

Meeting of the Professional Surveying Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held at 11:00
a.m., June 12, 2008 at the Ruidoso Convention
Center, 111 Sierra Blanca Dr., Ruidoso, NM

Members Present: Chuck Atwell, PSC Chair
Fred Sanchez, PS
Gilbert Chavez, PS, Board Chair

Members Absent Salvador Vigil, PS, PSC Vice Chair

Others Present: Edward Ytuarte, Executive Director, BLPEPS
Candis Bourassa, Licensing Manager, BLPEPS
Roman Garcia, Investigator, BLPES
Ericca Lopez, Executive Secretary, BLPEPS

Guests Tom Moore, PS
Anthony Gutierrez

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

Mr. Atwell convened the meeting at 11:00 a.m. Roll call was taken, and it was noted that a quorum of the Professional Surveying Committee was present.

2. **APPROVAL OF THE AGENDA**

No action was taken on this item.

3. **APPROVAL OF THE MINUTES**

3.1 **Approval of the April 17, 2008 Minutes – MOTION** by Mr. Sanchez to approve the minutes as presented, **SECONDED** by Mr. Chavez and unanimously,

VOTED: To approve the April 17, 2008 PSC meeting minutes

4. **NEW BUSINESS**

4.1 **Election of Officers for FY '09- Chair and Vice Chair** – Mr. Atwell called for nominations for Chair. Mr. Chavez nominated Mr. Salvador Vigil for Chair of the PSC. Mr. Sanchez made a motion that Mr. Vigil be elected chair by acclamation. Mr. Atwell declared Mr. Vigil, Chair by acclamation. Mr. Atwell then called for nominations for Vice Chair. Mr. Chavez nominated Mr. Sanchez for Vice Chair of the PSC. Mr. Atwell declared Mr. Sanchez Vice Chair by acclamation.

5. **COMPLAINTS & VIOLATIONS- Closed Session** -**MOTION** by Mr. Chavez to go into closed session pursuant to NMSA 1978, Section 10-15-1(H) (1) to discuss only those cases listed in 5.1 through 5.4 of the agenda, **SECONDED** by Mr. Sanchez . Mr. Atwell declared that the committee was in closed session.

5A **OPEN SESSION** – Action on cases on the agenda 5.1 through 5.4 – [*...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*]. **MOTION** by Mr. Chavez to reconvene the meeting in open session and states that the discussions in closed session were limited to those cases listed under item 5.1 through 5.4 on the agenda, **SECONDED** by Mr. Sanchez. Mr. Atwell declared that the committee was now in open session

5.1 **Case 08-07-12** – **MOTION** by Mr. Sanchez that the surveyor be notified to correct and record the plats in the complaint, if this is not done then the Board would pursue further action. Mr. Chavez made a friendly amendment to the motion that the complaint be dismissed as unfounded, with direction to the surveyor to correct the plats and make them of record. Amendment was accepted by Mr. Sanchez.

VOTED: To dismiss the complaint as unfounded, with direction to the surveyor to correct the plats and make them of record.

5.2 **Case 08-07-21-** **MOTION** by Mr. Chavez to dismiss as unfounded. This case is a civil matter between the property owner, the title company, and the surveyor. Mr. Chavez would also like a warning issued to the surveyor that there are numerous errors on the survey and he is required to make the corrections and file the survey within thirty days, **SECONDED** by Mr. Sanchez.

VOTED: To dismiss the case as unfounded, with a warning letter to the surveyor to correct and record the survey within thirty days.

5.3 **Case 08-08-30** – **MOTION** by Mr. Sanchez to issue an NCA and as soon as possible with a letter of Cease and Desist, **SECONDED** by Mr. Chavez

VOTED: To issue an NCA with a letter of Cease and Desist to go out as soon as possible.

5.4 **Case 08-08-34-** Mr. Chavez asked to have himself recused from this case. Mr. Sanchez states an informal letter should be mailed to this county informing them to be cautious so that in the future issues like this will not have to come to the attention of the board in the form of a complaint. Mr. Chavez expressed a concern that some government entities were posting job descriptions for what should be a licensed professional and in turn they are hiring interns but still giving them the professional responsibilities.

Appointments of Hearing Officers for the cases heard at the June 12, 2008 meeting:
Case 08-08-30: Mr. Atwell and Mr. Sanchez as back up.

6. OLD BUSINESS

6.1 **Proper use of ILRS by realty companies-** Item was requested by Mr. Vigil to be put on the agenda for discussion and will be tabled until the next meeting.

6.2 **Deed Check Website-** Mr. Ytuarte stated that Mr. Perry Valdez had done further research at the request of the committee and found that this item is just a tool and unless a formal complaint comes forth of this item being misused then the committee really doesn't have to be concerned at this point.

7. REVIEW OF APPLICATIONS

One application was reviewed for licensure by Mr. Chavez and Mr. Sanchez and was deemed not qualified.

8. ADJOURNMENT

Having no further business Mr. Atwell adjourned the meeting at 12:30 p.m.

Submitted by:

Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by

Charles Atwell
Mr. Charles Atwell, PSC Chair

July 31, 08 Approved Date