

Meeting of the Professional Surveying Committee  
of the Board of Licensure for Professional Engineers  
& Professional Surveyors held November 3, 2005 at  
NMSU, Las Cruces, NM.

Members Present: Fred Sanchez, PS, Chair, PSC  
Charles Atwell, Public Member  
Gilbert Chavez, PS  
Salvador Vigil, PS

Members Absent: Gilbert Chavez

Others Present Elena Garcia, Executive Director  
Jeremy Del Valle, Investigator (arriving after the meeting had commenced)

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

Mr. Sanchez convened the meeting at approximately 9:14 a.m. A roll call was taken, and it was noted that a quorum of the Committee was present.

**2. APPROVAL OF THE AGENDA**

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

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

**3. APPROVAL OF THE MINUTES**

**3.1 Minutes of the August 4, 2005 Meeting** - It was moved by Mr. Atwell, seconded by Mr. Atwell and unanimously,

**VOTED:** To approve the minutes of the August 4, 2005 meeting.

**4. NEW BUSINESS**

**4.1 Approval of Draft Changes to the Rules & Minimum Standards to Schedule Hearing** – The proposed changes to the Minimum Standards for Surveying were reviewed as noted in the September 1, 2005 Draft. It was moved by Mr. Atwell, seconded by Mr. Vigil and unanimously,

**VOTED:** To approve the proposed changes as noted in the September 12, 2005 draft with the striking of the word “assumed” on line 21 on page 8.

Mr. Sanchez stated NMPS will be meeting on December 3, 2005 to review the proposed changes and will be submitting comments to the Board prior to a public hearing.

There was discussion on the professional development hours required for professional surveyors who also held a professional engineer's license. Mr. Sanchez noted that it should not be up to the licensee to determine how the PDHs should be applied. He believes a licensee who holds two licenses should carry sufficient hours for each profession. This topic will be discussed during the full board approval of the Administrative Code changes.

**4.2 Approval of NM PS Examination Scores** – Since the score tabulations were not available for this meeting, the committee agreed that staff would fax the information to the Chair within ten days for review and approval on behalf of the Committee so that staff can release the scores.

5. **COMMUNICATIONS** - None

6. **OLD BUSINESS** - None

7. **CLOSED SESSION** (Complaints and Violations) – It was moved by Mr. Vigil, seconded by Mr. Atwell and

**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, cases 7.1 to 7.9. A roll call vote was taken. VOTING YES: Mr. Atwell, Mr. Vigil, and Mr. Sanchez. Motion carried unanimously.

7. A. **OPEN SESSION** – It was moved by Mr. Vigil, seconded by Mr. Atwell and unanimously,

**VOTED:** To convene in open session. Mr. Sanchez stated only those cases listed as items 7.1 through 7.9 as listed on the agenda were discussed pursuant to the closing of the meeting.

[...All charges, unless dismissed as unfounded, trivial, resolved by reprimand, or settled informally shall be heard in accordance with the provisions of the ULA, 61-23-24(E), NMSA 197]

**7.1 Case 03-02-30 Richard Hall** (Compliance with Brd. Dec. & Order – Status: Staff provided a status report on the professional development hours submitted by Mr. Hall. No formal actions taken.

**7.2 Cases 05-04-09 & 05-04-01 George Marquez** : It was noted that Mr. Marquez did not respond to the NCA(s) and did not request a hearing. Under the ULA, the

Committee may take the contemplated action if the licensee does not request a hearing. It was moved by Mr. Vigil, seconded by Mr. Atwell and unanimously,

**VOTED:** To issue a Decision and Order in the Marquez cases stating he will be under suspension for one year and he is to make restitution to all complainants by returning the fees collected for work not performed. At the end of one year, Respondent will need to provide evidence of compliance to the Board or if in noncompliance shall appear before the Board to “show cause” why his license should not be immediately revoked. If he fails to show cause the license will be revoked.

**7.3 Case 05-04-02 Tommy R. Conley – Update:** It was moved by Mr. Atwell, seconded by Mr. Vigil and unanimously,

**VOTED:** Since a Stipulated Agreement has not been reached, the case should be scheduled for hearing.

**7.4 Case 05-04-05:** Staff provided update. No action was taken. It was noted that the parties in this case were waiting for the outcome of an appeal in district court by the end of November.

**7.5 Case 05-04-21:** It was moved by Mr. Atwell, seconded by Mr. Vigil and unanimously,

**VOTED:** To dismiss the case as unfounded.

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

**VOTED:** To issue an NCA for violations of 61-23-27.11A(1)(5)(7) & 61-23-27.15(A)(B) & 16.39.8.9 (A)(1)(e) NMAC.

**7.7 Case 05-05-03:** It was moved by Mr. Vigil, seconded by Mr. Atwell and unanimously,

**VOTED:** To issue an NCA and pursue an injunction (61-23-27.11.K) against the respondent for holding himself out as a surveyor and practicing without a licensed, Section 61-23-15(A)(B), and any other applicable provision.

**7.8 Case 05-05-06:** It was moved by Mr. Atwell, seconded by Mr. Vigil and unanimously,

**VOTED:** To accept the informal settlement agreement with fine.

**7.9 Case 05-04-13:** Dismiss case as unfounded since firm once contacted provided affidavits of responsibility by a professional surveyor.

**7B. Appointment of Hearing Officer(s):** For case 05-05-03 – Salvador Vigil, PS; for case 05-05-01 – Fred Sanchez, PS.

**8. REVIEW OF APPLICATIONS**

**8.1 Grant Gourley – Academic Plan – Guidance:** The Committee reviewed a letter from Mr. Gourley listing classes he planned on taking to be able to apply under a related-science degree to meet the minimum educational requirements for a professional surveyor’s license.

**8.2 Review of New Comity and Examination Applications –** The Committee considered the application(s) for licensure by comity and by examination. The following applications were approved: For reinstatement Ronald Stoll and Cristobal D. Encinias. For PS Endorsement and NM 2 hr. exam: David L. Arnold, Lee Roy Marlow III, and Dale J. Robinson.

**9. ADJOURNMENT** – Having no further business, it was moved by Mr. Atwell, seconded by Mr. Vigil 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, Chair, PSC

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Approval Date