

DRAFT

Meeting of the Professional Surveying Committee of the Board of Licensure for Professional Engineers & Surveyors held February 3, 2005 at 4001 Office Court Drive, Ste. 903, Santa Fe, NM.

Members Present: Gilbert Chavez, PS  
Fred Sanchez, PS  
Charles Atwell, Public Member  
Salvador I. Vigil, PS

Members Absent: No one.

Others Present: Elena Garcia, Executive Director  
Candis Bourassa, Licensing Manager  
Edward Ytuarte, Complaint Manager  
Robert K. Riecken  
Mitch Noonan, PS

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

Chair Chavez convened the meeting at approximately 1:00 p.m. Roll call was taken; it was noted that all members were present.

2. **APPROVAL OF THE AGENDA**

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

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

3. **APPROVAL OF THE MINUTES**

3.1 Minutes of November 10, 2004 Meeting - It was moved by Mr. Sanchez, seconded by Mr. Atwell and unanimously

**VOTED:** To approve the minutes of the November 10, 2004 meeting.

4. **NEW BUSINESS**

**4.1 Robert K. Riecken, Qualifications from British Columbia/Canada – 1:15 p.m. Appointment**  
– Mr Reicken indicated he would like to become licensed in New Mexico and wanted to see if his qualifications as a British Columbia/Canadian surveyor would meet New Mexico’s requirements. He stated he had obtained a degree in surveying engineering from the University of Calgary. After that he had to go before the Western Canadian Board of Examiners who review the various courses completed and who assign additional courses to be completed. In his opinion that review was equivalent to the Fundamentals of Surveying Exam administered here in the U.S. Once he received accreditation from WCBE he had to go before the specific province he lives in to complete the professional exam there. As part of the professional exam he completed an oral exam before the Board based on the laws and regulations of B.C. He also had to complete a project with required field notes, plat, etc. After he obtained his B.C. license he worked in the northwest territory of Canada which is a federally administered territory. There is another land surveying license that comes with that, which is called a Canada Land Surveyor license, and you must complete more exams which are pertinent to the laws and regulations of Canada lands, including Indian reserves, off-shore land, etc. Chair Chavez apprised Mr. Reicken that he needs to submit a full application, education/testing qualifications and required verifications from British Columbia. On its face, it appears the Canadian requirements may be substantially equivalent to New Mexico’s requirements. Mr. Mitch Noonan, PS, who is Mr. Riecken’s employer, spoke highly of Mr.

Riecken's qualifications. Mr. Riecken noted he was interested in taking the October exams. The Committee encouraged Mr. Riecken to submit his application as early as possible and certainly by the deadline for the August board meeting.

**4.2 Civil Engineering Degrees with a Surveying Minor** – Applications for Fundamentals of Land Surveying Exam – Mrs. Garcia reported that Dr. Frank at NMSU has indicated that more engineering students have been recruited to the surveying engineering program with minors in surveying. He and the students were inquiring as to when students can sit for the Fundamentals of Surveying exam and when they can be certified as Surveyor Interns. Mrs. Garcia noted that if considered under the related-science category, they would need experience before being certified. However, when they can sit for the exam is not specifically noted in the statute. The other questions were when does the experience begin and how will the Board treat students with double majors (engineering & surveying)? She had responded that the surveying experience may begin at any time. The law does not require that it be gained after graduation. The statute is clear that individuals in a surveying program in order to sit for the Fundamentals of Surveying exam must be a senior.

Mr. Chavez indicated that the law states that an individual must have at least four years of approved-surveying experience if graduated from a four year approved surveying curriculum. The engineering section says the engineering experience must be after graduation. He thought perhaps there was an oversight. Mrs. Garcia indicated that the statute on surveying experience used to read the same as engineering – requiring that the experience be after graduation. However, the PSC decided to change the law a few years back in order to bring in more individuals who had worked in the surveying field and who had gone back to school to meet the educational requirement by completing the four- year degree. The PSC agreed that a student (senior) with a major in a surveying engineering program should be able to sit for the FLS exam during the senior year if certified by the Head of the Surveying Engineering program at the school. A student with a minor would be considered as having a related science degree and may have to wait until he/ she has completed the degree and then sit for the FLS exam under section 61-23-27.3 E which addressed related science curriculum. The provision states: “E. If otherwise qualified, a graduate of a board-approved related science curriculum of at least four years, to be considered for certification as a surveyor intern, shall have a specific record of four years of combined...” Members agreed that taking the exam during the senior year would give students a better chance of passing the exam. An applicant can then be certified after the four years of internship. Mrs. Garcia indicated that the statutes seem a bit vague as to when students with related science degrees can sit for the exam. It is clear as to when they can be certified.

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

**VOTED:** To allow students with minors during their senior year to take the FLS exam provided Board Counsel indicates the Board can do this under the Act and not be in violation of the Act. Whatever staff finds out, students can be so notified prior to the April exam.

It was noted that part-time work experience gained while going to school can be credited toward the experience requirement by prorating it.

## 5. COMMUNICATIONS

**5.1 Tom Rollag 1/05/05 Correspondence RE: Practice Act & Practice of Photogrammetry & other Non-boundary Surveying Activities** – Mr. Rollag's letter requested that the Board establish a committee to determine a fair and reasonable procedure for non-boundary surveyors to become licensed. He stated the board would be remiss in not establishing procedures for licensing of photogrammetrists. One of his arguments being that photogrammetry is regulated under the Act and also noted in the GIS/Photogrammetry Task Force's report.

Mr. Sanchez indicated that he has a problem with the establishment of “tier” licensing for surveyors. The board has determined that photogrammetry is a surveying activity. Professional surveyors can perform all

functions of surveying not only boundary surveying. He does not know what services a photogrammetrists provides to the general public. Photogrammetry is usually provided in association with an engineering design or as part of a surveying effort. Mr. Sanchez indicated that Mr. Rollag refers to procedures for “non-boundary” surveyors to become licensed. He believes there are no “non-boundary” surveyors in New Mexico, either you are a licensed surveyor or you are not. It appeared that there are about three people in New Mexico that provide photogrammetry. The only one that has contacted the Board is Mr. Tom Rollag.

Mr. Chavez indicated that it is something that will need to be addressed in the near future together with geodesists. Mr. Atwell was concerned that we have been discussing this over the course of four or five meetings and have not come to a decision. Mr. Vigil indicated that we should continue to monitor and study this issue. We can not give him a “yes” or “no” answer to establishing such a system, but we can continue to evaluate it. Mrs. Garcia indicated that currently there are not enough states across the country supporting the development of a national examination in these subspecialties of surveying. The committee concurred that at this time, there is no demand, but will continue to study, monitor, and keep Mr. Rollag apprised of future developments.

**5.2 Dr. Steve Frank RE: Survey Ethics Course at NMSU** – Dr. Steven Frank’s letter informed that NMSU has changed the way the Survey Ethics course is administered. The course is now being taught as non-credit continuing education due to the low demand for university credit and the problems associated with registering for university credit. It is available via the Internet or by videotape. The costs of the videotape were lowered from \$100 to \$80. The cost for the Internet option is now \$179 and the videotape option is \$259.

**5.3 Mike Shannon, PE, NCEES RE: Surveying Speaker’s Kit** – Mr. Shannon forwarded a copy of the Surveying Speaker’s Kit which was funded by NCEES and created in conjunction with NSPS. Mrs. Garcia will keep the kit in the Board’s office but will make it available to anyone who may wish to use it. NSPS will also provide copies to the surveying societies.

**5.4 Request from Member Boards for Geomatics Module for the PLS** – Mrs. Garcia provided information received from other Board’s (Virginia and Florida) wherein they requested other Boards to consider submitting a request to NCEES that a geomatics module for the PLS examination be developed. To date, there have been six states (Florida, Maryland, South Dakota, Virginia, Washington and North Carolina) that have supported such a request. Ten Boards must make a similar request before NCEES will develop such an exam. It was noted that N.M. at this time can not demonstrate a need to administer such an examination.

**6. OLD BUSINESS [Pending Issues/Reports/Discussions and/or Actions]**

**7. CLOSED SESSION (Alleged Violations)**

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

**VOTED:** To go into closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only those cases listed in this section of the agenda. Voting Yes: Mr. Atwell, Mr. Sanchez, and Mr. Chavez. Mr. Vigil. Motion passed unanimously.

**7A. OPEN SESSION** – Chair Chavez convened the meeting in open session. He indicated only those cases listed as items 4.1 through 4.6 as listed on the agenda were discussed.

- 4.1 Case 04-04-09 -  
Report on Administratively Closed Cases
- 4.1 Case 04-04-11 [complaint not against a specific surveyor]
- 4.2 Case 04-04-12 [withdrawn]
- 4.3 Case 04-04-18 [fee dispute; surveyor retained 2001; survey complications associated with time and fees]

- 4.4 Case 04-04-19 [withdrawn]
- 4.5 Case 04-04-43 [complaint against deceased licensee]

It was moved by Mr. Sanchez, seconded by Mr. Vigil and unanimously, **VOTED:** to issue an NCA for violations of the standards in doing a section breakdown and other deficiencies in case 04-04-09 and approve the staff's recommendations on the administratively closed cases as noted above (04-04-11; 04-04-12; 04-04-18; 04-04-19; and 04-04-43].

Mrs. Garcia inquired if any cases should be closed administratively by staff. It was the wishes of the PSC that staff should not close any cases. All reports should be sent to the committee for final disposition.

**7B. APPOINTMENT OF HEARING OFFICERS(S)**

**8. REVIEW OF APPLICATIONS**

**8.1 Retired Status Applications** – It was moved by Mr. Atwell, seconded by Mr. Vigil and unanimously,

**VOTED:** to approve retired status to: James E. Ellett, PS 8890; Robert C. Miller, PS 3794.

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

**VOTED:** To approve inactive status to: Jerry S. Moorner, PS 4704; Emeitt L. Black, PE/PS 7487; Thomas A. Foote, PS 6710; and Larry A. Fisher PS 11013.

**8.3 Applications for Principles & Practice of Surveying (Professional Exams):** Applications reviewed included: Celina K. Alaniz, Not approved - need additional information; Marshall W. Lindeen, Approved for the NM 2 hr. exam; Robert C. Wilkie, Approved for the NM 2 hr. exam.

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

**VOTED:** To adjourn the meeting.

Submitted by:

Approved by:

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Executive Director

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Gilbert Chavez, PS, PSC Chair

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Approval Date