the Board relating to this matter shall be public as provided by applicable regulations.
14. This Settlement Agreement resolves claims brought, or which could have been brought by either party against the other as a result of the incidents described in or arising out of the NCA.
15. The Board will verify that Respondent has satisfied the above stated requirements.



Gary Grisfko, Respondent



Date

/s/ Mark F. Swanson

Mark F. Swanson, Assistant Attorney General

5.7.19

Date

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ORDER

This proposed settlement comes before the Committee during a properly scheduled public meeting with a quorum present and majority voting in the affirmative, this Agreement is:

ACCEPTED

REJECTED

5.30.19
DATE


AUGUSTIA MEYERS, CHAIR
NEW MEXICO PROFESSIONAL
SURVEYORS COMMITTEE