

**MINUTES OF**

Meeting of the Professional Surveyors Committee of the Board of Licensure for Professional Surveyors held 10:00 a.m., January 26, 2011 at Workers Compensation Administration Offices, 2410 Centre Ave. SE, Albuquerque, NM

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

Others Present        Edward Ytuarte, Executive Director, BLPEPS  
                                 Perry Valdez, Licensing Manager  
                                 Roman Garcia, Board Investigator  
                                 David Cooper, PS, Case Manager  
                                 Mary Smith, Board Attorney  
                                 Dugan McDonald

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

Mr. Sanchez convened the meeting at 10:00 a.m. Roll call was taken and it was noted that a quorum of the committee was present.

Mr. Dugan McDonald was introduced as a guest.

**2.      APPROVAL OF THE AGENDA**

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

**VOTED:** To amend the agenda to move item 7.1 to 5.7.

**3.      APPROVAL OF THE MINUTES**

**3.1      November 4, 2010-**

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

**VOTED:** To approve the minutes of November 4, 2010 as presented.

Ms. Smith and Ms. Meyers joined the meeting at this time.

#### **4. CORRESPONDENCE**

**4.1 Douglas Copeland- CFedS Certification Question-** Mr. Ytuarte explained that Mr. Copeland has gone through the process of get certified in the CFedS program about a year ago. He received correspondence from the program stating that he needs to pay a fee and meet some continuing education requirements to maintain his CFedS Certification. Mr. Ytuarte stated that Mr. Copeland is upset about this matter. Mr. Copeland feels that the federal government is trying to have jurisdiction over the New Mexico Board of Licensure. Mr. Copeland feels that the board should write some kind of correspondence to the federal government regarding this matter.

Mr. Ytuarte stated that he has spoken to Mr. Copeland and explained to him that he didn't feel that this was the case. Mr. Ytuarte explained to Mr. Copeland that the federal government was just like another agency that offered certification and that this was one of their requirements.

Mr. Sanchez gave a short explanation of the CFedS program because he has gone through it himself. He states that he understands Mr. Copeland's concern because it is a very costly certification to maintain. Mr. Sanchez stated that he would be willing to draft a letter to Mr. Copeland addressing his concerns and have it reviewed Mr. Greene who actually handles the CFedS program to get his comments on the drafted letter.

**4.2 Dugan McDonald-** Mr. Valdez explains that Mr. McDonald had sent in a letter inquiring if his experience and military training would be sufficient to become licensed as a surveyor in New Mexico. Mr. Valdez stated that his letter was brought before the committee at its April meeting and at that time it was decided that Mr. McDonald would have to apply for licensure so that Mr. McDonald could provide full information to the committee.

Mr. McDonald gave a brief explanation of his surveying experience and was able to answer any questions that they committee had of him. Mr. McDonald was informed that he would receive some kind of decision on his application at the tail end of the meeting.

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

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Vigil, 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 and the McDonald request on the agenda. A roll call vote was taken.

**Voting Yes:** Vigil, Sanchez, Meyers and Chavez

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

### **OPEN SESSION**

**MOTION** by Mr. Vigil 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 and the McDonald request, **SECONDED** by Mr. Chavez.

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

#### **5.1 11-10-15**

Mr. Chavez has recused himself from this matter.

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

**VOTED:** To Issue an NCA for Violating 61-23-11A (5), Possibility of Early Resolution- \$5,000 fine, recommending that the investigator explore accuracy of his renewal. If any inaccuracy, no early resolution.

#### **5.2 10-10-35**

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

**VOTED:** To dismiss as unfounded.

#### **5.3 10-10-43-**

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

**VOTED:** To issue an NCA-Early Resolution for a Letter of reprimand and filing a revised plat to show the easement within sixty days.

#### **5.4 10-10-52 A & B**

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

**VOTED: In case 10-10-52A** – this is a civil matter between the owner and the developer. **In case 10-10-52B-** To issue an NCA- Possibility of Early Resolution- To correct the plat within sixty days and a \$500 fine.

**5.5 11-10-04-**

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

**VOTED:** To issue an NCA- Possibility of Early Resolution- To correct the plats to Mr. Cooper's satisfaction and a \$500 fine.

**5.6 11-10-07-**

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

**VOTED:** To dismiss as unfounded.

**5.7 Complaint Log-** This item was to discuss the status of filed complaints.

Mr. Sanchez stated that the committee had a lengthy review of Mr. McDonald's application. Mr. Sanchez stated that at this point the committee is continuing the request so that Mr. McDonald can have the opportunity to get a letter from somebody that provide a letter outlining the curriculum that he had during his training while in the military.

Mr. McDonald states that the school is no longer in operation.

Mr. Sanchez states that the committee will need something that shows the education that he received because of the laws in New Mexico. The committee suggests that maybe he can get something from a university that could say that his education meets or is greater than what is currently being taught.

Ms. Smith states that she will need a sworn affidavit form stating how much time was spent on each of the courses that he has shown. Mr. McDonald will need to have the information in to the board office prior to the next meeting so that they can reconsider his application at that time.

**5A. COMPLAINTS & VIOLATIONS- OPEN SESSION**

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

For Case 11-10-15-Mr. Vigil will be the hearing officer with Ms. Meyers as the alternate.

For Case 10-10-43 Mr. Chavez will be the hearing officer with Mr. Sanchez as the alternate.

For Case 10-10-52B Mr. Chavez will be the hearing officer with Mr. Sanchez as the alternate.

For Case 11-10-04 Mr. Chavez will be the hearing officer with Mr. Vigil as the alternate.

6. **NEW BUSINESS**

**6.1 Independent Auditor's Report-** Mr. Ytuarte stated that each board member had received a copy of the Auditor's Report at the full board meeting two weeks prior. He stated that they should all review the report and if they had any questions that they could bring them to him at any time.

Mr. Sanchez had a few questions that he asked. They were all answered by the findings at the end of the audit report.

7. **OLD BUSINESS**

**7.1 Complaint Log-** This item was reviewed at the end of the complaint section.

8. **REVIEW OF APPLICATIONS**

**8.1 Retired and Inactive Status-**

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

**VOTED:** To approve the inactive status applications as presented.

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

**VOTED:** To approve the retired applications as presented.

**8.2 Review of New Applicant Applications-** The applications were reviewed on an individual basis.

9. **ADJOURNMENT-** Mr. Sanchez adjourned the meeting at 2:00 p.m.

Submitted by:

s/ Liz Montoya  
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Ms. Liz Montoya, Acting Executive Director

Approved by:

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

May 12, 2011 Approved Date