

Meeting of the Professional Surveying Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held at 8:00
a.m., January 12, 2007 at the Board Office at 4001
Office Court Drive, Ste. 903, Santa Fe, NM.

Members Present: Charles Atwell, PSC Chair
Salvador Vigil, PS, PSC Vice Chair
Fred Sanchez, PS

Others Present: Candis Bourassa, Licensing Manager, BLPEPS
Perry Valdez, Licensing Specialist, BLPEPS
Mary Smith, Assistant Attorney General, Board Counsel by teleconference
Elena Garcia, Executive Director, BLPEPS [for one hour into the meeting]

Members Absent: Gilbert Chavez, PS

Guest: None

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Atwell convened the meeting at approximately 8:00 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. Sanchez, second by Mr. Vigil and unanimously,

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES - Motion by Mr. Sanchez to defer approval of 11/2/06 minutes to February 1, 2007 meeting, second by Mr. Vigil and unanimously,

VOTED: To approve deferment.

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

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (#1) to discuss only the cases listed on the agenda. A roll call vote was taken. Voting yes: Mr. Sanchez, Mr. Vigil, and Mr. Atwell. Motion carried unanimously

4.A OPEN SESSION – Action on the above case – Mr. Atwell reconvened the meeting in open session and further stated that the discussions in closed session were limited to those cases listed as 4.1, 4.2, and 4.3 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, 61-23-27.11(D), NMSA 1978].*

4.1 Case 06-05-48 In the Matter of Thomas Leyba [Unlicensed] – It was moved by Mr. Sanchez, seconded by Mr. Vigil and unanimously,

VOTED: to issue a Decision and Order finding Respondent in violation of NM statutes (NM Engineering and Surveying Practice Act) to include a fine of \$2,500 and a three-year probation period. If Respondent is found within those three years to have further violated the Engineering and Surveying Practice Act, an additional \$2,500 fine will be applied. The Land Title Association will also be notified. Mr. Leyba is in violation of practicing surveying without a license violating 61-23-27.9 and 61-23-27.15. A cease and desist letter shall be issued.

4.2 Case 07-06-19 – It was moved by Vigil, seconded by Mr. Sanchez and unanimously,

VOTED: To continue this case and allow for further investigation by staff and Mr. Ytuarte.

4.3 Case 07-06-20 - 7.7 – It was moved by Mr. Sanchez, seconded by Mr. Vigil and unanimously,

VOTED: To continue this case and allow for further investigation by staff and Mr. Ytuarte.

5. REVIEW OF APPLICATIONS

5.1 Applications for Retired Status & Inactive Status – Motion by Mr. Sanchez to approve the list of applications for retired status, inactive status and the Surveyor Intern list: 10 retired, 3 inactive requests and one SI certification; second by Mr. Vigil and unanimously,

VOTED: To approve the applications.

6, ADJOURNMENT – Having no further business, Mr. Atwell adjourned the meeting.

Submitted by:

Approved by:

Elena Garcia, Executive Director

Mr. Charles Atwell, Chair, PSC

Approval Date