

Meeting of the Professional Surveying Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held at 11:00
a.m., July 31, 2008 at Board Office, 4001 Office
Court Drive, Suite 903, Santa Fe, NM

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

Others Present: Edward Ytuarte, Executive Director, BLPEPS
Ericca Lopez, Executive Secretary, BLPEPS
Mary Smith, Assistant Attorney General, Board Attorney

Guests: Glen Thurow, PS
John Martinez, Director of Administrative Law Division,
Records and Archives
Adrian Terry, Assistant Attorney General

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

Mr. Vigil convened the meeting at 11:00 a.m. Roll call was taken and it was noted that a quorum of the Professional Surveyors Committee was present. The three guests attending stood up and introduced themselves.

2. **APPROVAL OF THE AGENDA**

MOTION by Mr. Chavez, **SECONDED** by Mr. Sanchez and unanimously

VOTED: To approve the agenda.

3. **APPROVAL OF THE MINUTES**

3.1 **Approval of the June 12, 2008 Minutes** – **MOTION** by Mr. Sanchez, **SECONDED** by Mr. Chavez and unanimously,

VOTED: To approve the June 12, 2008 PSC meeting minutes pending changes.

4. **CORRESPONDENCE/ COMMUNICATIONS**

4.1 **2009 NMPS Annual Meeting, March 13-14-** Mr. Ytuarte stated that he had put this item on the agenda to inform the PSC of this meeting and let them know that NMPS has requested that the PSC attend and give a presentation. A short discussion was made on possible topics that could be presented. **MOTION** by Mr. Atwell, **SECONDED** by Mr. Chavez, and unanimously

VOTED: To notify NMPS that the PSC will attend as a group.

- 4.2 **John Martinez June 12, 2008 Email on Electronic Filings-** Mr. Martinez was invited by Mr. Ytuarte to come in and speak to the committee regarding the Uniform Real Property Electronic Recordings Act. Mr. Martinez informed the committee that the first public hearing on this item was on June 3, 2008 and a second public hearing was held on June 19, 2008. He explained that the rule was being prepared for adoption on August 26, 2008. Mr. Martinez also stated that it would be set for publication and go into effect on September 15, 2008. Mr. Martinez did note that this act was not mandated. It would be a decision that each county would make on an individual basis. Mr. Martinez stated that to his knowledge the only counties that have come to them for more information are Los Alamos, Bernalillo and Valencia counties.

5. **NEW BUSINESS**

- 5.1 **List of Motions at the NCEES Annual Meeting-** Mr. Chavez stated that he wanted to bring to the committees' attention the motions that were going to be considered at the NCEES Annual Meeting, especially those that would concern the surveyors. Mr. Chavez stated that he would like to get on the floor at the annual meeting and recommend that NCEES create a task force to address the issue of engineering surveys, to define engineering surveys in the practice of engineering and the practice of surveying. Mr. Thurow stated that he knew that the Board had not adopted the Model Law, but thought that it was very important for the board to keep up with the changes going on in the Model Law, especially those that concern surveyors, because eventually all the boards would adopt it.

Mr. Sanchez brought up a concern that interns, by definition were being allowed to do a great deal more the actual professional. It was decided by the committee that they would share their comments via email since there would not be another meeting held prior to the NCEES annual meeting.

- 5.2 **Recommended changes to 16.39.5.8- Licensure by Endorsement-** Mr. Ytuarte explained that there is one page that addresses licensure by endorsement submitted by staff for the committee to consider as adopting into the administrative code. Mr. Ytuarte explains that these are items that the committee is already applying, but are not written any place. **MOTION** by Mr. Chavez, **SECONDED** by Mr. Atwell, and unanimously **VOTED:** To forward requested endorsement language to the Rules and Regulations Committee with the stipulation that it be returned to the PSC for final review.

6. **COMPLAINTS AND VIOLATIONS-Closed Session**

MOTION by Mr. Sanchez to go into closed session pursuant to NMSA 1978, Section 10-15-1(H) (1) to discuss only the cases listed as 6.1 and 6.2 on the agenda,

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only the cases listed as 6.1 (Case 08-07-22) and 6.2 (Case 08-07-24) on the agenda. A roll call vote was taken. Voting yes: Mr. Chavez, Mr. Atwell, Mr. Sanchez, and Mr. Vigil. Motion carried unanimously. Mr. Vigil declared that the committee was in closed session.

6A. **COMPLAINTS AND VIOLATIONS -Open Session-**

MOTION by Mr. Chavez to go back into open session and further noted that during closed session only cases 08-07-22 and 08-07-24 were discussed, **SECONDED** by Mr. Sanchez. Mr. Vigil declared that the meeting was now back in open session.

6.1 **Case 08-07-22 – MOTION** by Mr. Sanchez, **SECONDED** by Mr. Chavez, and unanimously **VOTED**: To issue an NCA with a stipulated agreement if the respondent revises his plat, and advise surveyor that plat needs to be submitted to be reviewed before final decision.

6.2 **Case 08-07-24- MOTION** by Mr. Sanchez, **SECONDED** by Mr. Chavez, and unanimously **VOTED**: To send a letter of caution to the surveyor advising him to be more careful in the future

6A.1 **Appointment of Hearing Officers-** Hearing Officer for Case 08-07-22 will be Mr. Chavez with Mr. Sanchez as the alternate.

7. **OLD BUSINESS**

Ms. Smith gave the Committee an update on the George Marquez appeal case. She stated that Mr. Marquez was given an opportunity by the court to give a reason why the case should not be dismissed given that Marquez did not respond to the court. The judge accepted his response and set a new briefing schedule. Mr. Marquez' statement of appellant issues was due on June 9th and as of June 11th Ms. Smith had not received it. She placed a call to his attorney because she had not received a copy of it. Mr. Marquez' attorney stated to Ms. Smith that Mr. Marquez was supposed to hand deliver a copy of his statement to her office. Ms. Smith informed him that she had not received anything and this was the reason for her call. Mr. Marquez' attorney faxed over a copy to Ms. Smith on June 11th. Ms. Smith stated that in her response to the court she will make note that there is a certificate of service stating that a copy had been delivered, and one was never received by her office.

Mr. Sanchez also questioned the status of the Leroy Smith case. Ms. Smith informed him that Mr. Smith was supposed to be making monthly payments to the board and was aware that Mr. Smith had made his first payment on time. Mrs. Lopez also informed the committee that he had also made his second payment.

8. **OTHER BUSINESS**

Mr. Sanchez stated that he had a concern that that none of the PSC Members were appointed to any of the committees. Ms. Smith stated that this is an item that needs to be presented at the full board rather than this committee.

9. **REVIEW OF APPLICATIONS**

9.1 **Applications for Retired and Inactive Status- MOTION** by Mr. Sanchez, **SECONDED** by Mr. Chavez, and unanimously **VOTED**: To approve retired application per staff request.

9.2 **Applications for FS, PS and Endorsement-** Applications were reviewed on an individual basis.

10. **ADJOURNMENT**

Mr. Vigil adjourned the meeting at 1:10 p.m.

Submitted by:

Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by

Salvador S. Vigil
Salvador Vigil, PS, PSC Chair

November 6, 2008 Approved Date