

MINUTES OF

Meeting of the Professional Surveyors Committee of the Board of Licensure for Professional Engineers and Professional Surveyors held 10:00 a.m. August 11, 2011 at Board Office, 2550 Cerrillos Rd, Rio Grande Room, Santa Fe, NM

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

Others Present Liz Montoya, Acting Executive Director, BLPEPS
 Ericca Lopez, Executive Secretary, BLPEPS
 Perry Valdez, Licensing Manager
 Mary Smith, Board Attorney
 Melanie Carver, Board Attorney
 David Cooper, Case Manager
 Allen Grace, PS, NMPS
 Russell Koger

1. **CALL TO ORDER**

Mr. Sanchez convened the meeting at 10:00 a.m.

2. **ROLL CALL**

Roll call was taken and it was noted that a quorum of the board was present.

3. **INTRODUCTION OF GUESTS**

Mr. Koger introduced himself as a guest.

Ms. Smith introduced Ms. Melanie Carver as the attorney that would be taking her place as the board's attorney.

4. **APPROVAL OF THE AGENDA**

Ms. Montoya informed the committee the Case Managers contract could not be discussed in closed session so it would need to be moved.

MOTION by Mr. Chavez, **SECOND** by Mr. Vigil, and **PASSED** unanimously
VOTED: To move the discussion of the Case Managers contract to item 7.1A. and approve the agenda.

5. **APPROVAL OF MINUTES**

5.1 May 12, 2011 Meeting Minutes-

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez and **PASSED** unanimously
VOTED: To approve the May 12, 2011 meeting minutes.

5.2 June 16, 2011 Meeting Minutes-

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil and **PASSED** unanimously
VOTED: To approve the June 16, 2011 meeting minutes.

6. EXECUTIVE 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) and (H) (2) to discuss, as listed on the agenda, the licensing complaints, the personnel status of individual Board employees, and the status of corruption charges made by a Board employee. A roll call vote was taken:

Voting Yes: Mr. Chavez, Mr. Vigil, and Mr. Sanchez

Mr. Sanchez declared that the Committee was now in closed session.

Mr. Sanchez brought the committee back into open session by stating that only the items stated in the closing statement were discussed.

Mr. Allen Grace introduced himself as a guest to the committee.

The Committee discovered an item had been overlooked and needed to be discussed in closed session.

MOTION by Mr. Chavez, **SECONDED** by Ms. Meyers and unanimously
VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H) (1) and (H) (2) to discuss, as listed on the agenda, the licensing complaints, the personnel status of individual Board employees, and the status of corruption charges made by a Board employee. A roll call vote was taken:

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

Mr. Sanchez declared that the Committee was now in closed session.

Mr. Sanchez brought the committee by stating that only the items stated in the closing statement were discussed.

6.7 Board Action Regarding Executive Session Matters

CASE 09-08-02

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

VOTED: To dismiss due to the lack of a sworn complaint being filed with the board office.

CASE 10-09-04

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

VOTED: To dismiss due to the two year statute of limitations running.

CASE 10-09-13

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

VOTED: To reject the counter offer and proceed with the NCA.

CASE 10-10-14

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

VOTED: To dismiss due to the lack of a sworn complaint being filed with the board office.

CASE 10-10-18

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

VOTED: To dismiss due to the two year statute of limitations running.

CASE 10-10-19A

MOTION by Ms. Meyers, **SECONDED** by Mr. Vigil and **PASSED** unanimously

VOTED: To dismiss due to the two year statute of limitations running.

CASE 11-10-18

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

VOTED: To send to the Case Manager for final actions.

CASE 11-10-19

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

VOTED: To inform the Complainant that a new case needs to be filed with the new information submitted.

CASE 11-11-23

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

VOTED: To refer this case to the PE Committee.

CASE 10-09-11B

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

VOTED: To dismiss due to the two year statute of limitations running.

CASE 11-10-17A

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil and **PASSED** unanimously
VOTED: To dismiss due to the respondent being deceased.

7. **NEW BUSINESS**

7.1 **Election of Officers**

7.1.1 **Chair**

MOTION by Mr. Vigil, **SECONDED** by Ms. Meyers and **PASSED** unanimously
VOTED: To have Mr. Sanchez continue as Chair of the committee.

7.1.2 **Vice-Chair**

MOTION by Mr. Chavez, **SECONDED** by Ms. Meyers and **PASSED** unanimously
VOTED: To have Mr. Vigil continue as Vice Chair of the committee.

7.1A **Complaint Managers Contract**

The committee had a short discussion regarding some language concerns that were presented by Ms. Smith on the case manager's contract.

The committee directed Ms. Montoya to remove the language in question per Ms. Smith's advice. The committee also directed Ms. Montoya to include Mr. Sanchez's report format as an attachment.

7.2 **Approval of Applicants for Licensure**

FS Exam Applicant

Ernest Shubert

MOTION by Ms. Meyers, **SECONDED** by Mr. Vigil and **PASSED** unanimously
VOTED: To approve Mr. Shubert's application to take the FS Exam.

PS and NM 2Hr Exam Applicant

David Acosta

MOTION by Mr. Vigil, **SECONDED** by Ms. Meyers and **PASSED** unanimously
VOTED: To approve Mr. Acosta's application to take the PS and the NM 2hr exam.

PS Endorsement Applicants

1. **Nicholas Barrett-** Application was incomplete. The Committee would like to see the breakdown of education. Mr. Barrett needs to show his eighteen hours of surveying education.
2. **Tracy Bishop**

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

3. Brandon L. Langley

MOTION by Mr. Chavez, **SECONDED** by Ms. Meyers and **PASSED** unanimously
VOTED: To approve Mr. Langley's application to take the PS and NM 2hr exam.

4. Craig Morse- Mr. Morse's application was incomplete and mistakenly brought for review.

5. Louis Oswald

MOTION by Mr. Chavez, **SECONDED** by Ms. Meyers and **PASSED** unanimously
VOTED: To approve Mr. Oswald's application by endorsement.

6. John Sakariason

MOTION by Mr. Chavez, **SECONDED** by Ms. Meyers and **PASSED** unanimously
VOTED: To approve Mr. Sakariason's application by endorsement.

7. Corey Wilson

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez and **PASSED** unanimously
VOTED: To deny Mr. Wilson's application due to lack of education.

8. Raymond Wilson- Mr. Wilson's application was incomplete and mistakenly brought for review.

7.3 NM 2HR Survey Exam Report- Ms. Montoya presented a list of exam scores from the last NM two hour exams that were given.

MOTION by Mr. Chavez, **SECONDED** by Ms. Meyers and **PASSED** unanimously
VOTED: To accept the exam results as presented. (See Attachment 1)

Ms. Montoya was directed to list this item as Ratification of Exam Results and Licensure for all future meetings.

7.4 Consider Online NM 2Hr Survey Exam- Mr. Chavez requested that this item be table until the next meeting for discussion.

7.5 David Cooper, NMPS and Allen Grace, NMPS

7.5.1 Senate Bill 41- Mr. Grace stated they have heard the Senate Bill 41 would once again be on the agenda for the legislative session as they intend to add more land grants to the bill. He stated that NMPS has no issues with them adding the land grants but do have issues with the language with the fact that surveyors are going to be required to give notice prior to doing work on the properties which creates problems with the surveyors

ability to do the necessary work. Mr. Grace stated NMPS is well prepared to be on top of these bills for the next legislative session.

7.5.2 Senate Bill 369- Mr. Grace stated this bill had already been passed into law which allowed for fee restructuring for the county clerks and that it requires for the signatures on plats to be notarized. Mr. Grace stated NMPS has been in contact with the association for county clerks and have been told there was never an intention for this language to be written as such. Mr. Grace stated NMPS is requesting that the Board request a legal opinion on this matter as they have been given conflicting answers on whether or not the signatures on plats have to be notarized.

Mr. Chavez suggests the Board request a legal opinion from the Attorney General's office on this matter.

7.5.3 Forensic Surveying- Senator Phil Griego- Mr. Grace stated it has been rumored that somewhere in the next two legislative sessions that legislation will be brought up regarding exemption for forensic surveying which is understood to be crime scene investigation. Mr. Grace stated NMPS had a concern on what was involved in the forensic surveys, the use of the term forensic surveyor and what impact they will have on the public. He stated if these people are doing actual surveying, they need to be licensed according to the New Mexico laws.

8. OLD BUSINESS

8.1 Finalize and Approve New Complaint Process

8.1.1 Complaint Process

8.1.2 Complaint Tracking Log w/ New Numbering System

Ms. Montoya showed an example of what the committees will be seeing when she prepares the log with the complaints that come in to the board. She informed them the new logs will contain all of the information that they will need when the board sunsets.

9. ADJOURNMENT

Mr. Sanchez adjourned the meeting at 2:00 p.m.

Submitted by:

s/ Ericca Lopez
Ms. Ericca Lopez, Executive Secretary

Approved by:

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

September 15, 2011 Approved Date

ATTACHMENT 1

New Professional Surveyors

LastName	FirstName	License	Lic_Type	Iss_Date	State
Gilbert	Arlando L.	20555	PS	6/22/2011	CO
Hudson	Jeffrey E.	20559	PS	6/27/2011	TX
Nicovich	Keith Aren	20542	PS	6/27/2011	NM
Smith	Patrick Joseph	20543	PS	6/15/2011	NM
Wilson	Dallas	20599	PS	7/29/2011	CO
Zoltek	Michael John	20558	PS	7/18/2011	NY