

MINUTES OF

Meeting of the Professional Surveyors Committee of the Board of Licensure for Professional Surveyors held 11:00 a.m., November 4, 2010 at NMSU, Goddard Hall, Jerry Shaw Conference Room 200, Las Cruces, 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
 David Cooper, PS, Case Manager
 Earl Burkholder, PE/PS

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.

Mr. Gary Eidson and Mr. Earl Burkholder were introduced as guests.

Mr. Sanchez and the other committee members expressed a concern that Ms. Meyers had not attended any of the four scheduled board meetings. They stated that this could become a problem if one of the other committee members could not attend a meeting or had to recuse themselves from a complaint matter.

2. APPROVAL OF THE AGENDA

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

VOTED: To move item number six before item number five so that the guests would be able to stay for the full meeting prior to the committee going into closed session, and otherwise approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 January 21, 2010 Minutes – MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, and unanimously

VOTED: To approve the minutes as presented.

3.2 August 112, 2010 Minutes- MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, ad unanimously

VOTED: To approve the minutes as presented.

4. CORRESPONDENCE

4.1 David Cooper- NMPS Representative to NM Board of Licensure PEPS- Mr. Ytuarte explained to the committee that he had received a letter from Mr. Gray Eidson, President of NMPS, informing the board that Mr. David Cooper has been appointed as the NMPS representative to the board.

Mr. Vigil asked Mr. Eidson for an update on the current activities of the NMPS.

Mr. Eidson stated that NMPS has had no major issues that it is currently working on. He stated that there has been a request for a new chapter from Rio Arriba County, but no official application has been made.

Mr. Chavez stated that he would like to create an item bank of questions for the New Mexico two hour exam. He stated that this is also done at the national level. Mr. Chavez stated that New Mexico is in need of more questions to create a bank of exam questions and that he would like to have some volunteers to help with that process. He stated that once volunteers were available , that possibly the board could provide a trainer to explain the process of how the questions should be created properly. Mr. Chavez stated that he would like the help of the NMPS to help recruit those volunteers.

Mr. Eidson stated that maybe this was something that could be done at the NMPS Annual Meeting which would be held on April 1-2, 2011.

6. NEW BUSINESS

6.1 Budget Hearing September 30, 2010- Varela on Encroachment Question- Mr. Ytuarte explained that the budget hearing went well. He stated that a plea was made for the board to be allowed to get the two staff positions back that had been taken away. He stated that it was explained that the board had the funding and was in desperate need of the help at this time, and that since the board was self supporting and not under the umbrella of the general fund, that the board should be allowed to fill the positions as they were previously going to be allowed.

Mr. Ytaurte stated that the committee had directed for their staff to see what could be done to allow the board to get the two lost positions back.

Mr. Ytuarte explained that during the hearing, Representative Varela had a question on encroachment. Mr. Ytuarte explained that they were given a situation where a client had hired a surveyor to do a survey and another client had hired another surveyor to do another survey and they created an encroachment. Representative Varela wanted to know why the board had not corrected the situation.

Mr. Ytuarte explained to Representative Varela that the board would review the matter as a formal complaint. Once the complaint was in the board office, it would be investigated to make sure that both surveyors had done their job properly and according to the minimum standards the way they are supposed to. If it was found that both surveyors had followed the minimum standards and that somebody else had created the encroachment, then it would become a matter for the civil courts to fix.

Mr. Ytuarte stated that Representative Varela seemed satisfied with the answer he was given. He stated that this showed that they are being approached by members of the public to complain, when complaints are not decided the way that the member of the public feels it should be decided or it is not decided in their favor.

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 5.7 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 5.7 were discussed, **SECONDED** by Mr. Vigil.

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

5.1 11-10-15

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

VOTED: To table this matter until the next meeting where there could be a quorum of the committee since Mr. Chavez has to recues himself from the matter.

5.2 10-10-31

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

VOTED: To dismiss as a civil matter.

5.3 11-10-08 -

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

VOTED: To dismiss as unfounded.

5.4 11-10-09-

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

VOTED: To dismiss due to this being out of jurisdiction.

5.5 08-08-27-

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

VOTED: To close.

5.6 10-09-09- Tabled until the January meeting.

5.7 10-10-14- No action, Case belongs to the PEC

5A. COMPLAINTS & VIOLATIONS- OPEN SESSION

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

None required at this time.

7. **OLD BUSINESS**

7.1 **Complaint/ Incident Record**-.Mr. Ytaurte explains that he is not ready to present an updated version of the complaint record at this time , but that one will be ready for presentation at the January meeting.

8. **REVIEW OF APPLICATIONS**

8.1 **Retired and Inactive Status-**

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

VOTED: To accept the retired applications as presented by staff

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

VOTED: To accept the inactive applications as presented by staff

Mr. Ytaurte also stated that there was a list of the two newly licensed surveyors for their information.

8.2 **Review of New Applicant Applications-** Done on an individual basis.

9. **ADJOURNMENT-** Mr. Sanchez adjourned the meeting at 1:50 p.m.

Submitted by:

s/ Edward Ytuarte
Mr. Edward Ytuarte, Executive Director

Approved by:

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

January 26, 2011 Approved Date