

Minutes of the Meeting of the Professional Surveying
Committee of the Board held August 7, 2003 at 1010
Marquez Place, Santa Fe, New Mexico.

Members Present: Gilbert Chavez, PS, Committee Chair
Fred Sanchez, PS
Charles Atwell, Public Member
David Marble, PE/PS (Retired)

Members Absent: None

Others Present: Elena Garcia, Executive Director
Mary Smith, Assistant Attorney General
Amanda Quintana, Licensing Manager
Edward Ytuarte, PE/PS, Complaint Manager
Daniel Muth, President, NMPS

1. **CONVENE, ROLL CALL AND INTRODUCTION OF GUESTS**

Mr. Chavez convened the meeting at 1:10 p.m.

2. **APPROVAL OF THE AGENDA**

It was moved by Mr. Atwell, seconded by Mr. Marble and unanimously,

VOTED: To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

8.1 Minutes of the June 2003 Meeting - It was moved by Mr. Marble, seconded by Mr. Sanchez and unanimously,

VOTED: To approve the minutes without any changes.

4. **NEW BUSINESS**

4.1 Invitation from Todd Wagener, PS, for Board Presentation during the 4/23-24/2004 NMPS Convention - Mrs. Garcia reported she had spoken with Mr. Wagener and he extended an invitation to the Board to present information regarding the laws and the rules of the Board during NMPS' convention to be held in Ruidoso at the Convention Center. Mr. Chavez expressed that it is important the Board be active in these conventions. Mr. Muth stated that when the previous Board members attended the last convention for a round table discussion, it generated a very positive response by Surveyors across the state. It was noted that since the Board needed to reschedule its April 1-2, 2003 meetings, they could be scheduled in conjunction with the

convention in Ruidoso at the end of April. Mr. Chavez stated that he will bring it up with the full Board the following day to get their opinion. It was moved by Mr. Marble, seconded by Mr. Atwell and unanimously,

VOTED: To provide at least one member of the Board to attend the NMPS Convention in April of 2004.

4.2 Request for Advisory Opinion Concerning Use of Geographic Information System for Cadastral Applications – Submitted by Daniel R. Muth, President, NMPS – Mr. Muth explained that NMPS is seeking an advisory opinion based on what First American Title is doing with GIS Data. It is evident in their brochure that they are using GIS Data to put together title insurance policies, which in Mr. Muth’s opinion, is not very smart business practice because without having a survey on the ground the lines look good on paper; however, you don’t know how they fit in relation to the real world. He explained several different instances where this GIS Data was not completely accurate as compared to a real, on-the-ground survey. Surveys have to be tied to land monuments when it comes right down to it; in this day and age, there are regulations and laws that state that land surveyors are the only ones that can author a legal description. This is stated for a very good reason -- for years non-licensed individuals have been allowed to write their own legal descriptions which have created nightmares. NMPS believes that accepting GIS Data will have the same repercussions. Mr. Sanchez stated that what greatly concerns him is that representations to clients tell them that they have a choice to pay less and get the same product, however they do not mention the deficiencies the GIS data may provide. Mr. Atwell explained that from experience in doing closings for homes, the buyer has a choice of the type of survey they want. Mr. Atwell stated that First American Title isn’t even using this system in New Mexico. Mr. Muth stated that NMPS is not asking the Board to go after any title companies or any particular agency or company. They are asking for an opinion that GIS is a tool; and that like any other tool, if used improperly can hurt the public. Mr. Atwell stated that what NMPS is proposing seems to be an added protection to the public against such things as fraud, and being misled. Mr. Chavez believes this has become a national issue, and it needs to be brought before the legislature to define a GIS survey. Mr. Atwell asked if there is a specific complaint or is the Board assuming that this might be a problem. Mr. Chavez explained that NMPS brought it up for an interpretation. Mr. Chavez also said that when this issue was first brought to the Board’s attention, the Board explained that until there is a valid complaint the Board can not act on the issue. It was moved by Mr. Atwell to table this issue until the Committee is provided with a formal complaint and a lot more information. Mr. Muth volunteered to assist in any research necessary regarding this issue. Mr. Chavez stated that this issue will be tabled until further notice. Mr. Sanchez requested any information that Mr. Muth can provide the Board to figure out a resolution to this issue. He will take a look at the issues.

5. COMMUNICATIONS

5.1 Communications Issued by Board Office – None issued

6. OLD BUSINESS

6.1 Communication from California Board – Re: Recommendation to Amend Model Law to Delete the Option for Boards to Elect to Waive any Additional Written Exam – Mrs.

Garcia explained that this issue was discussed during the last Board meeting, The California Board is opposed to the model law provision which would allow boards to have the option of licensing individuals with or without a state specific exam relative to boundary surveying. The model law opens licensure to other surveying-related professions. This option would grandfather and license individuals as professional surveyors that may have no experience in boundary surveying and would create a different set of licensing requirements for individuals. [Letter was provided for information only and to be considered by the Rules committee in their work]

7. CLOSED SESSION (Complaints and Violations)

It was moved by Mr. Marble, seconded by Mr. Sanchez and

VOTED: to go into closed session pursuant to NMSA 1978, Section 10-15-1(H)(1) to discuss cases 02-02-24, 01-01-18, 03-03-07 as listed on the agenda. A roll call vote was taken: Voting yes- Fred Sanchez, Charles Atwell and David Marble. Motion passed.

Guests and staff were asked to exit the room.

7.A. OPEN SESSION

Guests and staff were invited into the meeting room.

Chair Chavez reconvened in open session. He indicated only the cases listed on the agenda were discussed in closed session.

7.1 Case 02-02-24 – (Board Decision and Order) – It was moved by Mr. Marble, seconded by Mr. Sanchez and unanimously,

VOTED: To dismiss Case 02-02-24 on it's merits, specifically violations of rules 500.3 F, 500.3 J(5), 500.3 J (8), 500.3 J (18), 500.10 C

7.2 Case 01-01-18 – (Probation/Peer Review Status Report) – For information only

7.3 Case 03-03-07 - Tabled

7.B. APPOINTMENT OF HEARING OFFICER(S)

None needed

8. REVIEW OF APPLICATIONS

8.1 Review of Applications for Principles & Practice of Surveying (Professional Exams) – Approx. (6) – Christian a. Clausen – approved for NMPPLS 2 hr. exam; Robert A. Gromatzky,

Robert A. – approved for NMPPLS 2 hr. exam; Clyde N. Hood – not approved at this time, need additional board-approved experience; Brenda G. Kiester – education not approved; Lonnie R. Mehlin- approved for NMPPLS 2 hr exam; Chris Rodriguez – not approved, need board-approved surveying experience; Dennis J. Mouland – reinstatement application was approved; Kurt A. Spolar – education was not approved.

9. **ADJOURNMENT** – Chair Chavez adjourned the meeting.

Date Approved

Elena Garcia, Executive Director