

Meeting of the Professional Surveying Committee
of the Board of Licensure for Professional
Engineers & Professional Surveyors held at 11:00
a.m., October 29, 2009 at NMSU, Goddard Hall,
Jerry Shaw Conference Room, Las Cruces, 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: Prof. Earl Burkholder, PE/PS
Dr. Steven Frank, PS
Tom Moore, PS

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. Professor Earl Burkholder and Mr. Tom Moore were introduced themselves as guests.

2. APPROVAL OF THE AGENDA

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

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 Approval of the September 3, 2009 Minutes – MOTION by Mr. Sanchez,
SECONDED by Mr. Chavez and unanimously,

VOTED: To approve the September 3, 2009 PSC meeting minutes.

4. CORRESPONDENCE/ COMMUNICATIONS

4.1 **FYI - “Engineering & Land Surveying Leaders of the Future” Presentation-**

Mr. Ytuarte invited members of the committee to attend a presentation that he would be doing for the senior engineering and surveying students that are preparing to take the FE/ FS exams from 5:30 to 6:30 p.m.

Mr. Atwell joined the meeting at this time.

4.2 **NMPS 2010 Conference- March 12-13- Presentation Request-** Mr. Ytuarte states that the committee has been invited to do another presentation at the annual conference. Mr. Ytuarte requests help from the committee if they would like to do this presentation again.

Mr. Chavez states that he would be in favor of doing this presentation. He states that it would be helpful in putting a presentation together if the theme of the conference was known.

Professor Burkholder stated that Mr. Gary Eidson was the president elect, and he would be the person to contact for that information. Professor Burkholder states that NMPS would be having their next meeting on November 7th and he would take the information back to them and let them know.

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

VOTED: To accept the invitation to make a presentation at the NMPS Annual Conference.

Dr. Steve Frank joined the meeting at this time.

4.3 **FYI- Cooper Aerial Newsletter-** Mr. Ytuarte explains to the committee that this item was informational purposes. It was an item that he had recently pulled off of the company’s website that talked about matters that this committee was currently considering.

4.4 **Dr. Steven Frank- Head of Engineering Survey Department, NMSU-** Dr. Frank states that currently the surveying program has fifty six students enrolled.

Dr. Frank states that there is currently a proposal on the table to start a masters/ certificate program. He states that it is currently before the NMSU Board. If the program is accepted and they are allowed, they would begin to offer it next fall. He states that there are waiting to see if the board is going to allow them to hire another licensed staff which would make it easier on the current three staff members.

Dr. Frank states that he has heard that the board is looking towards licensure of photogrammetrists and that there is currently a course that is offered to students

that teaches the basics of photogrammetry. There is also an upper level course that is offered but not taught very often. He also states that with the new program, there will also be a graduate level course available.

Mr. Sanchez states that he attends meetings from the CNM advisory board. He states that CNM would like to work with NMSU in their distance learning effort and allow NMSU to use their facilities. Mr. Sanchez offers his help to Dr. Frank to make this happen.

Dr. Frank did state that starting next year, all surveying students would be required to take the Fundamentals of surveying exam as a graduation requirement. They will not be required to pass, but they do have to take it.

5. NEW BUSINESS

5.1 PDH Company Complaint- Mr. Ytuarte states that the board will begin to aggressively work on doing pdh audits. He states that the computer system has been set up to randomly select two percent of the licenses, which comes out to about one hundred sixty licensees, to be audited.

Mr. Ytuarte states that staff needs some direction from the board on what will be accepted. Mr. Ytuarte states that he is aware of a company that sends out a cd and it allows you to download materials for courses that the company offers. Mr. Ytuarte brought two examples to the committee of two of the courses that are offered for the committee to review. One example was an eight page course that was to be read with an exam. The other exam was a one hundred page course to be read with an exam; both offered that same amount of pdh. Mr. Ytuarte then explained that this was his concern.

After a short discussion Ms. Smith states that any changes need to be done through a rule making procedure. She states that there is nothing in the current rule that states that prior approval must be obtained before a course could be accepted for pdh.

Ms. Smith states that the board, for now is obligated to accept any course that is submitted until the rules are changed.

Mr. Moore advised the committee that he was going to be doing some case studies regarding New Mexico complaint cases.

6. **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 6.1 through 6.3 on the agenda. A roll call vote was taken.

Voting Yes: Chavez, Vigil, Sanchez and Atwell

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

6A. **OPEN SESSION**

MOTION by Mr. Sanchez to go back into open session and further noted that during closed session only cases listed as items 6.1 through 6.3 were discussed, **SECONDED** by Mr. Atwell.

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

6.1 **10-09-09 MOTION** by Mr. Sanchez, **SECONDED** by Mr. Chavez, unanimously

VOTED: To issue an NCA pursuant to Section 16-23-27.15 (unlicensed practice).

6.2 **09-08-01 - MOTION** by Mr. Sanchez, **SECONDED** by Mr. Atwell, unanimously

VOTED: To have the surveyor put his notes, as stated in a letter to Mr. Ytuarte dated August 13, 2008, on the plat and close the case. The case to be brought back to the committee as closed once completed..

Mr. Chavez has recused himself from this case.

6.3 **10-09-03 - MOTION** by Mr. Sanchez, **SECONDED** by Mr. Atwell, unanimously

VOTED: To issue an NCA for a violation of 61-23-27.15 (unlicensed practice).

6A. OPEN SESSION

6A.1 Appointment of Hearing Officers (if required) For New Cases

Case 10-09-09- Mr. Atwell will be hearing officer with Mr. Vigil as a backup.

Case 10-09-03- Mr. Vigil will be hearing officers with Mr. Atwell as backup.

7. OLD BUSINESS

Mr. Ytuarte states that he would like to add an item. It is the Briggs letter that Mr. Chavez was asked to write at the last board meeting and was now being presented to the committee for review.

The committee decided that the letter was a good letter and Mr. Chavez would be the person to complete the letter and sign it.

Mr. Ytuarte called for the PSC to meet on November 13th from 8:00 to 9:00 am to review a few complaints before the rules committee meeting.

Mr. Sanchez reported about the meeting with the professors on licensure. He states that there is a lot of resistance and possibility difficulty with the professors passing the exams. He also states that he has great concern on the possibility of ‘grandfathering’ the professors in.

7.1 Formal Complaints Log Update- Mr. Ytuarte explains that the log was an updated version since the last meeting.

After a short discussion it was requested that the committee receive the log on a monthly basis rather than only receiving it at the board meeting.

8. REVIEW OF APPLICATIONS

8.1 Review of Applications- Reviewed on an individual basis.

8.2 New SI/PS – List provided for informational purposes.

8.3 FYI- List of 2 Hr. Exam Applicants- List was provided for informational purposes.

Ms. Smith asked if the Order to Show Cause had been sent out to Mr. Leroy Smith to appear at the next meeting. Mr. Ytuarte states that it has not been sent to him.

8.4 Retired & Inactive Requests- MOTION by Mr. Atwell, **SECONDED** by Mr. Sanchez, unanimously

VOTED: To approve Mr. Joe Ronald White's request to retire his license.

9. ADJOURNMENT

Mr. Vigil Adjourned the meeting at 1:30 p.m.

Submitted by:

s/ Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by:

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

January 21, 2010 Approved Date