

Meeting of the Professional Surveying Committee  
of the Board of Licensure for Professional  
Engineers & Professional Surveyors held August 4,  
2005 at the Board Office, 4001 Office Court Drive,  
Suite 903, Santa Fe, NM 87507-4962

Members Present: Fred Sanchez, PS, PSC Chair  
Charles Atwell, Public Member, PSC Vice-chair  
Gilbert Chavez, PS

Members Absent: Salvador Vigil, PS

Others Present : Elena Garcia, Executive Director  
Candis Bourassa, Licensing Manager  
Jeremy Del Valle, Investigator  
Mary Smith, Assistant Attorney General, Legal Counsel  
Tom Rollag, Rollag Associates  
Glen Thurow, NMPS

**1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS**

Chair Sanchez convened the meeting at approximately 1:00 p.m. Roll call was taken, and it was noted that Mr. Vigil was not able to attend the meeting. Guests were introduced.

**2. APPROVAL OF THE AGENDA**

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

**VOTED:** To approve the agenda as presented.

**3. APPROVAL OF THE MINUTES**

**3.1 Minutes of the June 3, 2005 Meeting** – It was moved by Mr. Atwell, seconded by Mr. Chavez and unanimously,

**VOTED:** To approve the June 3, 2005 minutes

**3.2 Minutes of the June 9, 2005 Meeting** – It was moved by Mr. Atwell, seconded by Mr. Chavez and unanimously,

**VOTED:** To approve the June 9, 2005 minutes

**4. New Business**

**4.1 Strategic Planning for the Professional Surveying Committee and Board –** Mrs. Garcia explained that it is important to incorporate all goals and objectives (special projects, etc.) into the strategic plan. She has included item A, 2 “Promulgate Rules and Regulations to Clarify the Act and Provide Procedure” to address the changes in the revised 2005 Practice Act. She believes all expenses will be covered in the FY07 budget due September 1, 2005. Mrs. Garcia indicated the Joint Engineering and Surveying Committee (JES) is the committee comprised of the PEC Chair, the PSC Chair and the two public members established to review the rules and standards and decide which rules will be promulgated by either the PSC or the PEC. A compilation of proposed standards as recommended by the GIS task force and other task forces containing revisions to the standards has been prepared for review.

**4.2 Policy and/draft rule for Section 61-23-27.9 D RE: Written Statement on Professional Liability Insurance Coverage –** Mr. Sanchez explained there appears to be some confusion where disclosure has to be presented. Guidelines need to be established since professional surveyors pursuant to law need to advise all clients in writing whether they carry professional liability insurance or not. Mrs. Garcia presented drafted language for consideration as an advisory opinion. Mr. Chavez stated NCEES would like to see disclosure on contracts. Mr. Sanchez pointed out that sometimes there is no contract and including the disclosure language on the plat makes it a part of the county record. There are also verbal contracts. Mr. Thurow suggested the means of disclosure be left to the professional surveyor since it is incumbent on the professional to comply with the new law. After much discussion, it was decided to make some changes to the proposed language and redistribute for review with the title changed to implement guidelines for section 61-23-27.9 and provide some examples. The proposed business card section is to be removed. After the changes are made, copies will be sent to committee members for review. If no changes, the advisory opinion will be posted and distributed.

**4.3 Tom Rollag – Practice Act – Broadening Fields of the Surveying Profession –** Request for Task Force – [Info. in Joint Brd. Section] page 49 – Mr. Rollag addressed the committee requesting a task force be formed to review the need for a non-boundary classification in surveying. His position is that photogrammetry does not necessarily involve property boundaries. Although photogrammetry is regulated by the state, photogrammetrist regardless of how competent they may be, are unable to get the required boundary surveying experience to meet state requirements. Photogrammetry’s primary application is topographic maps. He believes there is a conflict in the law since engineers are allowed to do photogrammetry without a surveying license or boundary experience.

Mr. Atwell indicated the Board should address Mr. Rollag’s request to form a task force to address the three specific issues presented in his letter. Mr. Chavez added that since this would involve engineering, maybe the option of a task force should be presented to the Board joint meeting. Mr. Sanchez stated he chaired a committee earlier addressing construction surveys, GIS, LIDAR, and photogrammetry. The committee decided last year that licensing photogrammetrists would not be in the best interest of the public, and as of then other states had not acknowledged a demand for tier licensure. Mr. Sanchez

stated Mr. Rollag should ask the PEC to issue a license to him. Mr. Rollag indicated he felt photogrammetry is more surveying and is reflected in the four-year surveying degree. Mr. Atwell made a motion that the request be presented to the full board to consider a task force on Mr. Rollag's three specific questions. The motion was seconded by Mr. Chavez. After some discussion, Mr. Atwell withdrew his motion since the matter was also included in the full board agenda.

**4.3.1 Daniel J. Paulsen, RE: Licensing of Photogrammetry - [Letter from Mr. Paulsen In Joint Brd. Section] page 65 – To be discussed in joint meeting.**

**4.4 Proposed Revisions to the Handbook for Building Officials** [Info in Joint Brd. Section] page 73 - Mr. Thurow stated the Handbook was reviewed about 5 years ago by NMPS. Mr. Chavez has found the book a handy reference for years and it should be revised to include the changes to the surveying provisions in the revised Practice Act. Mr. Sanchez and Mr. Chavez have prepared proposed changes to present to the full Board for review.

5. **COMMUNICATIONS** - No report
6. **OLD BUSINESS** [Pending Issues/Reports/Discussions and/or Action] - No report
7. **CLOSED SESSION** [Complaint and Violations] – It was moved by Mr. Sanchez, seconded by Mr. Atwell and

**VOTED:** To convene in closed or executive session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only those cases listed in 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, and 7.7 on the agenda. A roll call vote was taken. Voting yes, Mr. Sanchez, Mr. Atwell, and Mr. Chavez. Motion carried unanimously.

- 7A. **OPEN SESSION** – Mr. Sanchez reconvened the meeting in open session and further stated that the discussions in closed session were limited to those listed on the agenda and as mentioned in the motion to convene in closed session, items 7.1 through 7.7.

**7.1 Case 03-03-09** Richard J. Tresise, PS – See 7.2.

**7.2 Case 04-03-11** Richard J. Tresise, PS – It was moved by Mr. Chavez seconded by Mr. Atwell and unanimously

**VOTED:** for **Case 03-03-09 and Case 04-03-11** to suspend the license of Mr. Tresise until the April 2006 board meeting at which time he is required to appear before the PSC for an oral interview/test on the minimum standards for surveying.

**7.3 Case 05-04-18** – It was moved by Mr. Atwell, seconded by Mr. Chavez and unanimously

**VOTED:** to dismiss case 05-04-18 as unfounded.

**7.4 Case 05-04-03** – It was moved by Mr. Chavez, seconded by Mr. Atwell and unanimously,

**VOTED:** To approve the Stipulated Agreement pending final review and approval of the plat by the investigating officer.

**7.5 Case 05-04-19** – It was moved by Mr. Atwell, seconded by Mr. Chavez and unanimously,

**VOTED:** To dismiss Case 05-04-19 as unfounded.

**7.6 Case 05-05-01** – It was moved by Mr. Atwell, seconded by Mr. Chavez and unanimously,

**VOTED:** To further investigate and reject the proposed informal settlement agreement.

**7.7 Case 04-04-09** It was moved by Mr. Chavez, seconded by Mr. Atwell and unanimously,

**VOTED:** To defer to Mr. Ytuarte, complaint manager for review. If all issues have been addressed case may be closed.

**7B APPOINTMENT OF HEARING OFFICER(S)** – None necessary.

**8. REVIEW OF APPLICATIONS**

**8.1 Retired Status Applications** – None

**8.2 Applications for Principles & Practice of Surveying (Professional Exams)** – Applications approved for PS by comity to take NM 2hr. exam: LeRoy W. Farley; James F. Lenz; Greg C. Lienhard (provided PPLS verification from California); John K. Melton; and Robert K. Riecken. Richard J. Migchelbrink’s application was denied due to lack of experience. Application approved for PS by exam: Timothy M. Solinski.

**9. ADJOURNMENT** – Having no further business, it was moved by, Mr. Atwell, second by Mr. Sanchez, and unanimously

**VOTED:** To adjourn the meeting.

Submitted by:

Approved by:

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Elena Garcia, Executive Director

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Fred Sanchez, PS Board Chair

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Approval Date