

MINUTES OF

Meeting of the Professional Surveyors Committee of the Board of Licensure for Professional Surveyors held 11:00 a.m., August 12, 2010 at Board Office, 4001 Office Court Dr., Ste. 903, Santa Fe, NM

Members Present Fred Sanchez, PS, PSC Chair
 Gilbert Chavez, PS
 Salvador Vigil, PS

Member Absent Augusta Meyers, Public Member

Others Present Edward Ytuarte, Executive Director, BLPEPS
 Ericca Lopez, Executive Secretary, BLPEPS
 Roman Garcia, Investigator, BLPEPS
 Mary Smith, Board Attorney
 David Cooper, PS, Case Manager

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

Mr. Sanchez convened the meeting at 11:00 a.m. Roll call was taken and it was noted that a quorum of the committee was present.

2. **APPROVAL OF THE AGENDA**

MOTION by Mr. Vigil, **SECOND** by Mr. Chavez, and unanimously

VOTED: To approve the agenda as presented.

3. **APPROVAL OF THE MINUTES**

3.1 July 19, 2010 Minutes – **MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, and unanimously

VOTED: To approve the minutes as presented.

4. **NEW BUSINESS**

4.1 Surveying Practice Act Amendments- Sunset Review- Mr. Ytuarte stated that each member had a copy of the draft of the changes that the Sunset Review Sub-committee had submitted for review by the board. He stated that the committee should review the proposed changes and make any changes necessary so that they could be presented at the full board meeting.

The committee reviewed the recommended changes page by page, along with Ms. Smith and made some grammatical corrections and incorporated some suggestions for amendments that were sent by members of the NMPS and the committee members.

5. **COMPLAINTS & VIOLATIONS- CLOSED SESSION**

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, 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 to 5.4 on the agenda. A roll call vote was taken.

Voting Yes: Vigil, Sanchez and Chavez

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

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 to 5.4 were discussed, **SECONDED** by Mr. Vigil.

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

5.1 10-09-13-

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

VOTED: To issue an NCA with the possibility of early resolution to include a cease and desist letter, and a civil penalty fine of the maximum penalty of \$5,000.

The committee instructed the staff to file a formal complaint against the surveyor in this matter.

5.2 10-10-55-

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

VOTED: To issue an NCA with the possibility of early resolution to include a letter of reprimand and the surveyor needs to correct the substandard work that was done.

5.3 10-10-17- This case was not heard due to the fact that a formal sworn complaint has never been filed with the board.

5.4 Complaint Log- This item was placed on the agenda for informational purposes to inform the committee of all pending cases.

Mr. Sanchez did make a request that he would like to see a better numbering system that is less confusing. He would also like to see something on the list that would show the statute of limitation date on there.

5A. COMPLAINTS & VIOLATIONS- OPEN SESSION

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

Case Number 10-09-13- Mr. Chavez will be the hearing officer with Mr. Sanchez as his back up.

Case Number 10-10-55- Mr. Vigil will be the hearing officer with Mr. Sanchez as his back up.

6. CORRESPONDENCE

6.1 ABET Visit- State Board Observer- Mr. Ytuarte stated that the board had received a request from ABET for volunteers to attend their visits to the local universities. Mr. Ytuarte asked if any of the committee members would be able to attend. None of the members of the committee was able to volunteer at this time.

7. REVIEW OF APPLICATIONS

Applications were reviewed on an individual basis.

7.1 New SI/PS Licensure- This item was placed for informational purposes only.

8. **ADJOURNMENT**

Mr. Sanchez adjourned the meeting at 1:57 p.m.

Submitted by:

s/ Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by:

s/ Fred Sanchez, PS
Mr. Fred Sanchez, PS, Committee Chair

November 4, 2010 Approved Date