

Meeting of the Professional Surveying Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held at 11:00
a.m., January 8, 2009 at Board Office, 4001 Office
Court Dr., Ste. 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
Roman Garcia, Investigator, BLPEPS
Mary Smith, Assistant Attorney General, Board Attorney

Guests: Jeffrey Ludwig, Santa Fe County Surveyor

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. Mr. Jeffrey Ludwig introduced himself to the committee.

2. APPROVAL OF THE AGENDA

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

VOTED: To approve the agenda.

3. APPROVAL OF THE MINUTES

3.1 Approval of the November 6, 2008 Minutes – MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez and unanimously,

VOTED: To approve the November 6, 2008 PSC meeting minutes.

4. NEW BUSINESS

4.1 County Clerk's Association- Mr. Sanchez explained that at the last PSC meeting they had discussed some problems with counties that Ms. Smith suggested that the committee sit down with the County Clerk's Association to try to resolve the matter.

Mr. Ytuarte explained that he tried to get the PSC on the Association of Counties Conference agenda to meet with them but had no success because from what he was told this was something that had to be done very early on. He was also told

that in order to get on any of the agendas the PSC would have to make contact with an affiliate of the Association, possibly the Land Use or Planners.

Ms. Smith noted that this is a training session for them. She stated that the county clerks would be the people they need to contact.

Mr. Chavez stated that maybe the best thing to do is to approach a couple of counties with the PSC's concerns and then work to create some uniformity throughout the state. Mr. Chavez suggested that Mr. Ytuarte attend the meeting if the Association would allow him to attend as a public member.

4.2 Mylar Issues at City Hall- Mr. Ludwig, Santa Fe County Surveyor, asked the committee what their interpretation is of the retention of the original mylar. Mr. Chavez explains that this is another area of where there needs to be some uniformity. Mr. Ludwig explained that the City of Santa Fe, when you submit a subdivision plat, you deliver a mylar to them, and from that point on it is kept by the city and they are the ones that go and record it and they are the ones who keep it in their plat room and if you want a copy you have to go down there and pay for it. Mr. Ludwig asks if the laws are clear as to the retention. He states that he knows that in the Boundary portion it does state that the Surveyor must retain the original copy.

Mr. Sanchez states that he believes that those are local ordinances and he does not believe that state law gets involved with that. Mr. Ludwig explained that he has heard that they are modifying the plats and amending them, and then they are re-recording them. Mr. Sanchez states that any modification over a professional's stamp and signature is strictly against the law. Mr. Ludwig states that this is the reason that he has brought this to the committee's attention. Mr. Ytuarte explained that this would be a case where the licensee should file a formal complaint. He states that if the professional is afraid to be 'blacklisted' that maybe they could have someone else who is involved in the process file the formal complaint. Ms. Smith brought to the committee's attention that this also sounds like the previous issue and this may be something that they would like to meet with the Municipal league on. Mr. Ytuarte was also asked to make contact with the Municipal League.

4.3 NMPS March Conference - Mr. Ytuarte explained that the New Mexico Professional Surveyors (NMPS) has invited them to speak at their March conference. Mr. Ytuarte asked the committee for their ideas on what they would like to present.

Mr. Chavez suggested that they do a presentation on the complaint process. He would also like to see something on the rules of professional conduct. He feels that not enough people are aware that they exist. Ms. Smith suggests that the committee speaks in generalities and that a notice is put out stating that the group will be together as a whole at this conference and will not be taking any kind of action.

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

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

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) to discuss only the cases listed as 5.1 through 5.3 on the agenda. A roll call vote was taken.

Mr. Vigil declared that the committee was in closed session.

5A. **OPEN SESSION**

MOTION by Mr. Chavez to go back into open session and further noted that during closed session only cases listed as items 5.1 through 5.3 were discussed, **SECONDED** by Mr. Atwell.

Mr. Vigil declared that the meeting was now back in open session.

5A.1 08-08-43- MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez and unanimously **VOTED:** To issue an NCA with a proposed early resolution to have the surveyor fix the plat that he produced, where there is a conflict on the language on the topographic survey, survey reference within sixty days.

5A.2 08-08-44- MOTION by Mr. Sanchez, **SECONDED** by Mr. Atwell and unanimously **VOTED:** To issue an NCA with early resolution possible if the surveyor changes the plat to call the thirty foot access easement to be called what it is and mention that many utilities exist within the easement on his plat within the next sixty days. If this is not done then the board will take further action.

5A.3 09-08-01- MOTION by Mr. Sanchez, **SECONDED** by Mr. Atwell and unanimously **VOTED:** To issue an NCA, with early resolution possible if the respondent demonstrates and references that the methods and ties that he used to the original notes of the BLM if any relationship exists and place them on the plat, so that anyone can see the methodology that he used and reference the actual portions of the manual or manuals that support his activities within the next sixty days.

5A.4 Appointment of Hearing Officers (if required)

None required at this time

6. **OLD BUSINESS**

6.1 Rio Arriba Land Use- Mr. Vigil stated that several surveyors from Rio Arriba County and Santa Fe County got together with officials from Rio Arriba County and got a better understanding of what they needed and how they wanted the electronic files submitted.

7. **REVIEW OF APPLICATIONS**

7.1 **Approval of Retired and Inactive Status Applications- MOTION** by Mr. Sanchez, **SECONDED** by Mr. Chavez and unanimously

VOTED: To approve Mr. Louis Gross application for retirement.

MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez, Unanimously

VOTED: To approve Mr. Boyd Jones application for retirement.

MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez, Unanimously

VOTED: To approve Mr. Herschell Jones application for retirement.

MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez, Unanimously

VOTED: To approve Mr. Robert Oxford application for retirement.

MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez, Unanimously

VOTED: To approve Mr. Charles Troutman application for retirement.

MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez, Unanimously

VOTED: To approve Mr. Martin Weber application for retirement.

MOTION by Mr. Atwell, **SECONDED** by Mr. Sanchez, Unanimously

VOTED: To approve Keith Houseman, Stewart Maida, Martin Pederson, Richard Tresise, and Joe Walker applications for inactive status.

7.2 **New PS and SI Report-**Mr. Valdez informed the committee that there were no new SI, and there was seven newly licensed Professional Surveyors.

7.3 **Examination Report October 2008 Sessions- Ratification of Scores-** Mr. Valdez informed the committee that there were seven people who took the FS Exam, five who passed and two that failed. He also informed them that there was one person that took the PS exam and that person failed the exam. Mr. Valdez also informed the committee that there were nine people who took the NM 2 hour exam, out of those eight passed and one failed.

7.4 **Review of Applications-** Applications were reviewed on an individual basis.

7.5 **Assignment of Board Members to review applications after January 16, 2009-** Mr. Vigil and Mr. Atwell were assigned to review the applications.

8. **ADJOURNMENT**

Mr. Vigil declared the meeting adjourned at 1:00 p.m.

Submitted by:

s/ Edward Ytuarte

Mr. Edward Ytuarte, Executive Director

Approved by

s/ Salvador Vigil, PS

Salvador Vigil, PS, PSC Chair

April 16, 2009 Approved Date