

Members Present: Gilbert Chavez, PSC
Fred Sanchez, PS
David Marble, PE/PS (Retired)

Members Absent: Charles Atwell, Public Member

Others Present: Elena Garcia, Executive Director
Edward Ytuarte, Complaint Manager
Mary Smith, Assistant Attorney General
Anna Vigil, Staff Investigator

1. CONVENE, ROLL CALL & INTRODUCTION OF GUESTS

Chairman Chavez convened the hearing at 9:32 a.m. A roll call was taken.

2. APPROVAL OF THE AGENDA

It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,
VOTED: To approve the agenda.

2.A. Hearing RE: Case No. 02-02-24: An administrative hearing was held throughout the morning. A court reporter's transcript of the proceedings is on file with the Board office.

The committee recessed at approximately 12:30 p.m. for lunch.
The committee reconvened the meeting around 1:30 p.m.

3. APPROVAL OF THE MINUTES

3.1 Minutes of the May 8, 2003 meeting.

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

VOTED: To approve the minutes of the May 8, 2003 meeting.

4. NEW BUSINESS

4.1 Derrick Smith (PS applicant) – Mr. Smith met with the Committee to present/explain the additional education that he had submitted for review pursuant to the board's request. The Committee had recommended that he provide documentation of all education, including continuing education activities, he may have completed around the time he applied for his original license in 1994 for the state of Utah and through June 30, 1995. This

was the period of time New Mexico required a board-approved, forty-five (45) semester hour surveying program. Mr. Smith's submittal did not meet this requirement since the majority of the education was from 1996 through 2003. This did not meet the requirement of the New Mexico Engineering and Surveying Practice Act for licensure by comity/endorsement.

4.2 Election of Officers [1 July 2003 – 30 June 2004] – It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

VOTED: To nominate and re-elect by acclamation the current officers for the FY 04 fiscal year.

4.3 Ratification of FLS, PPLS, and NM PPLS Examination scores – It was noted that members of the Examination Committee had reviewed the scores upon receipt and submittal by staff. Two out of six passed the FLS. No one sat for the NCEES PPLS. Four out of six candidates passed the NM surveying exam. It was moved by Mr. Marble, seconded by Mr. Sanchez and unanimously,

VOTED: To ratify the approval of the FLS scores (and accept the cut-off scores as recommended by NCEES) as well as the NMPPLS scores as presented by staff.

NCEES information on exam scoring was discussed.

5. COMMUNICATIONS

5.1 Communications Issued by Board Office – Copies of correspondence sent from last board meeting were provided.

5.1.1 Letter to recipients of NCEES PAKS questionnaire – Mrs. Garcia indicated she had sent a letter to thirty-eight New Mexico professional surveyors who had received a PAKS questionnaire from NCEES urging them to complete the questionnaire and submit to NCEES by the deadline in order to voice New Mexico surveyors' opinions as to what the examinations should be testing and the relevancy of the exams to the profession and the protection of the public.

5.2 D.W. Critchfield, PS – RE: Question on Minimum Standards for Surveying & BLM Manual of Surveying Instruction – Mr. Critchfield inquired whether Section 12.8.2.9(G-1) which states to follow the rules and procedures, except for the accuracy and monumentation standards, in the BLMif the tract...is....an aliquot part of a section, and the Minimum Standards for Surveying in New Mexico, Section 12.8.2.9 (J-16) states: "the plat...shall contain...a letter or number providing a unique designation of each surveyed tract on a plat with more than one tract." If he follows the BLM rules and procedures for the designations of parcels, however, his interpretation of Subsection J(16) says "a letter or number." Does the BLM dictated designations fulfill the requirement of Section 12.8.2.9(J-16). It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

VOTED: To have Mrs. Garcia prepare a letter advising Mr. Critchfield that it is appropriate and that section 12.8.2.9 (J-16) pertains to surveys other than those associated with the subdivision of public lands under the BLM Manual of Surveying.

5.2 Cindi Christenson, PE, Board for Professional Engineers & Land Surveyors

[California] - It was noted that the California Board notified the Western Zone Members of its concerns regarding the current provisions of the Model Law for Surveying as well as the amendments to the Model law recommended by the Task Force on Model Law for Surveying. The current model law provides that the board may waive its state-specific examination for any person who only wishes to perform those surveying functions that do not include boundary surveying. It is California's belief that this creates two separate classes of surveyors, contrary to the beliefs of the Task force. They believe it creates a discipline-specific practice regulatory scheme. The fact that there is "one license with one title" does not change this. California does not believe that a separation of authority to practice cannot be done under "one license with one title" without lending too much confusion on the part of the profession and, more importantly, the public. The consumer would not know if he has hired a professional surveyor who was qualified to provide the services he needed. California does not favor a two-tiered approach, however it does not believe the waiving of the state-specific examination for one class is appropriate. It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

VOTED: To appose separate licensing categories for the practice of surveying.

6. OLD BUSINESS

None

7. CLOSED SESSION (COMPLAINTS AND VIOLATIONS)

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

VOTED: To go into executive session pursuant to MSA 1978, Section 10-15-1(H)(1) to discuss the cases listed under items 7.1 through 7.3 on the agenda. A roll call vote was taken. Voting Yes: Mr. Marble, Mr. Sanchez, and Mr. Chavez. Voting No: no one.

7A. OPEN SESSION

Chairman Chavez convened the meeting in open session stating that the only items discussed in closed session were those cases under Complaints & Violations, items 7.1 to 7.3.

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

7.1 Case 02-02-29 – It was moved by Mr. Marble, seconded by Mr. Sanchez, and unanimously

VOTED: To continue/table the case.

7.2 Case 03-03-05 – It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

VOTED: To accept the complaint managers report and to dismiss as unfounded as there is no merit to the case at this time,

7.3 Case 03-03-07 – It was moved by Mr. Marble, seconded by Mr. Sanchez and unanimously,

VOTED: to continue or hold the case until the [2001] plat is finalized & recorded.

7B. Appointment of Hearing Officer(s) for Cases – Chair Chavez appointed hearing officers for the following cases:

02-02-27 – Silver City – Gilbert Chavez

03-02-30 – Albuquerque – Fred Sanchez

Mr. Marble was appointed Alternate Hearing Officer if one of the two hearing officers is unable to do it.

8. REVIEW OF APPLICATIONS

8.1 Review of Retired Status Applications

8.1.1 Gayle Dean Jewell, PS 4071 – It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

VOTED: To approve Mr. Jewell’s application for retired status.

8.1.2 Don E. Panetti, PS 4994 – It was moved by Mr. Marble, seconded by Mr. Sanchez and unanimously,

VOTED: To approve Mr. Panetti’s application for retired status.

8.2 Inactive Status Application – none

8.3 Review of Applications (Reinstatement of lapsed license) – The board considered an application for reinstatement of a license from Robert A. Ball and approved it.

9. ADJOURNMENT

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

VOTED: To adjourn the meeting.

Submitted,

Approved (Date):_____

Elena Garcia, Executive Director

Gilbert Chavez, PS, PSC Chair