

**DRAFT**

Minutes of the Meeting of the Professional  
Surveying Committee of the Board held May 8,  
2003 in the Board's Office, Santa Fe, NM.

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

Members Absent: No one.

Others Present: Elena Garcia, Executive Director  
Anna Vigil, Investigator  
Edward Ytuarte, PE/PS, Complaint Manager  
John Grubestic, Asst. Atty. General for Mary Smith  
Craig T. Gillio, PS  
Scott Crowl, PS  
Jeffrey Ludwig, PS  
Derrick Smith, PS Applicant  
Jeff Stadler, PS  
Salvador I. Vigil, PS  
Clyde Vigil, PS

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

The meeting was convened at 1:00 p.m. Ms. Garcia gave an overview of the meetings to be held indicating this was the first meeting of the new board and PSC. New Board members introduced themselves followed by the guests. All members of the committee were present.

**PSC Orientation** – Ms. Garcia conducted a visual presentation on the board's enabling legislation, HB 923, current rules, regulations and polices , the Board and Professional Surveying Committee (PSC) duties, and provided an overall orientation for the new PSC. The presentation included information on the complaint process and a review of licensing requirements for surveyors. The board's staff was also introduced.

**Election of Officers and Terms** – It was moved by Mr. Sanchez , seconded by Mr. Marble and unanimously,

**VOTED:** To elect Gilbert Vigil by acclamation Chair of the Committee.

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

**VOTED:** To elect Mr. Marble by acclamation Vice-Chair of the PSC.

**2. APPROVAL OF THE AGENDA**

It was moved by Mr. Sanchez , seconded by Mr. Atwell and unanimously,  
**VOTED:** to approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

3.1 **Minutes of the February Meeting Minutes**

Mr. Marble inquired as to the status of the board presentation at the SW Chapter of the Land Surveyors of Colorado as noted in the February minutes. Ms. Garcia indicated that she had communicated with David Freienmuth, President of the Chapter to inform him that the Board could not provide the presentation at the workshop due to the transitioning board. Mr. Forstbauer would probably not be a board member; however, if the Chapter wished to continue making plans with Mr. Forstbauer, who would not be representing the Board, he would need to contact him directly since she would not be able to provide assistance. It was moved by Mr. Sanchez, seconded by Mr. Atwell and unanimously,

**VOTED:** To approve the minutes of the February 5, 2003 meeting.

4. **NEW BUSINESS - None**

**4.1 Appointment – Derrick Smith, PS Applicant** – Mr. Smith requested an appointed before the Board to appeal the Board’s decision that he did not meet the educational requirement in place in NM at the time he was initially licensed in his home state. It was moved by Mr. Sanchez, seconded by Mr. Atwell and unanimously,

**VOTED:** To have Ms. Garcia send a letter to Mr. Smith indicating he must submit all education verified by proper documentation that he may have completed during the appropriate timeframe, including professional development hours, in order to meet the 45-semester hour surveying program required at the time he obtained his license in Utah.

**4.2 Administration of NM PPLS –**

**4.2.1** Communication from David A. Skidmore, Applicant – Communication via e-mail from Mr. Skidmore stated that he will be in Russia during the April 2003 exam session, and would like to postpone the exam until he returns within 90 days or the next session. Ms. Garcia indicated that the PPLS NM 2-hr exam is only offered twice a year, and that there is a demand to administer the exam as needed. However, the following would need to be addressed: 1) is the exam item bank large enough to accommodate more exam sessions per year; 2) should the exam be administered at the Board office or by the exam contractor ELSESES, and 3) ensure exam is valid. After further discussion, it was moved by Mr. Sanchez, seconded by Mr. Atwell and unanimously,

**VOTED:** To refer this issue to the examination committee that will be established tomorrow.

**4.2.2 ExpressMap/First American Title Insurance Company** – Possible Advisory: Members from the surveying community were present and presented their opinions/concerns that First American Title Insurance Company through an internet web site may be offering surveying services to the public illegally. The Committee reviewed information from the web site and product (ExpressMap) as well as correspondence between ACSM and First American Title Insurance Co. on the subject. The Committee noted that there was no evidence that First Title Insurance Company was offering surveying services in New Mexico illegally, and therefore at this time is not able to take any action. Assistant Attorney General Grubestic agreed. However, the Committee stated that it would review any complaints filed with the Board.

It was moved by Mr. Atwell, seconded by Mr. Marble and unanimously,  
**VOTED:** To table this matter.

5. **COMMUNICATIONS**

5.1 **Andrew Robertson, PE – RE: use of existing right-of-way surveys** – It was concurred that the matter was not under the jurisdiction of the Board. Mrs. Garcia is to draft a letter for the Chair's signature.

6. **OLD BUSINESS**

6.1 **NCEES Model Law for Surveying** – For information purposes only. This is a topic that had been referred to the rules and regulations committee. The new PSC concurred that this needs to be considered by that committee.

6.2 **Four year Board-approved Surveying Curriculum & Four-year Board-approved Related Science Curriculum** – The new rules and regulations committee should continue to evaluate this item as well.

6.3 **NCEES Questionnaires to NM professional Surveyors RE: professional Activities and Knowledge Survey (PAKS)** – Mrs. Garcia provided a memorandum from NCEES describing the project. A news release has been posted on the Board's web site. It is essential that all NM professional surveyors who receive this questionnaire carefully complete the survey and return to NCEES by deadline since the results will impact on future national surveying examinations.

7. **CLOSED SESSION (Complaints and Violations)**

It was moved by Mr. Sanchez, seconded by Mr. Marble and  
**VOTED:** to go into closed session pursuant to NMSA 1978, Section 10-15-1(H)(1) to discuss cases as listed in this section of the agenda. A roll call vote was taken: Voting yes Mr.

Marble, Mr. Sanchez, Mr. Atwell and Mr. Chavez. Voting No: No one. Motion carried unanimously.

- 7A. OPEN SESSION** – Actions on Cases [pursuant to statutes “...All charges, unless dismissed as unfounded, trivial, resolved by reprimand, or settled informally shall be heard in accordance with the provisions of the ULA, 61-23-27.11(D), NMSA 1978] Chair Chavez convened the meeting in open session. He noted that the only items discussed in closed session were the cases listed on the agenda.

Meeting was recessed at approximately 5:00 p.m. to reconvene at 11:00 a.m. tomorrow, May 9, 2003 after the full Board meeting.

Meeting was reconvened in open session by Chair Chavez on May 9, 2003 at approximately 11:15 a.m. All members of the Committee were present.

**7.1 Case 02-02-27** – It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

**VOTED:** that the case involves new issues and to issue a Notice of Contemplated Action (NCA)

**7.2 Case 03-02-30** – It was moved by Mr. Marble, seconded by Mr. Sanchez and unanimously,

**VOTED:** To issue an NCA

**7.3 Case 03-03-02** - It was moved by Mr. Sanchez, seconded by Mr. Marble and unanimously,

**VOTED:** To dismiss as unfounded; complainant may wish to pursue in civil court.

**7.4 Case 02-02-03** [Stipulated Agreement of Settlement] – It was moved by Mr. Sanchez, seconded by Mr. Atwell and unanimously,

**VOTED:** To approve the Agreement which assesses a fine and a letter of reprimand.

**7.5 Case 02-02-24** It was moved by Mr. Marble, seconded by Mr. Sanchez and unanimously

**VOTED:** To schedule the Hearing for June 12 before the entire PSC

**7.6 Case 03-03-04** – It was moved by Mr. Sanchez, seconded by Mr. Atwell and unanimously

**VOTED:** To dismiss as unfounded

- 7B. Appointment of Hearing Officer(s)**

**8. REVIEW OF APPLICATIONS**

8.1 **Retired Status Application** – None

8.2 **Inactive Status Application** – It was moved by Mr. Marble, seconded by Mr. Atwell and unanimously,

**VOTED:** To approved Daniel L. Maxey’s (PS 11600) application for inactive status.

8.3 **Review of Applications for Exams** – Besides Mr. Derrick Smith’s application reviewed earlier, there were no applications for the professional examinations.

9. **ADJOURNMENT** – Chair Chavez adjourned the meeting at approximately 12:43 p.m.

Submitted,

Date Approved \_\_\_\_\_

\_\_\_\_\_  
Elena Garcia, Executive Director

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Gilbert Chavez, PS, Chair, PSC