

Meeting of the Professional Surveying Committee of the Board of Licensure for Professional Engineers and Surveyors held 1:30 p.m., July 14, 2006 at Red River Conference Center, 101 W. River, Red River, NM

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

Others Present: Elena Garcia, Executive Director, BOLPEPS [attending between PEC and PSC concurrent meetings]
Candis Bourassa, Licensing Manager, BOLPEPS

1. **Convene/Roll Call/Introduction of Guests** – Mr. Atwell Public Member

Mr. Atwell convened the meeting at 1:30 p.m. Roll call was taken, and it was noted that a quorum of the PSC was present.

2. **Approval of the Agenda** Motion by Mr. Chavez, second by Mr. Vigil and unanimously,

VOTED: To approve the agenda as presented.

3. **Public Comments** – no visitors

3.1 New Rules Pertaining to Professional Surveyors – It is Mr. Sanchez's opinion that rules need to be added to create penalties for not being able to verify PDHs. Mr. Chavez states there is no penalty besides not renewing the license. It is suggested the full board may want to create a form to attach to renewal for presentation if asked. It is questionable whether licensees understand when renewals are signed it means they have the hours. This goes back to personal ethics and to not commit perjury and falsification. Mr. Atwell and Mr. Sanchez suggested notification of consequences should be on the renewal form. The language could use the word "Caution" and the language should be noticeable. Mrs. Garcia indicated she will include a sentence for the board to review that could be added at the signature line.

Mr. Chavez and Mr. Vigil have noticed when called in on complaints, the licensees say they have not read the most current statutes. Taking personal responsibility to keep up with changes in the law seems to be lacking. In complaint proceedings, the review of licensees' PDHs record should be incorporated. There was a suggestion made to get NMPS more involved in the distribution of information about new rules and important rules meetings.

Committee addresses letter from the City of Roswell stating they “*have always performed our own design surveying for public works projects within the city. These surveys include horizontal and vertical control, unless we encounter a situation described above, topographic point, elevations, cross-sections, above and underground utility locations and elevations, and any other project specific items required.*” They claim municipality sovereignty. Mr. Chavez will draft a letter on how this is contradictory to the state statues. The letter can be reviewed at the next meeting.

4. Possible Legislative Changes - New Mexico Statutes, Chapter 14, Article 8 (Recording), 16.A and 16.B “To be eligible for recording, the legal description or plat must be certified as being correct by a professional engineer, and or land surveyor licensed in the state” needs to be updated to strike out “engineer, and or Land.” –G. Chavez. Mr. Chavez has a problem with county clerks office using outdated statutes. In 1978, the legislature defined “book” as microfilm and today it is digital. No definition that a digital record is also a book has been done by the association of counties. Realtors going by RESPA set down by HUD have definitions also causing problems since HUD supersedes state laws. Helping licensed surveyors are the title companies that honor surveys by licensed surveyors. In the NM Statues for county records, the board needs to work with the county association to limit legal descriptions to licensed surveyors and write definitions of book references system. Mr. Atwell will try to get some insight on the procedure to address the county clerk offices with the PSC’s concerns.
5. Strategic Planning - In case business, Mrs. Garcia can write attorney that on August 3, Mr. Oden should appear before the board.

Mr. Sanchez explained the importance of networking with surveying association members. This association is to the benefit of everyone.

Mr. Vigil asks about ethics class inquiries and Ms. Bourassa explained the ethics class information is sent out several times a day.

6. Meeting is adjourned

Submitted by:

Approved by

Elena Garcia, Executive Director

Mr. Atwell, PSC Chair

Approval Date