

Minutes of

Meeting of the Professional Surveyors Committee of the Board of Licensure for Professional Engineers and Professional Surveyors held 10:00 a.m. April 19, 2012 at Middle Rio Grande Conservancy District Office, 1931 Second Street SW, Albuquerque, NM

Members Present      Fred Sanchez, PS, PSC Chair  
                                 Salvador Vigil, PS  
                                 Gilbert Chavez, PS  
                                 Augusta Meyers, Public Member

Others Present        Eva Baca, Acting Executive Director, BLPEPS  
                                 Perry Valdez, Licensing Manager, BLPEPS  
                                 Erica Lopez, Executive Secretary, BLPEPS  
                                 David Cooper, Case Manager  
                                 Chris Medina, NMPS  
                                 Darryl Coster  
                                 Allen Grace

**I.      Convene/ Roll Call**

Mr. Sanchez convened the meeting at 10:03 a.m.  
Roll call was taken and it was noted that a quorum of the Board was present.

**1.1    Introduction of Guests**

Mr. Coster and Mr. Medina introduced themselves as guests to the committee.

**II.     Approval of Agenda**

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, and **PASSED** unanimously  
**VOTED:** To move item 4.21 up earlier in the closed session to accommodate Mr. Coster, and otherwise approve the agenda as amended.

**III.    Approval of Minutes**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, and **PASSED** unanimously  
**VOTED:** To approve the minutes of January 19, 2012 as presented.

**IV.    Complaints and 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 as listed, on the agenda, items 4.1 through 4.22.

Ms. Meyers joined the meeting at this time.

**Voting Yes:** Mr. Vigil, Mr. Sanchez, Mr. Chavez and Ms. Meyers

#### **IV A. Open Session**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, and unanimously **VOTED:** To convene in open session and only items listed as 4.1 through 4.22 were discussed during the closed session.

Mr. Grace joined the meeting at this time.

##### **4.1 CASE 1-PS-8-8-2011**

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, and **PASSED** unanimously **VOTED:** To dismiss this case as unfounded.

##### **4.2 CASE 11-11-45**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously **VOTED:** To dismiss for lack of merit.

##### **4.3 CASE 11-11-44**

**MOTION** by Mr. Vigil, **SECONDED** by Ms. Meyers, **PASSED** unanimously **VOTED:** To dismiss as unfounded.

##### **4.4 CASE 11-11-33**

**MOTION** by Mr. Vigil, **SECONDED** by Ms. Meyers, **PASSED** unanimously **VOTED:** To dismiss as unfounded.

##### **4.5 CASE 11-11-25**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously **VOTED:** To dismiss as a civil matter.

##### **4.6 CASE 11-10-18**

**MOTION** by Mr. Vigil, **SECONDED** by Ms. Meyers, **PASSED** unanimously **VOTED:** To issue an NCA for a Default Order.

##### **4.7 CASE 11-11-37**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously **VOTED:** To issue an NCA for unlicensed practice in accordance with Section 61-23-27.11(5) and (6).

##### **4.8 CASE 11-11-24**

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously **VOTED:** To dismiss as a civil matter.

**4.9 CASE 11-10-17 A & B**

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To issue an NCA in accordance with the NM Minimum Standards 12.8.2.9 (J)(5), 12.8.2.9(J)(8) and 12.8.2.9(J)(18).

**4.10 CASE 10-10-56**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To issue a settlement agreement to include a \$1,000 fine and a letter of reprimand.

**4.11 CASE 10-10-42**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To dismiss due to statute of limitations running.

**4.12 CASE 10-10-51**

The Committee accepted the Stipulated Agreement and was signed by Mr. Sanchez.

**4.13 CASE 10-10-55**

The Committee accepted the Stipulated Agreement and was signed by Mr. Sanchez.

**4.14 CASE 11-10-04**

The Committee accepted the Stipulated Agreement and was signed by Mr. Sanchez.

**4.15 CASE 2-PS-8-8-2011**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To close the matter due to settlement by litigants.

**4.16 CASE 11-10-01**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To close the case based on recommendation by the prosecuting attorney with a letter to be sent to the licensee reminding him of his professional responsibility.

**4.17 CASE 11-11-41**

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To issue an NCA for Default Order.

**4.18 CASE 10-10-52B**

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To Close case due to complete compliance of settlement agreement.

**4.19 CASE 4-PS-03-08-2012**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To issue an NCA for a Default Order.

**4.20 CASE 10-09-11 A&B**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To dismiss due to statute of limitations running.

**4.21 Applicant- Mr. Coster**

Mr. Chavez recused himself from this matter.

**MOTION** by Mr. Vigil, **SECONDED** by Ms. Meyers, **PASSED** unanimously  
**VOTED:** To accept Mr. Coster's application for endorsement.

**4.22 Renewal- License 12645**

**MOTION** by Mr. Vigil, **SECONDED** by Ms. Meyers, **PASSED** unanimously  
**VOTED:** To move forward with applicants renewal.

**IVA.1 Appointment of Hearing Officers (if required) for New Cases**

The entire committee would be hearing officers for all cases that require it.

**V. New Business**

**5.1 NMPS Conference**

**A. Unlicensed Practice-** Mr. Chavez brought this item to the committee as a concern that was brought up at the NMPS conference by a surveyor who had filed a complaint against someone for unlicensed practice and was unable to get any information regarding the case.

Mr. Chavez was informed that a letter acknowledging the receipt of the complaint along with a case number was mailed out to each complainant once a complaint was received by staff.

**B. Land Grant Authorities-**This matter was brought to the committees attention because of the law that was recently passed regarding four specific land grants and the notification of the property owners. Some counties are trying to make this specific law apply to other land grants prior to any plats being filed.

A short discussion was had on the matter and the committee decided they would like to request an opinion from the Attorney General's office and would do so at the next meeting when the board's attorney was present.

**C. Computer Based Testing-** Mr. Chavez informed that his committee would be meeting to discuss his findings on getting the NM 2hr. State Specific Surveying exam

on computer.

Mr. Chavez also informed the committee that NCEES would be having a web based Presentation on November 9<sup>th</sup> regarding the FE and FS computer based testing. He informed the committee these exams would go live by computer in January of 2014. Mr. Chavez also noted that there would be a price increase to the examinee.

**D. Engineer Surveys-** Mr. Sanchez informed the committee he had written a letter of support to the Rhode Island Society of Professional Land Surveyors in support of their petition to remove “Engineering Surveys” from the NCEES Model Law. He informed the committee he had provided a copy for all to review and decide how the committee would like to proceed.

**MOTION** by Mr. Chavez, **SECONDED** by Ms. Meyers, **PASSED** unanimously **VOTED:** To approve the letter as presented by Mr. Sanchez and proceed to submit it as support from the Surveying Committee of the NM Board.

## **VI. Old Business**

**6.1 Approved Legislative language pursuant to Sections 61-23-1 through 61-23-32-** Ms. Baca informed the committee she had put this item on the agenda for the committee to review the items that had been changed during the last legislative session. She stated it was also an agenda item that would be discussed during the full board meeting on Friday.

## **VII. Review of Applications**

### **7.1 FS Exam Applicants-**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously **VOTED:** To approve Mr. DeHoyo’s application to take the FS exam.

**7.2 PS Exam Applicants-** None at this time.

### **7.3 PS Endorsement Applicants-**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously **VOTED:** To approve Mr. Bernard’s application for endorsement.

**MOTION** by Ms. Meyers, **SECONDED** by Mr. Vigil, **PASSED** unanimously **VOTED:** To approve Mr. Coster’s application for endorsement.

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously **VOTED:** Not to approve Mr. Nance’s application due to lack of experience.

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To approve Mr. Pappas' application for endorsement.

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To approve Mr. Griffith's application for endorsement.

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** Not to approve Mr. Hagen's application due to lack of education.

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, **PASSED** unanimously  
**VOTED:** To approve Mr. Gregg's application since he now meets the requirements.

**7.4 PS Inactive Applicants-** None at this time.

**7.5 PS Retired Applicants-**

**MOTION** by Mr. Chavez, **SECONDED** by Ms. Meyers, **PASSED** unanimously  
**VOTED:** To accept Mr. Holmes' application for retirement.

**7.6 PS Reinstatement Applicants-**

**MOTION** by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To allow Mr. Malone to reinstate his license.

**7.7 PS Additional Discipline Applicants-** None at this time.

**7.8 PS Retake Requests-** None at this time.

## **VIII. Adjournment**

Mr. Sanchez adjourned the meeting at 1:33 p.m.

Submitted By:

s/ Ericca Lopez  
Ms. Ericca Lopez, Executive Secretary

Approved By:

s/ Fred Sanchez  
Mr. Fred Sanchez, Committee Chair

June 14, 2012 Approved Date