

MINUTES OF

Meeting of the Professional Surveying Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held at 11:00
a.m., June 11, 2009 at Best Western Ruidoso Inn,
97 Camelot Drive, Ruidoso , 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

Guests: Earl Burkholder, PS, President NMPS

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. Earl Burkholder introduced himself as a guest.

2. APPROVAL OF THE AGENDA

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

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 Approval of the April 16, 2009 Minutes – MOTION by Mr. Atwell,
SECONDED by Mr. Sanchez and unanimously,

VOTED: To approve the April 16, 2009 PSC meeting minutes.

3.1 Approval of the May 15, 2009 Minutes – MOTION by Mr. Atwell,
SECONDED by Mr. Chavez and unanimously,

VOTED: To approve the May 15, 2009 PSC meeting minutes.

4. NEW BUSINESS

4.1 **Election of Officers for FY '10: Chair and Vice Chair-**

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

VOTED: To elect Mr. Vigil as Chairman of the committee.

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

VOTED: To elect Mr. Sanchez as the Vice Chairman of the committee.

- 4.2 **Sal Vigil- NCEES EPS Committee Appointment-** Mr. Chavez stated that Mr. Vigil was appointed to the NCEES EPS Committee. He stated that he was the current chair of this committee but would be turning it over at the next meeting. Mr. Chavez also stated that he was able to get two New Mexico licensees, Mr. Glen Thurow and Mr. Kery Greiner as subject matter experts. MR Chavez also stated that he hopes he will again be asked to be a part of this committee as a subject matter expert in the coming year. He stated that New Mexico would then have four representatives on the committee.

Mr. Ytuarte also noted that Mr. Chavez had also been appointed to the NCEES Advisory Committee on Council Activities.

- 4.3 **NM 2 hr Exam Score Roster-** Mr. Ytuarte explains that this item was in the books for informational purposes to show how the examinees are doing. Mr. Chavez asked how the exam was proctored. Mr. Ytuarte stated that the exam was given in Albuquerque on the same day as the national exams. He stated that the examinees who were taking both exams took the New Mexico exam once they were finished with the national exam.

Mr. Chavez then asked how examinees that lived in other areas of the state, such as Las Cruces, were able to take the exam. Mr. Ytuarte explained that in the past, most examines had to come to Albuquerque to take the exam. He stated that more recently he has allowed staff to administer the exam in the board office if it was not possible for the examinee to be there for the dates of the national exams.

Mr. Sanchez expressed a concern on the questions that were missed by the examinees. Mr. Ytuarte stated that maybe these are questions that should be reviewed once again by the exam committee. Mr. Chavez suggests that maybe the board should contract a company that can psychometrically analyze the exam. Mr. Vigil stated that he, along with several other volunteer surveyors, had worked for about seven months reviewing the questions and rewriting them so that there were no questions that would cause confusion or duplicated questions. He also stated that he agreed with Mr. Chavez. Mr. Chavez recommended to the president of the NMPS that maybe during one of their conferences they could

have a brainstorming session and come out with some possible questions that could be submitted for use by the board as possible questions for the exam.

- 4.4 Summary of April 2009 Exams-** Mr. Ytuarte explains that this item was also in there for informational purposes. Mr. Chavez asked who chose the site for the exams to be administered. Mr. Ytuarte explained that since New Mexico had turned over the proctoring to NCEES they handled everything. The only thing that the board was asked to do was to have observers if they would like to.

Mr. Atwell stated that he felt that we would never really get one hundred percent on all of these questions because some of them are based on emotions. Mr. Sanchez stated that he had been an observer in Albuquerque and that he had only encountered one problem which was a missing exam. The proctors and Mr. Sanchez came up with a solution and the problem was corrected but he felt that this was a big error on NCEES' part. HE stated that he had written a full report and that it would be presented on Friday at the full board meeting.

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

VOTED: To move item 5 and 5A to the end of the meeting.

6. OLD BUSINESS

- 6.1 GIS Task Force-** Mr. Ytuarte stated that enlight of information that had been brought to the committee that he would like to see a task force created on this issue. Mr. Ytuarte explains that he feels this is an issue that should remain in the committee rather than the full board. Mr. Vigil stated that he felt this was an issue that he believed would be for the committee for right now.

Mr. Sanchez expressed the issues and concerns he had on this matter. Despite a few changes that had been brought to the committee's attention, he also stated his opposition to have licensure for photogrammetrists as surveyors until he could be convinced that there is some merit and no confusion to the public.

MOTION by Mr. Atwell, **SECONDED** by Mr. Chavez, 3 voting Yes, Mr. Sanchez voting No

VOTED: To have the Chairman appoint a task force of members of the committee and outside of the committee to look at this issue further.

Mr. Chavez suggests that the task force take the findings to the full board once it is complete. He stated that, like Mr. Sanchez had stated is it engineering or is it surveying he felt that it may be a full board decision. He also suggested that maybe another group could be added and that maybe they could be licensed

mappers. Mr. Chavez stated that if it was found that they could not be licensed as surveyors or engineers then maybe they could just be licensed as mappers so that there is no confusion.

Mr. Ytuarte stated to the committee that he felt there should be two different committees and this is why he had listed photogrammetry task force as the next item. He stated that he felt GIS should only be dealt with the surveying side and that photogrammetry issue they may want to bring the engineers into. The committee seemed to be leaning towards one committee for both.

6.2 Photogrammetric Licensure Task Force- This item was also discussed with the previous item.

6.3 FEMA Elevation Certificates/ Height Modernization Task Force- Mr. Chavez stated that he and Mr. Sanchez had brought this item up at the western zone meeting. He stated that he had received comments from members of the California, Oregon and Idaho boards on how they dealt with this situation. They said that it could be handled very easily in section D of the flood plain certificate, you define in there what you used for your information, then that would relieve the concern that Mr. Cooper had.

Mr. Burkholder passed out a handout on height modernization.

6.4 Forum Presentation for Assoc. of Counties- Canceled- Mr. Ytuarte explained to the committee that he is recommending that they cancel the scheduled presentation because it would not be worth the time because of lack of an audience. He was informed that there would only be about seven people present. It was decided by the committee that they would go ahead and cancel.

5. COMPLAINTS AND VIOLATIONS -Closed Session

MOTION by Mr. Chavez, **SECONDED** by Mr. Sanchez 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 5.9 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. Atwell to go back into open session and further noted that during closed session only cases listed as items 5.1 through 5.9 were discussed, **SECONDED** by Mr. Chavez.

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

5.1 04-04-05- MOTION by Mr. Chavez, **SECONDED** by Mr. Atwell, unanimously

VOTED: To Issue an Order to Show Cause before the committee

5.2 07-06-18- Case is now closed. Respondent has met all conditions of the stipulated agreement.

5.3 07-06-23- MOTION by Mr. Sanchez, **SECONDED** by Mr. Chavez, unanimously

VOTED: To grant an extension of sixty days to complete the course. If the course is not completed than an Order to Show Cause before the committee will be issued.

5.4 08-07-07- MOTION by Mr. Atwell, **SECONDED** by Mr. Chavez, unanimously

VOTED: To accept the signed agreement.

5.5 08-08-30- The stipulated agreement was presented and accepted by the committee.

5.6 08-08-38- The case is dismissed based on the plat corrections.

5.7 08-08-43- MOTION by Mr. Sanchez, **SECONDED** by Mr. Atwell, unanimously

VOTED: To accept the Stipulated Agreement.

5.8 08-08-44- MOTION by Mr. Sanchez, **SECONDED** by Mr. Atwell, unanimously

VOTED: To accept the Stipulated Agreement.

5.9 09-08-01- MOTION by Mr. Sanchez, **SECONDED** by Mr. Atwell, unanimously

VOTED: To accept the signed Settlement Agreement.

Mr. Chavez has abstained from voting in this matter.

5A. OPEN SESSION

5A.1 Appointment of Hearing Officers (if required) For New Cases

None were necessary at this time.

7. REVIEW OF APPLICATIONS

7.1 Review of Applications- Applications were reviewed on an individual basis.

7.2 New PS and SI Report- Mr. Ytuarte reported that two surveyor interns had been certified and seven new licenses had been issued.

8. ADJOURNMENT

Mr. Vigil declared the meeting adjourned at 12:55 p.m.

Submitted by:

s/ Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by:

s/ Salvador Vigil, PS
Salvador Vigil, PS, PSC Chair

September 3, 2009 Approved Date