

DRAFT

Meeting of the Professional Surveying
Committee of the Board of Licensure for
Professional Engineers & Professional
Surveyors held February 2, 2006 at 1:00
p.m., Enchantment Room 1, Albuquerque
Convention Center, 401 2nd NW, West
Complex, Lower Level, Albuquerque, NM
[Meeting continued on 2/13/06]

Members Present Charles Atwell, PSC Vice Chair, Public Member
Gilbert Chavez, PS
Salvador Vigil, PS

Others Present Elena Garcia, Executive Director
Candis Bourassa, Licensing Manager
Ed Ytuarte, Complaint Manager
Jeremy Del Valle, Investigator
Mary Smith, Assistant Attorney General, Board Counsel

Members Absent: Fred Sanchez, PS, PSC Chair

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

Mr. Atwell convened the meeting at approximately 1:00 p.m. Roll call was taken, and it was noted that a quorum of the Board was present

2. **APPROVAL OF THE AGENDA**

It was moved by Mr. Vigil, second by Mr. Chavez and unanimously,

VOTED: To approve the agenda as presented

3. **APPROVAL OF THE MINUTES**

3.1 Approval of the January 4, 2006 Minutes – It was moved by Vigil, second by Mr. Chavez and unanimously,

VOTED: To approve the minutes of 01/04/06

4. **CORRESPONDENCE**

Richard J. Tresise – Request Appearance in April to Submit to Oral Examination – Mrs. Garcia explained Mr. Tresise is on suspension and one of the conditions of the PSC's Decision and Order is that he must appear before the PSC for an oral examination on the minimum standard for surveying (2000 version). The PSC

members should have specific questions prepared to ask Mr. Tresise. Mrs. Smith advises each member take part. Mr. Atwell suggested each board member come with five prepared questions. Mr. Vigil and Mr. Chavez agreed.

5. **OLD BUSINESS** – None to address
6. **CLOSED SESSION (Complaints and Violations)** – It was moved by Mr. Vigil, second by Mr. Chavez

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 6.1 through 6.6 of the agenda. A roll call vote was taken. Voting yes, Mr. Atwell, Mr. Chavez, and Mr. Vigil. Motion carried unanimously.

- 6A. **OPEN SESSION** – Action on the Cases on the agenda – Mr. Atwell reconvened the meeting in open session and further stated that the discussions in closed session were limited to those cases listed as items 6.1 through 6.6 on the agenda. *[...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 1978]*

6.1 Case 05-04-02 Tommy R. Conley, PS – It was moved by Mr. Vigil, seconded by Mr. Chavez and unanimously,

VOTED: to accept the stipulated agreement of settlement as presented

6.2 Case 04-04-42 Timothy Ray Oden, PS 8667 Consider Decision & Order – Motion by Mr. Chavez that the disciplinary action be imposed. Based on the hearing officer report and transcript Mr. Oden is in violation of the allegations; however, the hearing officer was unable to be present. Mr. Chavez withdraws his motion. Mr. Vigil noted that some of the information on the exhibits was a bit too small to be able to read. Larger copies are necessary. It was agreed that the committee needed more time than is available at this meeting to review all the data, therefore it was determined that this case be kept open and this meeting to be continued.

6.3 Case 05-05-04 – It was moved by Mr. Chavez, seconded by Mr. Vigil and unanimously,

VOTED: to issue a Notice of Contemplated Action (“NCA”) based on the complaint manager’s report and the alleged violations of the minimum standards as discovered in Exhibit A, except J(2) certificate as noted on the complaint manager’s report.

6.4 Case 05-05-07 – It was moved by Mr. Chavez seconded by Mr. Atwell and unanimously,

VOTED: to issue a Notice of Contemplated Action (“NCA”) for alleged violation of the Act, section 61-23-27.11 and alleged violations of ethics, Board’s rules.

6.5 Case 05-04-05 Update – It was moved by Mr. Vigil, seconded by Mr. Chavez and unanimously,

VOTED: to accept the update.

6.6 Case 05-05-02 – It was moved by Mr. Chavez, seconded by Mr. Vigil and unanimously,

VOTED: to *dismissed* as unfounded since the Board has no jurisdiction over financial matters.

Appointment of Hearing Officer(s) – for Case 05-05-04, Mr. Chavez for Ruidoso, NM, for case 05-05-07, Mr. Vigil in Albuquerque.

7. **REVIEW OF APPLICATIONS** - Applications were reviewed and decisions were posted in individual files.
8. **RECESS** – Chair Atwell indicates the meeting is in recess to reconvene on February 13, 2006, at 1:00 p.m. at the Board Offices, at 4001 Office Ct. Dr. #903, Santa Fe, NM. At that time the PSC will complete the decision on Case 04-04-02, Timothy Ray Oden, PS 8667.

February 13, 2006

Members Present Fred Sanchez, PS, PSC Chair
Charles Atwell, Public Member
Salvador Vigil, PS
Gilbert Chavez, PS, (by conference phone)

Others Present Elena Garcia, Executive Director
Candis Bourassa, Licensing Manager
Ed Ytuarte, Complaint Manager
Jeremy Del Valle, Investigator
Mary Smith, Assistant Attorney General, Board Counsel

Mr. Sanchez reconvened the meeting of February 2, 2006 and it was determined a quorum was present without the personal attendance of Gilbert Chavez who was not able to make the meeting. The PSC will continue deliberating Case 04-04-42 Timothy Ray Oden, PS 8667. All Board member have been supplied all documentation/transcripts information in original size, etc. on this case.

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

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only case 04-04-02 on the 02/02/06 meeting agenda item 6.2. A roll call vote was taken. Voting yes: Mr. Atwell, Mr. Sanchez, Mr. Vigil, and Mr. Chavez. Motion carried unanimously.

OPEN SESSION – Action on the Above Cases – Mr. Atwell reconvened the meeting in open session and further stated that the discussions in closed session were limited to those cases listed as items 6.2 on the 02/02/06 agenda.

[...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 1978]

6.2 Case 04-04-42, Timothy R. Oden, PS 8667 Consider Decision & Order – It was moved by Mr. Atwell, seconded by Mr. Vigil and unanimously,

VOTED: To issue a decision and order in this case to Mr. Oden with the following conditions: Fine of \$5000 fine plus administrative costs, 60 days to correct plat for complaint manager review and acceptance and if not corrected must submit cause why his license should not be immediately revoked, 1 year suspension effective 30 days he receives notice his plat has been accepted, and issuance of a letter of reprimand. Voting yes: Mr. Atwell, Mr. Sanchez, Mr. Vigil, and Mr. Chavez. Motion carried unanimously

8. ADJOURNMENT - Having no further business, it was moved by Mr. Atwell second Mr. Vigil and unanimously,

VOTED: To adjourn the meeting

Submitted by:

02/02/06 meeting approved by

Elena Garcia, Executive Director

Charles Atwell, PSC Vice Chair

02/13/06 meeting approved by

Fred Sanchez, PS Committee Chair

Approval Date