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BEFORE THE PROFESSIONAL SURVEYING COMMITTEE  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
COMMITTEE MEETING

March 22, 2016

1:53 p.m.

New Mexico Workers' Compensation Administration  
2410 Centre Avenue, Southeast  
Albuquerque, New Mexico

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A P P E A R A N C E S

BOARD:

MR. DAVID COOPER, Chair

MR. GLEN THUROW

MR. CLIFFORD SPIROCK

STAFF:

MR. PERRY VALDEZ, Executive Director

MS. ANNETTE THOMPSON-MARTINEZ, Deputy Director

MS. SAMI ROMERO, Executive Assistant

MR. RICHARD B. WORD, Assistant Attorney General,  
Counsel to the Board

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1 THE CHAIRMAN: Good afternoon. This is the  
2 Professional Surveying Committee meeting of the New  
3 Mexico Board of Licensure for Professional Engineers  
4 and Surveyors. Today is Tuesday, March 22nd, 2016.  
5 The time is five minutes to 2:00 -- five minutes to  
6 1:00.

7 MR. TODD WAGENER: 2:00.

8 THE CHAIRMAN: Somebody changed the clock  
9 for me. Five minutes to 2:00. We are meeting here  
10 at the New Mexico Workers' Compensation  
11 Administration building, 2410 Centre Avenue,  
12 Southeast, Albuquerque, New Mexico.

13 If we could have a roll call, please, and  
14 introduction of guests.

15 MR. PERRY VALDEZ: David Cooper?

16 THE CHAIRMAN: Present.

17 MR. VALDEZ: Cliff Spirock?

18 MR. CLIFFORD SPIROCK: Here.

19 MR. VALDEZ: Augusta Meyers?

20 (No response.)

21 MR. VALDEZ: Glen Thurow?

22 MR. GLEN THUROW: Here.

23 MR. VALDEZ: Mr. Chairman, we have a  
24 quorum.

25 THE CHAIRMAN: All right. Thank you,

1 Mr. Valdez.

2 For the public record, if you'd like to  
3 introduce yourself.

4 MR. WAGENER: My name is Todd Wagener from  
5 Roswell, New Mexico.

6 THE CHAIRMAN: Thank you, Mr. Wagener.

7 Mr. Perry, how was this meeting  
8 notification?

9 MR. VALDEZ: Mr. Chairman, members of the  
10 Committee, the meeting was noticed through the  
11 Albuquerque Journal and on the Board's website.

12 THE CHAIRMAN: Thank you.

13 Do we have a motion to approve the agenda?

14 MR. SPIROCK: So moved.

15 THE CHAIRMAN: Any discussion?

16 (No response.)

17 THE CHAIRMAN: Are we good? Are we good?

18 MR. SPIROCK: We need a second on the  
19 agenda. Glen, do you second the approval?

20 MR. THUROW: I second the agenda.

21 THE CHAIRMAN: All those in favor, say  
22 "Aye."

23 MR. SPIROCK: Aye.

24 THE CHAIRMAN: Aye.

25 Those opposed, by like sign.

1 (No response.)

2 THE CHAIRMAN: Approval of the minutes from  
3 January 14th, 2016.

4 MR. SPIROCK: Chairman, I move that the  
5 minutes be approved.

6 THE CHAIRMAN: Any discussion?

7 (No response.)

8 MR. SPIROCK: We need a second. Glen, do  
9 you second the minutes?

10 MR. THUROW: I second the motion.

11 THE CHAIRMAN: Thank you, Mr. Thurow.

12 Any discussion on the approval of the  
13 minutes of January 14th, 2016?

14 (No response.)

15 THE CHAIRMAN: All those in favor, say  
16 "Aye."

17 MR. SPIROCK: Aye.

18 THE CHAIRMAN: Aye.

19 Those opposed, with like sign.

20 (No response.)

21 THE CHAIRMAN: Item No. 5, Action on  
22 Proposed Rule Changes to the Minimum Standards for  
23 Surveying in New Mexico. How we are going to proceed  
24 on this is we will go one by one. Either vote to  
25 approve, table, or not adopt each item. We will

1 pause for any public comment briefly.

2 (Conferring.)

3 THE CHAIRMAN: There will be no public  
4 comment, as all comments were made at the Rules  
5 Hearing. So moving on to 5A, 12.8.2.1, "Issuing  
6 Agency."

7 MR. SPIROCK: Mr. Chairman, I move that we  
8 adopt 12.8.2.1 as presented.

9 MR. THUROW: Second.

10 THE CHAIRMAN: It's been moved and seconded  
11 to approve 12.8.2.1, "Issuing Agency." Is there any  
12 discussion?

13 (No response.)

14 THE CHAIRMAN: There being no discussion,  
15 all those in favor, say "Aye."

16 MR. SPIROCK: Aye.

17 MR. THUROW: Aye.

18 THE CHAIRMAN: Aye.

19 Those opposed, by like sign.

20 (No response.)

21 THE CHAIRMAN: Motion passes.

22 MR. THUROW: Mr. Chairman, a point of  
23 order. Could I please understand or have counsel  
24 explain to me the procedure we've got? What are the  
25 actual options that are available to us as we

1 consider each section? Is there a motion?

2 In other words, will a motion to not  
3 approve be different from a motion to table? If we  
4 were to table an item, will that allow us to  
5 reconsider that item at a future point, and in the  
6 interim, will the existing minimum standards for  
7 that section remain in force?

8 MR. RICHARD WORD: Mr. Chair, members, your  
9 existing rules remain in force until this Board  
10 adopts a change and that change is published. You  
11 have a delay there. So your options, as with all  
12 actions, are to approve, to deny, or to table.

13 I guess there's the no-action option, but  
14 if you table -- I was discussing this before the  
15 lunch break with one member. You can bring it up at  
16 a later date, but you cannot, during the interim  
17 period, take any additional comment or consider any  
18 additional comment or information. You are  
19 restrained by what was put into the record this  
20 morning until the lunch break at this public  
21 hearing.

22 So typically -- I've not seen -- I'll just  
23 say I've never seen a Board table a matter in a rule  
24 hearing. They either vote it up or vote it down.

25 MR. THUROW: Okay. Thank you.



1 MR. SPIROCK: And we don't have a rule  
2 hearing now. We have our Committee hearing.  
3 Mr. Word, if I can understand the ramifications of  
4 that, if we table it and can take no alternative  
5 language than what was presented here today and we  
6 wanted to consider different language or even modify  
7 the language as written, we would be better off  
8 denying or to not approve so that, in the future --  
9 maybe tomorrow afternoon -- somebody could petition a  
10 new rules hearing with revised minimum standards, in  
11 which case the Board could take new testimony and  
12 consider new language.

13 MR. WORD: Essentially, yes. If you want  
14 to make any substantive changes to the language that  
15 was considered and addressed in the public comment  
16 period of the rule-making process, you need to reject  
17 the proposed rule and start anew, go through the  
18 notice and hearing process for another rule change.

19 MR. THUROW: Mr. Chair, counsel, one  
20 further question: If we are to either accept or  
21 reject proposed modifications, can that be with some  
22 specific subchapters, or would that be for the full  
23 citation? For instance, would we have to act on  
24 "Definitions" by itself, or could we modify certain  
25 provisions within that section, to any of the

1 subparts?

2 MR. WORD: It's my understanding you can  
3 adopt -- you can adopt proposed changes to some  
4 subparts and reject others.

5 MR. THUROW: Thank you.

6 MR. WORD: So for example, we had comments  
7 and opposition to some subsections and not to others.  
8 It's my understanding you could adopt those,  
9 hypothetically, those sections to which there were no  
10 concerns expressed and the Committee has no concerns,  
11 but reject subsections on which the Committee has  
12 concerns.

13 MR. THUROW: Very good. Thank you.

14 MR. WORD: As long as there's no internal  
15 contradiction created by that.

16 MR. THUROW: I understand.

17 MR. WORD: That's something to keep in  
18 mind.

19 MR. THUROW: Very good. Thank you,  
20 Mr. Chairman, counsel.

21 THE CHAIRMAN: Based on that statement,  
22 then, we'd have to be voting on every single section.  
23 As an example, under "Types of Surveying," in every  
24 paragraph under that, we would have to vote on every  
25 paragraph, if I understand you correctly.

1 MR. WORD: If you have motions to do that.

2 THE CHAIRMAN: If we have a motion to do  
3 that.

4 MR. WORD: And a discussion. If it appears  
5 to Mr. Chairman, members, that that would be the wish  
6 of the majority of the Committee, then that's the way  
7 you would handle it.

8 I think, first, you would start to  
9 entertain a motion to approve a whole section and  
10 have a discussion. If there's no second, then it  
11 goes away. If there's a second, you have  
12 discussion. And if there are concerns, then you  
13 back out and go subsection by subsection.

14 THE CHAIRMAN: Understood.

15 Any other questions before we move on,  
16 Mr. Thurow?

17 MR. THUROW: No, sir. Thank you.

18 THE CHAIRMAN: Thank you.

19 Moving on to 12.8.2.6, "Objective."

20 MR. THUROW: Mr. Chair, I move that the  
21 language be accepted as presented.

22 MR. SPIROCK: Second.

23 THE CHAIRMAN: Discussion?

24 (No response.)

25 THE CHAIRMAN: No discussion on this?

1 (No response.)

2 THE CHAIRMAN: All those in favor?

3 MR. THUROW: Aye.

4 MR. SPIROCK: Aye.

5 THE CHAIRMAN: Aye.

6 Those opposed, by like sign.

7 (No response.)

8 MR. SPIROCK: Mr. Chairman, under 12.8.2 --

9 (Conferring.)

10 THE CHAIRMAN: Moving on to Item C,

11 12.8.2.7, "Definitions."

12 MR. SPIROCK: Okay. I move that, under  
13 12.8.2.7, it be partially accepted, with the  
14 exception of Subsection B.a and B.b. Those are two  
15 paragraphs defining "original survey" and  
16 "retracement survey." Those should be eliminated  
17 from the consideration of "Definitions."

18 MR. THUROW: I will second, Mr. Chairman.  
19 I'd like some discussion on the subject, please.

20 THE CHAIRMAN: Please continue, Mr. Thurow.

21 MR. THUROW: I understand the intent that  
22 we're trying to define "original survey" and  
23 "retracement survey." But I also acknowledge the  
24 concerns that were raised by Mr. Chavez with the  
25 Forest Service, because those definitions, per the

1 common PLSS understanding, would be at odds with  
2 what's written here and not -- just for the sake of  
3 clarity, until such time that the intent of this  
4 language can be expressed in a more specific manner,  
5 I would vote that we -- essentially, what I'm saying  
6 is to -- I guess you did say we had the option  
7 of -- well, simply not adopting those two sections at  
8 this point in time.

9 But you moved for acceptance, right?

10 MR. SPIROCK: No, I moved for the  
11 acceptance of anything under --

12 MR. THUROW: Other than those two.

13 MR. SPIROCK: -- "Definitions," other than  
14 those two subparagraphs, which should be struck.  
15 That would leave the definition of "boundary  
16 surveying," ending in the sentence that, "Boundary  
17 surveying can generally be characterized as an  
18 original survey or a retracement survey," and going  
19 no further.

20 And it's my fondest hope that, as soon as  
21 this meeting is over, that somebody -- maybe NMPS or  
22 a member of the Board or a member of the public --  
23 would ask for a new meeting that would define  
24 "original survey," "retracement survey," and  
25 "PLSS/federal survey," with enough definition to

1 make them meaningful and to put that, when the time  
2 is appropriate, under the subsection on boundary  
3 surveys. I think it's going too far under  
4 "Definitions" to be that extensive.

5 THE CHAIRMAN: Although I agree with  
6 Mr. Spirock's comment about deleting one certain  
7 section of that paragraph, I believe that we are  
8 prohibited, because that would be a substantive  
9 change in that language. So we either need to adopt  
10 it as a whole or not adopt it. I think those are our  
11 only two options.

12 Is that correct, Mr. Word?

13 MR. WORD: My interpretation is different.  
14 I think, as long as it's not contradictory, I think  
15 you can do a partial adoption. You're not changing  
16 language. You're just -- the motion is to adopt all  
17 the proposed changes in 12.8.2.7 except  
18 Subparagraphs A and B under 1, under B.1.

19 MR. SPIROCK: That was my motion.

20 MR. WORD: And I believe you can do that as  
21 long as there's no -- it doesn't create internal  
22 contradictions. My advice has been you can't alter  
23 the language. This is just not -- this is deleting  
24 some of the proposed language in a section, the, sort  
25 of, standalone definitional sections.

1 THE CHAIRMAN: Would you mind restating  
2 your motion, please?

3 MR. SPIROCK: Our motion is to accept the  
4 proposed changes under 12.8.2.7, "Definitions," with  
5 the exception of -- that is, take no action on the  
6 proposed language that defines Subsection A,  
7 "Original Survey," and Subsection B, "Retracement  
8 Survey."

9 If you do that, that would leave  
10 everything untouched, and the new language for major  
11 definition B.1, "Types of Surveying," would be  
12 "Boundary Surveying," yadda, yadda, "can generally  
13 be characterized as an original survey or a  
14 retracement survey, period." It would then go into  
15 the next definition of survey types as being 2,  
16 "Improvement Location Reporting," and none of the  
17 new language would be adopted at this time.

18 THE CHAIRMAN: So if I -- just to clarify  
19 in my mind and for the public record, you are  
20 proposing that 12.8.2.7.A and 12.8.2.7.B be adopted;  
21 is that correct? Is that your motion?

22 MR. SPIROCK: Okay. Mr. Chairman, let's go  
23 through it: 12.8.2.7.A, okay as written; 12.8.2.7.B,  
24 major paragraph, Paragraph 1, accept as written,  
25 accepted as written; 12.8.2.7.B.1, Subsection little

1 A, not to be adopted.

2 THE CHAIRMAN: I thought that's what I just  
3 said.

4 MR. THUROW: That's not the way I heard it  
5 either, Mr. Chairman. One point --

6 THE CHAIRMAN: Are we reading from a  
7 different script here? I have two definitions here.  
8 I have A and B: "Professional Competency and  
9 Performance" and "Boundary Surveying." Are we  
10 reading from the same script?

11 MR. THUROW: Yes.

12 THE CHAIRMAN: Okay. So the way I'm  
13 reading it is Mr. Spirock wants to adopt A and B,  
14 B.1; is that correct?

15 MR. SPIROCK: B.1.

16 THE CHAIRMAN: And not to adopt little A  
17 and little B?

18 MR. SPIROCK: Yes.

19 THE CHAIRMAN: Is that your motion?

20 MR. SPIROCK: Yes, it is.

21 THE CHAIRMAN: Thank you, sir, for the  
22 clarification.

23 (Conferring.)

24 MR. SPIROCK: Before the Chair asks for the  
25 question, our counsel had said to please explain,



1 probably for the audience. It has been much  
2 discussed in public testimony today regarding PLSS  
3 surveys and the issues that are fraught from trying  
4 to define them as being an original survey or a  
5 retracement survey. I wish I could insert new  
6 language that I have in mind, but I cannot.

7           So by striking these, it gives the NMPS,  
8 our Board, or any citizen who has interest to  
9 suggest entirely new language that, in my opinion,  
10 ought to have "PLSS/federal surveys" defined in  
11 depth and then given to our Committee to act on at  
12 another time.

13           THE CHAIRMAN: Okay. I will restate the  
14 motion. It's been moved and seconded to approve  
15 12.8.2.7.A, 12.8.2.7.B, to not approve Subsection A  
16 and Subsection B, "Original Survey" and "Retracement  
17 Survey." Is that the motion?

18           MR. THUROW: That is the current motion.  
19 Mr. Chairman, I would offer a friendly amendment to  
20 the motion's sponsor. In the first B.1, the final  
21 sentence states, "Boundary surveying can generally be  
22 characterized as an original survey or a retracement  
23 survey." I would ask the motion be amended to strike  
24 that proposed change but retain the remainder of that  
25 paragraph.

1 MR. SPIROCK: That's acceptable to my  
2 motion.

3 THE CHAIRMAN: Mr. Word?

4 MR. WORD: I think that's acceptable.

5 THE CHAIRMAN: You think it's acceptable?

6 MR. WORD: Yes.

7 THE CHAIRMAN: That's not a substantial --

8 MR. THUROW: If you eliminate "original  
9 survey" and "retracement survey," that sentence  
10 refers to the next two parts. If we eliminate those  
11 two parts, we are obligated to eliminate that  
12 sentence that basically references them.

13 MR. WORD: I think it's logical, Mr. Chair  
14 and members, to delete the sentence, given the motion  
15 to delete definitions of "original survey" and  
16 "retracement survey."

17 THE CHAIRMAN: Okay. Do I need to restate  
18 that motion?

19 (Conferring.)

20 THE CHAIRMAN: I will just, for the -- I  
21 won't restate the entire motion, except to add the  
22 friendly amendment by Mr. Thurow to remove the last  
23 sentence in 12.8.2.7.A and Subsection B: "Boundary  
24 surveying can be generally characterized." It's been  
25 moved and seconded. All those in favor, say "Aye."

1 MR. THUROW: Aye.

2 MR. SPIROCK: Aye.

3 THE CHAIRMAN: Those opposed, by like sign.  
4 Aye.

5 Moving on to 5D, 12.8.2.9, "Boundary  
6 Surveying" -- I'm sorry, we need -- since we're  
7 voting -- going through these individually and we've  
8 rejected two sections already, I believe it's  
9 important that we either accept the rest of that,  
10 those definitions, or go over them individually,  
11 which include improvement location reporting,  
12 topographic surveying, so on and so forth. I know  
13 it's been moved and seconded. For those Items A and  
14 B, does anybody want to go over these individually?

15 MR. SPIROCK: Mr. Chairman, I'm prepared to  
16 make a motion generally accepting it, but I do have  
17 some typographical errors and some inserts with the  
18 language. How would you like me to proceed? Such as  
19 in Item G, it should be capital "Manual," capital S,  
20 "Survey," capital "Instructions."

21 MR. VALDEZ: Mr. Chairman. Mr. Chair --  
22 Mr. Chair --

23 MR. SPIROCK: Never mind.

24 THE CHAIRMAN: Again, we're working under  
25 "Definitions," and we need to vote. This was --

1 MR. SPIROCK: Didn't we vote?

2 THE CHAIRMAN: No, no.

3 MR. SPIROCK: Oh, you --

4 THE CHAIRMAN: We only voted on A and B and  
5 striking -- the motion was A and B and striking  
6 little A and little B, "Original Survey" and  
7 "Retracement Survey." There was no vote taken on the  
8 rest of the definitions within this section. My  
9 question is, do you want to approve the definitions,  
10 the rest of the definitions as written, or would you  
11 like to go over them individually?

12 MR. THUROW: Mr. Chairman, I think it only  
13 necessary to go over those that someone might have a  
14 particular item. So for instance, I would approve  
15 everything up to the point where No. 8, "An ALTA/NSPS  
16 survey." I would like to discuss that issue, if we  
17 could, please. The rest of this, I believe, as  
18 stated, should be adopted.

19 MR. WORD: Mr. Chair, members, I understood  
20 the motion to be to approve all the definitions --  
21 correct me if I'm wrong, Mr. Spirock; it was your  
22 motion -- except for 1.a, "Original Survey," and 1.b,  
23 "Retracement Survey." Was that your intention?

24 MR. SPIROCK: That's correct.

25 MR. WORD: And I think that was stated in

1 the record. It got restated several times. Maybe  
2 there was some confusion there, but I think that was  
3 the motion. And then for clarity's sake, it's  
4 been -- if one of the three is not clear about that,  
5 I think you may want to vote again. But that's my  
6 understanding of the motion, was accept all of the  
7 proposed changes to 12.8.2.7 except for  
8 12.8.2.7.B.1.a and b. Is that correct?

9 MR. SPIROCK: That was my motion.

10 MR. WORD: Yeah.

11 MR. SPIROCK: Now, if Mr. Thurow would like  
12 to reopen --

13 MR. WORD: With Mr. Thurow's friendly  
14 amendment, which was to delete the final sentence in  
15 B.1, and that is the last sentence before B.1.a,  
16 which currently reads, "Boundary surveying  
17 generally -- can generally be characterized as an  
18 original survey or a retracement survey"; is that  
19 correct?

20 MR. THUROW: That is correct, Mr. Chairman.  
21 Counsel will have to forgive me, because I thought we  
22 were dealing specifically with 7.A and B, parts small  
23 A, small B, and not the remainder. However, I only  
24 have one question concerning No. 8, ALTA/NSPS  
25 surveys, and I would like to reopen the discussion

1 only on that issue, with the Board's consent.

2 MR. SPIROCK: Okay with me, Mr. Chairman.

3 THE CHAIRMAN: That was my understanding,  
4 too, that we were just voting on those particular  
5 issues, --

6 MR. WORD: Well, then --

7 THE CHAIRMAN: -- and not the rest of the  
8 sections.

9 MR. WORD: That's why I was suggesting  
10 doing it over again, since you have -- there's some  
11 confusion. So I tried to restate what I understood  
12 to be Mr. Spirock's motion, and he's agreed that was  
13 it. So I guess the point now would be, is there a  
14 second to that motion or not? If not, you can go  
15 through subsection by subsection, which appears to be  
16 what the Chairman --

17 MR. THUROW: I think we can probably go  
18 through subsection by sub chap fairly rapidly,  
19 because I think there's general agreement.

20 Would you entertain a motion to reopen  
21 that specifically: The motion that we consider each  
22 subsection? We've already dealt with B small --  
23 1.a, b; so that we would immediately move to  
24 Item B.2, "Improvement location reporting," and deal  
25 with these as a subsection.

1 THE CHAIRMAN: Absolutely. I believe it  
2 would be very remiss in our duties if we did not go  
3 section by section, because there were some valid  
4 comments and concerns that were received on these  
5 individual issues, and if we just adopted it in  
6 gross, then we are doing a disservice.

7 MR. WORD: Mr. Chair and members, because  
8 we have a court reporter, we have problems with this  
9 kind of motion practice. So what I recommend you do  
10 is that you make clear by a vote that you're undoing  
11 your earlier vote, because there was confusion about  
12 the motion, and that we start over.

13 THE CHAIRMAN: Okay.

14 MR. WORD: Okay? And that we start over  
15 with a motion to approve 12.8.2.7.A and B.1 without  
16 B.1.a and b.

17 MR. SPIROCK: Mr. Chairman, I move to undo  
18 the earlier motion and vote.

19 MR. THUROW: I second that motion.

20 THE CHAIRMAN: We have a motion and second  
21 to start again, shall we say. All those in favor,  
22 say "Aye."

23 MR. SPIROCK: Aye.

24 MR. THUROW: Aye.

25 THE CHAIRMAN: Aye.

1           Those opposed, by like sign.

2           (No response.)

3           THE CHAIRMAN: Starting again, 12.8.2.7,  
4 "Definitions: Professional competency and  
5 performance."

6           MR. SPIROCK: Mr. Chairman, I move that  
7 that be accepted as written.

8           MR. THUROW: Second.

9           THE CHAIRMAN: We have a motion and second  
10 to approve Section A. All those in favor, say "Aye."

11          MR. SPIROCK: Aye.

12          MR. THUROW: Aye.

13          THE CHAIRMAN: Aye.

14          Those opposed, by like sign.

15          (No response.)

16          THE CHAIRMAN: Motion carries.

17          Section B, "Types of Surveying" and  
18 "Boundary Surveying."

19          MR. THUROW: Mr. Chairman, I move that that  
20 Paragraph B.1.b be accepted, with the exception of  
21 the final sentence: "Boundary surveying can  
22 generally be characterized as an original survey or a  
23 retracement survey." The rest of that paragraph  
24 should be accepted.

25          MR. WORD: What about A and -- little A and



1 little B?

2 THE CHAIRMAN: We're going --

3 MR. THUROW: Excuse me. Strike Subsection  
4 small A, Subsection small B in their entirety.

5 MR. SPIROCK: Second to that.

6 THE CHAIRMAN: We have a motion and a  
7 second to accept Section B.1, excluding the last  
8 sentence of that paragraph and deleting "Original  
9 Survey" and "Retracement Survey." All those in  
10 favor, say "Aye."

11 MR. SPIROCK: Aye.

12 MR. THUROW: Aye.

13 THE CHAIRMAN: Those opposed, by like sign.

14 (No response.)

15 THE CHAIRMAN: Subsection 2, "Improvement  
16 location reporting."

17 MR. SPIROCK: Mr. Chairman, I move to  
18 accept "Improvement location reporting" as is, which  
19 is indicative of no changes to the current language.

20 MR. THUROW: Second.

21 THE CHAIRMAN: We have a discussion -- we  
22 have a motion and a second, Item 2, "Improvement  
23 location reporting." Is there any discussion?

24 (No response.)

25 THE CHAIRMAN: There being no discussion,

1 all those in favor, say "Aye."

2 MR. SPIROCK: Aye.

3 MR. THUROW: Aye.

4 THE CHAIRMAN: Aye.

5 Those opposed, by like sign.

6 (No response.)

7 THE CHAIRMAN: Subsection 3, "Topographic  
8 surveying," the measurement and portrayal of the  
9 configurations of the ground.

10 MR. THUROW: Mr. Chairman, I move that that  
11 Subsection 3 be accepted as presented in the Rules  
12 Hearing.

13 THE CHAIRMAN: Second?

14 MR. SPIROCK: Yeah. It stumped me for a  
15 while, because this is another hearing. But yes,  
16 I'll second that.

17 THE CHAIRMAN: We have a motion and a  
18 second to approve Subsection 3, "Topographic  
19 surveying." Any discussion?

20 (No response.)

21 THE CHAIRMAN: There being no discussion,  
22 all those in favor, say "Aye."

23 MR. SPIROCK: Aye.

24 MR. THUROW: Aye.

25 THE CHAIRMAN: Aye.

1 Those opposed, by like sign.

2 (No response.)

3 THE CHAIRMAN: Moving on to Subsection B.4,  
4 "Easement surveying," a definition of what easement  
5 surveying is.

6 MR. SPIROCK: Mr. Chairman, I move that  
7 "Easement surveying" be accepted as written, which is  
8 essentially no change to the existing language.

9 MR. THUROW: Second.

10 THE CHAIRMAN: We have a motion and a  
11 second to adopt Section B, Subsection B.4, "Easement  
12 surveying." Any discussion?

13 (No response.)

14 THE CHAIRMAN: There being no discussion,  
15 all those in favor, say "Aye."

16 MR. SPIROCK: Aye.

17 MR. THUROW: Aye.

18 THE CHAIRMAN: Aye.

19 Those opposed, by like sign.

20 (No response.)

21 MR. THUROW: Mr. Chairman, will the Chair  
22 entertain a motion that any subsection that has not  
23 been altered as a result of the Rules Hearing be  
24 adopted for passage?

25 THE CHAIRMAN: What I would entertain is a

1 motion to accept 5, 6, and 7 in gross, unless there  
2 is any discussion.

3 MR. SPIROCK: So moved.

4 MR. WORD: B.5, 6, and 7?

5 THE CHAIRMAN: Yeah, B.5, 6, and 7.

6 MR. THUROW: So moved.

7 MR. SPIROCK: So moved. Second.

8 THE CHAIRMAN: I can't make the motion.

9 MR. SPIROCK: I made it, then Glen made it,  
10 and I seconded.

11 THE CHAIRMAN: Oh, I'm falling behind here,  
12 people, falling behind.

13 All right. There's been a motion and a  
14 second to approve Section B.4, B.5, and B.6. Is  
15 there any discussion?

16 (No response.)

17 THE CHAIRMAN: There being none, all those  
18 in favor, say "Aye."

19 MR. THUROW: Aye.

20 MR. SPIROCK: Aye.

21 THE CHAIRMAN: Those opposed, by like sign.

22 (No response.)

23 THE CHAIRMAN: The motion passes.

24 Going down to Section B. -- B.8, "An  
25 ALTA/NSPS survey," a little bit of cleanup on the

1 language since there's no longer any ACSM, cover  
2 very little items.

3 MR. THUROW: Mr. Chairman, for the purpose  
4 of discussion, I will move that the language be  
5 adopted as presented.

6 MR. SPIROCK: Second.

7 MR. THUROW: Discussion?

8 THE CHAIRMAN: There is a slight problem  
9 with this section, because we are referring to  
10 Subsection J of 12.8.2.9, which deals partially  
11 within the requirements of recording a plat. Is this  
12 going to be in conflict with that section if we leave  
13 it as is?

14 MR. THUROW: One of the comments received  
15 that asked that we remove all changes that require an  
16 ALTA/NSPS survey to be recorded, the rationale being  
17 the current requirement of recording ALTA and  
18 boundary survey plats is sufficient to the practice  
19 of surveying and safeguarding the public interest.  
20 There may be conditions that the client wishes the  
21 information to remain private, but now, their  
22 concern -- I did not read their concern into the  
23 language as it currently was presented. Can someone  
24 illuminate this for me?

25 In other words, our statement simply says

1 that, "The filed survey can be a separate plat and  
2 need not include all the details of the ALTA/NSPS  
3 survey, but only the improvements affecting the  
4 boundary are required to be shown." And then it  
5 refers back to the boundary requirements. But the  
6 objection said that conditions the client wishes to  
7 remain private. But isn't that covered, because it  
8 says you can strip out all the other things that do  
9 not pertain to boundary but pertain to the ALTA?

10 Where is the conflict? I did not see it,  
11 and the gentleman who presented this was  
12 Mr. Gromatzky. He commented on it, but I did not  
13 understand the rationale at the time.

14 MR. SPIROCK: Mr. Chairman, under  
15 discussion, I also have Mr. Gromatzky's Exhibit  
16 No. 16 and noted that. And with other issues, like  
17 control surveying reporting and his concern on this  
18 one, I choose not to amend what I seconded. I think  
19 our language is sufficient, and some of the concern  
20 over the privacy between a surveyor and his client  
21 has to be taken in the context of what the surveyor  
22 is doing. In the case of this instrument, I believe  
23 it ought to be recorded, and when we get to it under  
24 control stations, I think you ought to be able to  
25 request it and get a copy.

1 MR. THUROW: Agreed. I'll call the  
2 question, Mr. Chairman. I'll call the motion.

3 THE CHAIRMAN: Give me one moment, please.

4 MR. THUROW: Certainly.

5 THE CHAIRMAN: No, I'm not -- I don't have  
6 you on my ignore button.

7 MR. SPIROCK: He's thinking.

8 THE CHAIRMAN: I'm just looking at my  
9 question that I'd asked you: If it was going to be  
10 in conflict. I'm perusing back and forth.

11 MR. THUROW: Certainly.

12 THE CHAIRMAN: We have a motion on the  
13 floor to approve Subsection B.8, an ALTA survey and a  
14 /NSPS survey. There has already been discussion, so  
15 I won't call for that. All those in favor, say  
16 "Aye."

17 MR. SPIROCK: Aye.

18 MR. THUROW: Aye.

19 THE CHAIRMAN: Those opposed, by like sign.  
20 And I will say "Aye" on that.

21 MR. WORD: You say "Aye"? You're opposed?

22 THE CHAIRMAN: I'm opposed, like sign, yes.

23 MR. WORD: I'm not clear what that means.  
24 I'm sorry.

25 THE CHAIRMAN: Yeah, I thought I said,

1 "Those opposed, by like sign."

2 MR. WORD: "By like sign." People  
3 generally say "Nay" if you're opposing.

4 THE CHAIRMAN: Okay. Nay. Thank you.  
5 Thank you, kind sir.

6 Moving on to Subsection B.9, "Control  
7 surveying," striking out some language, adding on  
8 some other language and clarification.

9 MR. THUROW: Mr. Chairman, I move that  
10 Subsection 9, "Control surveying," be adopted as  
11 presented at the Rules Hearing.

12 MR. SPIROCK: Second.

13 THE CHAIRMAN: There's been a motion and a  
14 second to approve B.9, "Control surveying." Any  
15 discussion?

16 (No response.)

17 THE CHAIRMAN: There being no discussion,  
18 all those in favor, say "Aye."

19 MR. SPIROCK: Aye.

20 MR. THUROW: Aye.

21 THE CHAIRMAN: Aye.

22 Those opposed, by like sign.

23 (No response.)

24 THE CHAIRMAN: Motion carries.

25 There is no change in B.10, "Unclassified



1 surveying." There is no change in C, "Dimensions."

2 MR. WORD: It's been renumbered.

3 THE CHAIRMAN: It's been renumbered. I  
4 apologize.

5 MR. SPIROCK: Mr. Chairman, for the balance  
6 of this, can I make a motion to accept all of those,  
7 through the end of the definitions, before we get to  
8 "Boundary Survey," as written; unless somebody would  
9 like to object to the particular phraseology or  
10 changes, come from here to the end in one motion?

11 THE CHAIRMAN: Yes, you can.

12 MR. SPIROCK: Mr. Chairman, I move that we  
13 take Items C, "Dimensions"; D, "Easement"; E,  
14 "Monument"; F, "Surveyor," no action necessary,  
15 because that's just a restatement of the existing  
16 wording; G, "Tract or lot," accept the language as  
17 presented in the Rules Hearing; H; I, I changes by  
18 adding, "a.k.a. GNSS"; J, as written, existing  
19 language; K, "Positional error," as written, existing  
20 language; L, "Positional accuracy," the new language  
21 as was presented at the public hearing; M, "GNSS," as  
22 presented at the public hearing; N, "Geospatial,"  
23 definition as presented at the public hearing; O,  
24 "OPUS," as presented at the public hearing; and P,  
25 "Digital Geospatial Data," as presented at the public

1 hearing.

2 MR. WORD: Mr. Chair, members, I assume  
3 that Mr. Spirock's motion would include those  
4 sections where the text was not altered. The  
5 paragraph numbering was altered, and his motion  
6 includes sentiments of those changes as stated in the  
7 proposed rule.

8 MR. SPIROCK: And including "Unclassified  
9 surveying," which also doesn't change.

10 MR. THUROW: I'll second. Discussion?

11 THE CHAIRMAN: We have a motion and a  
12 second to approve B.10, "Unclassified survey,"  
13 Sections C through P. Any discussion?

14 MR. THUROW: Discussion, Item G, "Tract or  
15 lot." There was a question: "Where a unique parcel  
16 identification number has been or will be assigned by  
17 the county." There was some -- Mr. Gromatzky made  
18 the point that sometimes you get this UPI number  
19 assigned even when the tract or lot does not  
20 officially exist. Is this a concern?

21 Is it just -- really, it's a non-issue.  
22 It's just more semantic than anything else. I just  
23 bring this up, because again, I just want to make  
24 sure I understand what Mr. Gromatzky's point was as  
25 far as the assignment of this number.

1 MR. SPIROCK: Mr. Chairman, Mr. Thurow,  
2 I've got one on my table right now that's an  
3 unrecorded Tract B. I don't know where it came from,  
4 but to me, that's a tract or lot, because it shows up  
5 in the county, not so much in their assessment  
6 records as on their sectionalized index to parcels.  
7 And I don't see where the public is served by going  
8 any further than just accept the language. It's a  
9 lot or a tract if the county calls it that.

10 MR. THUROW: Well, this says, "where a  
11 unique parcel identification number has been or will  
12 be assigned."

13 MR. SPIROCK: Yeah.

14 MR. THUROW: So the idea being that,  
15 eventually, the county will have to assign a number  
16 to this tract in order for it to be official if it  
17 would be considered as a tract or lot under this  
18 provision. It must have that UPI number. No further  
19 discussion on my part.

20 THE CHAIRMAN: Well, right now, that's  
21 state law.

22 MR. THUROW: Well, then let's put it in the  
23 standards.

24 THE CHAIRMAN: Yeah, we're required to put  
25 the Uniform Parcel Code number for those tracts or

1 other unique identifier as directed by the county.

2 It was my understanding that Bernalillo County was  
3 going to deal with UPC numbers and come up with their  
4 own invention. Is that true?

5 MR. SPIROCK: It's possible. They can do  
6 anything they wish.

7 THE CHAIRMAN: So that would be another  
8 unique parcel identification number that would have  
9 to be used to identify those parcels, so --

10 MR. THUROW: Yeah, there -- Mr. Gromatzky's  
11 reasoning was, "It is not clear what the proposed  
12 language adds or changes to the definition of a lot  
13 or tract. Several county planning and zoning  
14 departments have indicated that property that has  
15 been illegally subdivided and are still issued parcel  
16 identification numbers for tax purposes. This does  
17 not mean that there is a lot or tract of record for  
18 the purpose of further subdivision." That may be a  
19 true statement, but --

20 MR. SPIROCK: Maybe.

21 MR. THUROW: Does that affect putting that  
22 language into the minimum standards?

23 MR. SPIROCK: I was with you. I don't  
24 think it's worth discussing any further.

25 THE CHAIRMAN: It doesn't add or take away

1 anything.

2 MR. THUROW: So that's --

3 THE CHAIRMAN: I mean, why it's in there  
4 is --

5 MR. THUROW: So it was presented and it was  
6 heard, so again, we're ready for the question.

7 THE CHAIRMAN: I don't believe it is  
8 harmful to the public in any way.

9 I have a motion and a second to approve  
10 these sections. All those in favor, say "Aye."

11 MR. SPIROCK: Aye.

12 MR. THUROW: Aye.

13 THE CHAIRMAN: Aye.

14 Opposed, by like sign.

15 (No response.)

16 MR. SPIROCK: Mr. Chairman, could I ask a  
17 question of the audience?

18 Todd, are you able to follow what we're  
19 doing, if we fix some and spend some time on it and  
20 just accept all the others of these?

21 MR. WAGENER: You haven't fixed anything.  
22 You've just adopted, and that's what you're doing, so  
23 I don't have any comment.

24 MR. SPIROCK: Okay. Thank you, sir.

25 MR. WAGENER: I don't agree with it, but I

1 don't have any comment.

2 MR. SPIROCK: Mr. Chairman, under Item  
3 12.8.2.9, "Boundary Surveying," I move that we either  
4 retain the original language or accept the revisions  
5 that were presented at the public hearing for the  
6 main paragraph; Subparagraph A; Subparagraph B, which  
7 removes the words "all"; Subparagraph C;  
8 Subparagraph D, which doesn't change; Subparagraph E,  
9 which doesn't change; Subparagraph F, which doesn't  
10 change; Subparagraph G, which I'm told is not a  
11 capital "manual of surveying instructions"; the  
12 balance of Section G, including Items 1, 2, 3, and 4;  
13 Subsection H; Subsection I.

14 And Mr. Chairman, if I may, I'd like to  
15 stop there, because there may be some discussion on  
16 J.

17 MR. THUROW: Second.

18 THE CHAIRMAN: We have a motion and second  
19 for approval of 12.8.2.9, Sections A through I, of  
20 "Boundary Surveying." Discussion?

21 (No response.)

22 THE CHAIRMAN: There being no discussion, I  
23 call for the question. All those in favor, say  
24 "Aye."

25 MR. SPIROCK: Aye.

1 MR. THUROW: Aye.

2 THE CHAIRMAN: Aye.

3 Those opposed, by like sign.

4 (No response.)

5 THE CHAIRMAN: Moving on to 12.8.2.9.J,  
6 preparation of plat of survey.

7 MR. SPIROCK: Chairman, I move that we  
8 accept 12.8.2.9.J with the following changes: The  
9 first paragraph, no change to what was heard at the  
10 public hearing. It was striking quite a bit of  
11 language. No change in Item 1, 2, or 3.a, b, c. No  
12 change in 4 as written.

13 And Item No. 5, I would like to remove the  
14 word "color or" from the new language that's been  
15 proposed. So that sentence would read, "a  
16 description of all monuments found or set which  
17 shall include identifying characteristics such as  
18 the material, shape, and all pertinent information  
19 stamped," et cetera, the way the paragraph reads.

20 I would like to insert the words "or  
21 evidence" after the words "found monument" in that  
22 Subparagraph 5.

23 THE CHAIRMAN: Are you okay with that?

24 (Conferring.)

25 MR. SPIROCK: Is it causing some concern?

1 I can yield on that last part if counsel  
2 shakes his head.

3 (Conferring.)

4 MS. ANNETTE THOMPSON-MARTINEZ: Can you  
5 clarify where you found that?

6 MR. SPIROCK: We are right here, the new  
7 language with the word "color or." That goes out.  
8 I'm looking at adding or inserting, "a found monument  
9 or evidence which the surveyor has rejected."

10 MR. WORD: I think that's okay. Maybe "or  
11 other evidence," add "or" to your --

12 MR. SPIROCK: Just the words, "semicolon, a  
13 found monument or evidence which the surveyor has  
14 rejected" --

15 MR. WORD: Okay. That's --

16 MR. SPIROCK: -- "as a true property corner  
17 shall be designated as such."

18 MS. THOMPSON-MARTINEZ: Just add "or  
19 evidence"?

20 MR. SPIROCK: Just add "or evidence."

21 THE CHAIRMAN: Okay.

22 MR. SPIROCK: Item 6 remains the same as  
23 presented at the public hearing with the following  
24 exception: 6.a is the same; 6.b is the same; 6.c  
25 replaces the words "real geodetic control values,"



1 replaces the word "real" with "measured or published  
2 geodetic control values." I believe that was  
3 presented in one of the exhibits earlier.

4 Item D --

5 THE CHAIRMAN: Are you okay with that one?

6 MR. WORD: I think our motion is getting a  
7 little unwieldy.

8 THE CHAIRMAN: Yeah, it's getting --

9 MR. SPIROCK: Let me stop at D and then --

10 MR. WORD: I had that stop, because you  
11 lost me at 6.

12 MR. SPIROCK: Okay.

13 MR. WORD: Going through J, J.5.

14 MR. SPIROCK: Okay. I'll stop my motion  
15 with 5 and begin again with Item 6.

16 THE CHAIRMAN: It's getting a little bit  
17 unwieldy.

18 MR. SPIROCK: Sorry about that.

19 THE CHAIRMAN: No worries.

20 MR. THUROW: All right. So I'll second the  
21 motion, to stop at J.5, for consideration at this  
22 point.

23 THE CHAIRMAN: We have a motion and second  
24 for J, Sections 1 through 5, on the preparation of  
25 plat of survey. Discussion?

1 MR. THUROW: One moment, Mr. Chairman.

2 MR. WAGENER: One through 5 as proposed  
3 amended?

4 MR. SPIROCK: Proposed amended.

5 MR. WAGENER: Okay.

6 MR. SPIROCK: Striking the word "color or"  
7 under what you shall include as identifying  
8 characteristics of a monument found or set and adding  
9 the words, the final sentence of J.5, so that it  
10 would read, "semicolon, a found monument or evidence  
11 which the surveyor has rejected as a true property  
12 corner shall be designated as such."

13 My reason being is, quite often, it is not  
14 a monument that was rejected. It tends to be a  
15 property corner, like a fence with a lamp on it  
16 that's wired that says, "Property Corner."

17 MR. THUROW: Do you -- Mr. Spirock?

18 MR. SPIROCK: Yes, sir.

19 MR. THUROW: In the course of evidence of  
20 evaluation for corner determination, there could be a  
21 whole litany of items that, when given correct  
22 consideration, would not be included or rejected.  
23 Would this require me to tell you all the things that  
24 I considered but rejected, all that evidence  
25 standard, which could be substantial?

1 MR. SPIROCK: No. That's not the intent.

2 MR. THUROW: But isn't that what it says,  
3 what your motion calls for? I would respectfully  
4 suggest that we may be getting a little bit too far  
5 down into the weeds here.

6 MR. SPIROCK: I'm convinced to strike the  
7 addition of the words "or evidence" and just let the  
8 language remain as it's currently stated.

9 MR. THUROW: So the only thing we're  
10 striking is "color"?

11 MR. SPIROCK: That's correct, "color or."

12 MR. THUROW: "Color or." I don't believe  
13 that is a substantial change. That's just a minor  
14 add.

15 MR. SPIROCK: We are putting in the words  
16 "measured or published" that replaces "real geodetic  
17 control value."

18 MR. THUROW: Yeah. That's correct. And I  
19 would agree that "real," we are saying the same thing  
20 but being more specific than the term "real," as  
21 opposed to "unreal."

22 MR. WORD: Where is that? I can't see that  
23 far in the cite to the --

24 MR. SPIROCK: Look at the little C. It's  
25 all underscore, and it says, "real geodetic control

1 values." We had testimony under Exhibit --

2 MR. THUROW: Well, wait a minute. We  
3 didn't get past 5, Cliff. We cut it at 5.

4 MR. SPIROCK: Oh, I apologize.

5 MR. WORD: So we have a motion and a  
6 second. The motion as amended, just so you're clear,  
7 if you can restate it, because you took out the "or  
8 evidence."

9 MR. SPIROCK: The only thing we're  
10 replacing is J, from the first paragraph, all the way  
11 down to the beginning of Subsection 6, deleting the  
12 words "color or" from Subsection 5.

13 MR. THUROW: That's it. That's the whole.

14 MR. WORD: So that is the motion with that?

15 MR. THUROW: Yes, that is the motion and  
16 that is the second.

17 THE CHAIRMAN: We have a motion and second  
18 on Section J as amended, Items 1 through 5. Any  
19 discussion?

20 (No response.)

21 THE CHAIRMAN: I have some angst here up on  
22 Section J: "And record the survey." My angst comes  
23 from the input that I received from the membership at  
24 the conference this week. I thought this was a good  
25 idea. I'm going to break a little bit of protocol

1 here.

2 Mr. Wagener, you expressed a lot of  
3 concerns about this at the conference. I valued  
4 that input, and that's why I'm offering you this  
5 opportunity to speak on this, even though it's not  
6 protocol. If you could step to the podium. And I  
7 say this briefly. We don't need to go into a long  
8 history. Could you give the Board your thought  
9 process and ideas about why this would not be good  
10 for the public?

11 MR. WAGENER: A boundary retracement survey  
12 is basically what we're talking about, that there's  
13 already a boundary or a survey of record and a lot or  
14 the boundary of that parcel. It's already of record.

15 In the case of a subdivision, all those  
16 lots are created at the same time, or as I  
17 frequently do and I see other places, a boundary  
18 survey with exemption surveys creates one or more  
19 tracts or two tracts all the time. So they -- that  
20 plat, those parcels are created at the same time.  
21 And when you're surveying a parcel, you might only  
22 be surveying Lot 1, Lot 2 of whatever subdivision.

23 THE CHAIRMAN: Correct.

24 MR. WAGENER: And your legal description is  
25 Lot 1, Lot 2, XYZ subdivision, as shown on official

1 county records, right? And if you put all these  
2 multiple lots or surveys in there -- and in a  
3 retracement, I agree, because you're saying, here's  
4 what I found, is a change in the plat.

5 THE CHAIRMAN: A change, correct, uh-huh.

6 MR. WAGENER: It's one time, and that might  
7 be necessary to identify that parcel. And what  
8 you're saying is I'm retracing it and making that  
9 parcel not -- you don't replace it. It's the same  
10 legal as used to be there.

11 And when you go farther and you make  
12 somebody institute a new parcel or a new survey for  
13 every time you surveyed Lot 1, Lot 2, XYZ of the  
14 subdivision, you're not clearing up the record. The  
15 original legal description is still that one.

16 So it should only show -- so you should  
17 only be messing around, trying to resolve problems  
18 with the original plat and one retracement that says  
19 there was something different, rather than going  
20 through and trying to figure out how come there's a  
21 whole bunch of plats filed on this. And they all  
22 show the same corners found, that there were not  
23 even new corners found. The original corner was  
24 found, and you've got to file a new plat. I think  
25 it's -- I think that is plain.

1 THE CHAIRMAN: Right. Okay. Thank you.  
2 So your recommendation, I believe I read it in your  
3 submittal and your recommendation of many like that I  
4 heard at the conference; that this Section J,  
5 "Prepare a plat of the survey," was adequate in the  
6 protection of the public.

7 MR. WAGENER: Right. And that the original  
8 language would --

9 THE CHAIRMAN: Was adequate.

10 MR. WAGENER: -- of J would be the -- to  
11 not modify J at all.

12 THE CHAIRMAN: Correct.

13 MR. THUROW: Just leave it as is.

14 MR. WAGENER: Leave it as is.

15 THE CHAIRMAN: Leave it as is, right.

16 MR. WAGENER: Because you're not protecting  
17 the public, and you might even be harming the public  
18 by having all those extra surveys in there.

19 MR. THUROW: Mr. Chair?

20 THE CHAIRMAN: Well -- yes, Mr. Thurow.

21 MR. THUROW: Oh, I'm sorry.

22 THE CHAIRMAN: Please. No, go ahead.

23 MR. THUROW: I was just referring back to  
24 the Engineering and Surveying Practice Act  
25 recordation law 61-23-28.2, surveying, record of

1 surveying: "For those surveys that do not create a  
2 subdivision of land but only show existing tracts of  
3 record, except in the instance of remonumentation as  
4 specified in the board's minimum standards for  
5 boundary surveys, within sixty calendar days of the  
6 completion of the survey, a professional surveyor  
7 shall cause to be recorded at the office of the  
8 county clerk a survey entitled, 'boundary survey  
9 plat.'"

10           Now, that's state law, and we cannot have  
11 anything in the minimum standards that is contrary  
12 to this. It would seem to me that the existing  
13 current language supports what's in the minimum --

14           THE CHAIRMAN: Correct.

15           MR. THUROW: -- in the Engineering and  
16 Surveying and Practice Act.

17           THE CHAIRMAN: I concur.

18           MR. THUROW: Does the proposed modification  
19 still support this? Because here it's saying when  
20 you have to, and here it says you've got to record  
21 the plat. So is this at odds with the Engineering  
22 and Surveying Practice Act?

23           THE CHAIRMAN: I believe it is.

24           MR. THUROW: And if it is, it has to yield.

25           THE CHAIRMAN: I believe it does. So that



1 is the question.

2 (Conferring.)

3 MR. THUROW: I would offer a friendly  
4 amendment to the motion's sponsor. My friend --

5 MR. SPIROCK: I'm listening.

6 MR. THUROW: My friendly amendment would be  
7 the first paragraph of J be left as currently stated.

8 MR. WORD: To reject the proposed changes?

9 MR. THUROW: We would be rejecting the  
10 proposed changes, including the words "and record the  
11 survey." It's a friendly amendment. I can make it  
12 unfriendly.

13 MR. SPIROCK: I understand. I'm trying to  
14 think of some other way of accomplishing the same  
15 thing as the original intent, but I don't disagree  
16 with the modifications. I agree with the way it was  
17 presented at the public hearing, so I'm not accepting  
18 your friendly amendment.

19 MR. THUROW: All right.

20 MR. WORD: So you're not accepting?

21 MR. SPIROCK: That's correct.

22 MR. WORD: Okay. So you can -- do you keep  
23 your second? You can withdraw a second.

24 MR. THUROW: Well, I was going to actually  
25 call the question --

1 MR. WORD: Okay.

2 MR. THUROW: -- and make the Chairman --  
3 put him on the spot here.

4 MR. SPIROCK: That will work as well.

5 MR. THUROW: That's what being chairman is:  
6 You have to make those tough decisions.

7 MR. SPIROCK: Otherwise, it's a caucus.

8 THE CHAIRMAN: There you go.

9 MR. THUROW: And incidentally, I'm only  
10 offering that friendly amendment for that first  
11 Paragraph J. The rest of up through 5, as presented  
12 in the motion, is acceptable to me. So that's why I  
13 offered it as a friendly amendment, and --

14 MR. SPIROCK: Yeah, Glen, but I'm at odds  
15 with the fact that the Engineering Practice Act is  
16 going to be coming up for sunset. I am so bedazzled  
17 with all the legal interpretations as to which comes  
18 first, the chicken or the egg.

19 I agree we can't amend legislation with  
20 our own rules, but we can certainly tell the  
21 surveying community that, as a survey -- if a survey  
22 is required, if a survey is beneficial for somebody  
23 who follows in their footsteps, then you ought to  
24 record it so they can follow in your footsteps, even  
25 if it says the same bloody thing.

1 I have listened to Todd and am concerned  
2 about lots in a preestablished subdivision, but  
3 quite often, a subdivision plat map requires me to  
4 retrace remonument HOA Tract B-3, which might be  
5 35 acres of consequential, and I don't know how to  
6 read -- I don't know how to provide that language  
7 with what's before us today.

8 MR. THUROW: Mr. Chairman, I withdraw my  
9 second of the motion. I suggest that we consider  
10 each item under J separately through 5, and since we  
11 have -- we don't want to do any log rolling here. If  
12 you would entertain that these sections be considered  
13 individually rather than in whole up through 5, I  
14 believe that would be the proper course of action at  
15 this point.

16 THE CHAIRMAN: I would entertain that.

17 MR. THUROW: I've withdrawn my second, so  
18 that would be my motion, sir, that we consider these  
19 parts individually under J through 5.

20 MR. SPIROCK: For the sake of putting it on  
21 the table, I'll second that.

22 THE CHAIRMAN: The question died because of  
23 lack of a second.

24 MR. THUROW: Well, I withdrew the second,  
25 and the new motion was seconded.

1 MR. SPIROCK: He withdrew the second. He  
2 made a new motion. I seconded the new motion.

3 THE CHAIRMAN: To go item by item?

4 MR. THUROW: Item by item.

5 THE CHAIRMAN: Got it. Okay. We have a  
6 motion on the floor to go item by item on Section J.

7 MR. WORD: It's actually subsection.

8 THE CHAIRMAN: Subsection J. We will be  
9 doing that. I call for the vote. All those in  
10 favor, say "Aye."

11 MR. SPIROCK: Aye.

12 MR. THUROW: Aye.

13 THE CHAIRMAN: Aye.

14 Those opposed, by like sign.

15 (No response.)

16 THE CHAIRMAN: Going back to Subsection J.

17 MR. THUROW: Mr. Chairman, I move that the  
18 proposed modifications to the first paragraph of  
19 Subsection J be rejected and the original language  
20 retained.

21 MR. WORD: Mr. Chair, members, as a matter  
22 of clarification, so the first paragraph in J, which  
23 is down to Sub 1, right?

24 MR. THUROW: Down to Sub 1.

25 MR. WORD: Thank you.

1 MR. THUROW: That the original -- that no  
2 modification be accepted and that the original  
3 language be retained.

4 MR. SPIROCK: Second.

5 THE CHAIRMAN: We have a motion and a  
6 second to reject Subsection J down to that, into that  
7 paragraph just before Part 1. Discussion?

8 The motion is to reject it, correct?

9 MR. THUROW: That is correct.

10 THE CHAIRMAN: Okay. Discussion?

11 MR. THUROW: The proposed modifications.

12 THE CHAIRMAN: Discussion?

13 (No response.)

14 THE CHAIRMAN: All those in favor to reject  
15 Section J about recording the plat, all those in  
16 favor, say "Aye."

17 MR. THUROW: Aye.

18 THE CHAIRMAN: Those opposed, by like sign.

19 MR. SPIROCK: Nay.

20 THE CHAIRMAN: For the public record, I  
21 need to say "Aye."

22 Motion carries two to one.

23 MR. THUROW: Mr. Chairman, I move that the  
24 remainder of Subsection J.1, 2, 3, 4, and 5 be  
25 adopted as presented, with the exception of a minor

1 language change striking the word "color or" from  
2 Subsection J.5.

3 MR. SPIROCK: Second.

4 THE CHAIRMAN: We have a motion and a  
5 second to approve Subsections J.1 through 5, omitting  
6 the word "color."

7 MR. THUROW: "Or."

8 THE CHAIRMAN: "Or." "Color or."

9 MR. WORD: Sub 5.

10 THE CHAIRMAN: In Sub 5. All those in  
11 favor, say "Aye."

12 MR. WORD: Just --

13 THE CHAIRMAN: Pardon?

14 MR. SPIROCK: Aye.

15 MR. WORD: I got it.

16 MR. THUROW: Aye.

17 THE CHAIRMAN: Aye.

18 All those opposed, by like sign.

19 (No response.)

20 THE CHAIRMAN: Motion carries.

21 Moving on to Subsection J.6.a, b, c. And  
22 I'm going to take it down to d. I don't want to get  
23 overloaded with any changes, if that's approval --  
24 or if that's okay with everybody.

25 MR. SPIROCK: Mr. Chairman, I move the

1 approval of Items 6.a, b, c, and d, with the  
2 exception of the word "real" in Subsection C,  
3 replacing the word "real" with "measured or  
4 published."

5 MR. THUROW: I second that motion.

6 THE CHAIRMAN: It's been moved and seconded  
7 to approve Subsection J.6.a, b, c, and d, with the  
8 removal of the word "real" and the addition of  
9 "measured or published." Any discussion?

10 MR. WORD: Could you -- may I, Mr. Chair?

11 THE CHAIRMAN: Absolutely.

12 MR. WORD: Members, if I could explain for  
13 the record the purpose of the subsection, it's just  
14 being more specific.

15 MR. THUROW: Yeah, the term "real" is too  
16 nebulous a concept, and the intent is "measured or  
17 published," which is what, really, "real" is saying.  
18 It's -- yeah, I think that's sufficient.

19 MR. WORD: Thank you.

20 MR. SPIROCK: Opposite of surreal or fake.

21 THE CHAIRMAN: All those in favor, say  
22 "Aye."

23 MR. SPIROCK: Aye.

24 MR. THUROW: Aye.

25 THE CHAIRMAN: Aye.

1           Opposed, by like sign.

2           (No response.)

3           MR. SPIROCK: How far do you want to go on  
4 the next one, Mr. Chairman?

5           THE CHAIRMAN: Let's deal with Item 7,  
6 since there was a change on that. The next item we  
7 will be dealing with, Subsection J.7 only: "A  
8 description of all documents," including filing  
9 information and so on and so forth.

10           MR. SPIROCK: Mr. Chairman, I move the  
11 adoption of Subsection 7 with the following changes:  
12 Under the proposed language, it uses the word "all  
13 documents." I propose to replace "all" with  
14 "pertinent documents." I believe there are two  
15 instances of a "semicolon, if," and this is more of a  
16 question to somebody more grammatically proficient.

17           But I believe those should be two separate  
18 sentences. So it would read, "including filing  
19 information as applicable, used to determine the  
20 boundaries and to prepare the plat of survey,  
21 period. If a particular document is not of record,  
22 this fact shall exist between the documents used to  
23 determine the boundaries" -- oops, I skipped. "If  
24 the document is not of record, this fact shall be so  
25 stated, and all information used from the document



1 shall be shown on the plat, period. If," capital I,  
2 "significant discrepancy exists between the  
3 documents used to determine the boundaries," and  
4 then the continuation as written.

5           Somebody more grammatically astute can  
6 correct me or accept those changes.

7           MR. THUROW: I think Archives also does a  
8 final.

9           MR. WORD: Yeah.

10           MR. SPIROCK: I propose to make those last  
11 two separate standalone sentences, because as  
12 written, it's terribly confusing.

13           THE CHAIRMAN: Have you got that?

14           MS. SAMI ROMERO: Yes.

15           THE CHAIRMAN: Sami's got that down. Okay.

16           MR. WAGENER: Could you insert "as  
17 follows," and then A and B and then -- for those  
18 semicolons. And then -- because you can't start a  
19 sentence with an "if," I don't think. It doesn't  
20 make it a complete sentence, but if you do "as  
21 follows, colon," and then A and B -- or you don't  
22 even need the numbers.

23           MR. SPIROCK: I like our chairman's  
24 suggestion. The motion is to make those separate  
25 sentences and let Archives and Records correct it.

1 MR. THUROW: Yeah, that's just a  
2 grammatical change, but the substitution of  
3 "pertinent" for "all," I think the intent when we  
4 said "all" meant pertinent documents. We probably  
5 just weren't clever enough to think of the word  
6 "pertinent" rather than "all." "All" is so  
7 inclusive, but "pertinent" is what, I think, the  
8 intent was, pertinent documents.

9 THE CHAIRMAN: So we have a motion on the  
10 floor to approve Subsection J.7, with the removal and  
11 replacement of "all" with "pertinent" and other minor  
12 grammatical capitalization changes.

13 MR. THUROW: And that's just the first  
14 occurrence of "all documents."

15 THE CHAIRMAN: Right.

16 MR. THUROW: There's a second "all" in that  
17 paragraph, which is fine, where it says, the fourth  
18 sentence, "be so stated and all information used from  
19 the document shall be shown on the plat," and I think  
20 that's fine.

21 MR. SPIROCK: That's fine, too.

22 MR. THUROW: So that's just the first  
23 instance of "all."

24 THE CHAIRMAN: All those in favor, say  
25 "Aye."

1 MR. WORD: Just a second.

2 THE CHAIRMAN: Pardon me?

3 MR. WORD: Do we have a second on the  
4 motion?

5 MR. THUROW: Yes, I seconded.

6 THE CHAIRMAN: All those in favor, say  
7 "Aye."

8 MR. THUROW: Aye.

9 MR. SPIROCK: Aye.

10 THE CHAIRMAN: Aye.

11 Those opposed, by like sign.

12 (No response.)

13 THE CHAIRMAN: Moving on to Subsection J,

14 I'd like to go through 8, 9, 10, 11, 12, 13, 14.

15 Yeah, let's continue on, 15, 16, 17, and strikeout of  
16 18.

17 MR. SPIROCK: Mr. Chairman, I move --

18 THE CHAIRMAN: All the way to 18.

19 MR. THUROW: Stopping --

20 THE CHAIRMAN: We're going to -- we're  
21 stopping at K, yes. Thank you.

22 MR. SPIROCK: Mr. Chairman, I move the  
23 adoption of the recommended language all the way  
24 through the beginning of K.

25 MR. THUROW: Second.

1 THE CHAIRMAN: It's been moved and seconded  
2 to adopt Subsection J.8, J.8 through 18. All those  
3 in favor, say "Aye."

4 MR. SPIROCK: Aye.

5 THE CHAIRMAN: Those opposed, by like sign.

6 MR. THUROW: I said "Aye."

7 THE CHAIRMAN: I'm sorry.

8 MR. THUROW: I'm good.

9 THE CHAIRMAN: Okay. I didn't hear you. I  
10 apologize.

11 MR. THUROW: I'm sorry. I thought "Aye."

12 THE CHAIRMAN: Okay. I apologize.

13 MR. THUROW: Mr. Chairman?

14 THE CHAIRMAN: Yes, sir.

15 MR. THUROW: I make a motion that  
16 Subsection K, the suggested amended language be  
17 rejected and that the original language be retained.

18 MR. SPIROCK: Second.

19 THE CHAIRMAN: We have a motion and a  
20 second on Section J that the motion be rejected and  
21 the initial -- original language remain the same.  
22 Discussion?

23 (No response.)

24 THE CHAIRMAN: There being no discussion, I  
25 call the question. All those in favor, say "Aye."

1 MR. THUROW: Aye.

2 THE CHAIRMAN: Aye.

3 Are you going to vote?

4 MR. SPIROCK: When we get to it. How about  
5 those opposed?

6 THE CHAIRMAN: Oh, those opposed?

7 MR. SPIROCK: Nay. Talk about being  
8 strong-armed.

9 THE CHAIRMAN: Oh, man, it's getting to be  
10 a long day here. I'm flagging here badly. Twelve,  
11 13 --

12 MR. SPIROCK: Mr. Chairman, under  
13 12.8.2.10, I move it be accepted as presented at the  
14 public hearing in Subsections A and B for  
15 "Improvement Location Report."

16 MR. THUROW: Second.

17 THE CHAIRMAN: It's been moved and seconded  
18 to approve 12.8.2.10, "Improvement Location Report,"  
19 Subsection A and Subsection B, as written.  
20 Discussion?

21 (No response.)

22 THE CHAIRMAN: There being no discussion,  
23 all those in favor, say "Aye."

24 MR. THUROW: Aye.

25 MR. SPIROCK: Aye.

1 THE CHAIRMAN: Aye.

2 Those opposed, by like sign.

3 (No response.)

4 MR. SPIROCK: Mr. Chairman, in the matter  
5 of 12.8.2.11, "Topographic Surveying," I move that we  
6 approve it as written with the following change: To  
7 add the language at the very end of the sentence,  
8 "and 12.8.2.16." That reads, "Every topographic map  
9 shall comply with 12.8.2.14 NMAC," and 12.8.2.16.

10 MR. WORD: If Mr. Spirock could explain  
11 that change at this time.

12 MR. SPIROCK: Yeah, there was some  
13 discussion with the public about accuracy and  
14 standards for topographic surveying. I believe later  
15 in that document under -- let's see. Under  
16 "Accuracy," 12.8.2.16, it talks about the accuracies  
17 of topographic maps and refers to the more current  
18 determination of rules and precision as being  
19 essentially the ASPRS, which replaces the old  
20 National Map Accuracy Standards.

21 And I thought, in the event of dealing  
22 with topographic surveying under this context, which  
23 is acting almost like a pointer, shall comply with  
24 this provision, we might as well provide the  
25 language that makes it comply with the other

1 provision that I just cited.

2 THE CHAIRMAN: Second?

3 MR. THUROW: I'll second it.

4 THE CHAIRMAN: It's been moved and seconded  
5 to approve Section 12.8.2.11, "Topographic  
6 Surveying," with the addition at the end of the  
7 sentence to include, "shall comply with  
8 Section 12.8.2.16 NMAC." Discussion?

9 (No response.)

10 THE CHAIRMAN: There being none, I call for  
11 the question. All those in favor, say "Aye."

12 MR. SPIROCK: Aye.

13 MR. THUROW: Aye.

14 THE CHAIRMAN: Aye.

15 Those opposed, by like sign.

16 (No response.)

17 THE CHAIRMAN: Moving on to 12.8.2.12,  
18 "Easement Surveying."

19 MR. SPIROCK: Mr. Chairman, I move the  
20 adoption of 12.8.2.12, "Easement Surveying," as  
21 presented at the public hearing modifying Subsection  
22 D.

23 MR. THUROW: I will second. Your motion  
24 includes the suggested language in D?

25 MR. SPIROCK: It does include that.

1 MR. THUROW: Okay.

2 MR. SPIROCK: Everything prior to D is  
3 existing language.

4 MR. THUROW: Very good. I second that  
5 motion.

6 THE CHAIRMAN: It's been moved and seconded  
7 to approve Section 12.8.2.12, "Easement Surveying,"  
8 with the addition of Subsection D as written.

9 Any discussion?

10 MR. SPIROCK: Just to mention,  
11 Mr. Chairman, that we do have some of the exhibits  
12 presented by the audience in objection to that. It's  
13 well taken, but quite often, we see an easement for  
14 pipelines begin five miles to the east, end five  
15 miles to the west, and nothing in between. This  
16 would force ties on the properties it crosses. I  
17 think that's a good idea.

18 THE CHAIRMAN: Being at the conference, I  
19 did not. I saw some angst about this section. I did  
20 not see a lot of angst about this. This is for  
21 Mr. Thurow's information since he was at the NSPS  
22 conference in Virginia; is that correct?

23 MR. THUROW: No.

24 THE CHAIRMAN: Or not.

25 MR. THUROW: I was not there.



1 THE CHAIRMAN: You were --

2 MR. THUROW: Otherwise indisposed.

3 THE CHAIRMAN: Otherwise indisposed. I  
4 thought you were at the NSPS conference to inform  
5 them of the input that we received, the amount of  
6 input and the type of input that we received from the  
7 membership. Just extraneous information there.

8 So it's been moved and seconded. All  
9 those in favor, say "Aye."

10 MR. THUROW: Aye.

11 MR. SPIROCK: Aye.

12 THE CHAIRMAN: Aye.

13 Those opposed, by like sign.

14 (No response.)

15 THE CHAIRMAN: Motion carries.

16 I'd like to move to "Right of Way  
17 Surveying," and I would like to go through this  
18 entire section of "Right of Way Surveying," starting  
19 with A and ending all the way down to K.

20 MR. SPIROCK: Mr. Chairman, in the matter  
21 of "Right of Way Surveying," 12.8.2.13, I move the  
22 approval of that entire section down through K as  
23 presented at the public hearing, with the following  
24 exceptions: Under Item B, delete the word "all" on  
25 two occasions.

1 THE CHAIRMAN: Would you like a replacement  
2 to that or just delete it?

3 MR. SPIROCK: Just delete it.

4 THE CHAIRMAN: So we'd be deleting the two  
5 all's in Subsection B; is that correct?

6 MR. SPIROCK: That's correct.

7 MR. THUROW: I see the first "all" in B,  
8 and I see the second. Thank you.

9 I will second that motion.

10 MR. WORD: Just a moment, Mr. Chair.

11 THE CHAIRMAN: Yes, sir.

12 (Conferring.)

13 MR. SPIROCK: I understand.

14 MR. WORD: Again, I point out, Mr. Chair,  
15 members, that on my copy, the words "all" were not  
16 altered in the proposed.

17 MR. THUROW: Yeah, they were there  
18 originally.

19 MR. SPIROCK: I understand.

20 MR. THUROW: So we would actually have to  
21 strike the word "all."

22 MR. SPIROCK: I understand that. We're  
23 going to strike the word "all," even though it was  
24 not in the document that went to Archives and  
25 Records, or came back from them.

1 MR. WORD: And I've given my opinion  
2 earlier on substantive changes. The Board can  
3 certainly inject it. This could arguably be  
4 construed as a substantive change that was not a  
5 proposed change.

6 MR. SPIROCK: Well, you are --

7 MR. WORD: I understand the point of making  
8 the change, but --

9 THE CHAIRMAN: No, I understand.

10 MR. THUROW: Discussion?

11 THE CHAIRMAN: So we have to decide on that  
12 point right there. Thank you.

13 MR. THUROW: Mr. Chairman, I remember that  
14 there was a great deal of discussion at our  
15 December 11th meeting concerning this particular  
16 phrase and that, if you look at the way it read  
17 originally, it said, "Obtain a copy of all recorded  
18 plats and all plats and maps known to be available to  
19 the surveyor for these tracts."

20 So what they were trying to suggest here  
21 in the original modification to the language was  
22 that you're not capable of knowing all.

23 MR. WORD: I understand.

24 MR. THUROW: And that "all" is too  
25 inclusive, and so the words "available and relevant,"

1 because you may have a plethora of documents that  
2 have absolutely no bearing on the particular survey  
3 that you are about to perform.

4           So the idea was that you want to make it,  
5 number one, relevant to the survey, and only the  
6 surveyor can decide what's relevant. And you have  
7 to make it available to the surveyor and not in some  
8 long-ago-deceased surveyor's files in his widow's  
9 basement. So how do we stay true to the original  
10 intent without striking the words "all" at this  
11 point and add "available, relevant"? Is that not  
12 possible, or is it better, then, just to leave the  
13 particular sentence unmodified?

14           MR. SPIROCK: I would agree with you at the  
15 first "all," because you've added "available and  
16 relevant," which would allow modifying.

17           MR. THUROW: It is important, and that was  
18 the whole point here.

19           MR. SPIROCK: But the rest of it bothers  
20 me, which says that I have to obtain a copy of --  
21 forget that -- "and all plats and maps for the tracts  
22 affected by the existing or contemplated right of  
23 way." That scares me.

24           MR. THUROW: Yeah.

25           MR. SPIROCK: That was not modified with

1 your language, and I believe the word "all" should be  
2 struck, and you can turn me in to the governor for  
3 proposing it.

4 MR. THUROW: Well, let's do this as a  
5 compromise. Does the word "available and relevant"  
6 modify "all" to such an extent that it renders "all"  
7 as secondary to "available and relevant"? And again,  
8 who decides what is relevant is up to the individual  
9 practitioner.

10 So in this case, while I would prefer not  
11 to have the word "all," in this case, I believe the  
12 modifiers of "available and relevant" change it to  
13 such an extent that it can be left in there.

14 MR. WORD: And then there's Mr. Spirock's  
15 concern. So one option would be to reject the  
16 proposed deletion, "known to be available to the  
17 surveyor," and leave that in. Would that address  
18 your concern, Mr. Spirock?

19 MR. SPIROCK: "Known to be available to the  
20 surveyor." Now, in a court of law, Mr. Word, if I  
21 was on the stand as an expert witness and you were  
22 questioning me, should I have a reasonable knowledge  
23 of everything that's in the county courthouse?  
24 Because everything in the county courthouse is  
25 available to the surveyor.

1 MR. WORD: That's beyond the scope of my  
2 representation on this Board, Mr. Spirock.

3 MR. SPIROCK: No.

4 MR. WORD: I'm just dealing with your  
5 language here, and my concern is striking language  
6 that was not recommended to be struck in the proposed  
7 rule.

8 MR. SPIROCK: I understand.

9 MR. WORD: But one thing you can do that is  
10 not a substantive change is to decline, to reject  
11 the -- the --

12 MR. THUROW: I -- yeah.

13 MR. WORD: Striking the "known to be  
14 available to the surveyor" and leave that in.

15 MR. THUROW: A friendly amendment to your  
16 motion, Mr. Spirock.

17 THE CHAIRMAN: Before we get to that, let  
18 me --

19 (Conferring.)

20 MR. THUROW: So let me offer a friendly  
21 amendment, Mr. Spirock: That we reject the deletion  
22 of "known to be available to the surveyor" and accept  
23 "available, relevant" and leaving the words "all" as  
24 currently stated in this paragraph. So basically,  
25 it's going to read, "Obtain a copy of all relevant,

1 available recorded plats and all plats and maps known  
2 to be available to the surveyor for the tracts  
3 affected by the existing or contemplated right of  
4 way." I believe that is the best solution to this  
5 dilemma.

6 MR. SPIROCK: Yeah, but Don Quixote over  
7 here wants to tilt at the windmill, so we just say  
8 no. Thank you. My motion stands. Leave it up to  
9 our Chairman.

10 MR. THUROW: I withdraw my second. We'll  
11 have to consider these individually.

12 MR. WORD: You'll have to do another  
13 motion.

14 MR. THUROW: I'll make the motion that we  
15 accept 12.8.2.13, "Right of Way Surveying," as  
16 currently written or presented, with the exception of  
17 B, to be considered individually.

18 MR. SPIROCK: Second.

19 THE CHAIRMAN: So we have a motion to  
20 approve Sections A and then C through --

21 MR. SPIROCK: The motion was to look at  
22 them individually.

23 MR. THUROW: Well, then I modified -- I  
24 made the motion that the remainder of these items be  
25 accepted as either currently written or modified

1 during the Rules Hearing.

2 MR. SPIROCK: I'll second that one as well.

3 MR. WORD: I don't understand the motion.

4 MR. THUROW: All right. Let me restate the  
5 motion.

6 MR. WORD: Nothing can be modified.

7 MR. THUROW: As the suggestions presented  
8 at the Rules Hearing. Let me restate that. I make a  
9 motion that 12.8.2.13, "Right of Way Surveying," be  
10 accepted as currently written or modifications as  
11 presented at the Rules Hearing, with the exception of  
12 Subsection B. That issue needs to be considered  
13 individually.

14 MR. WORD: Mr. Chair, I have a question  
15 about the form of the motion. I think what I'm --  
16 I'm assuming what Mr. Thurow is intending to move is  
17 to approve 12.8.2.13.A, C through --

18 MR. THUROW: Through the end of that  
19 subsection.

20 MR. WORD: Through K?

21 MR. THUROW: Through 17.

22 MR. WORD: You're not reaching 12.8.2.13,  
23 Subparagraph B, in this motion, but everything else  
24 was intended?

25 MR. THUROW: Everything else as presented.



1 MR. WORD: Okay. It's the modification  
2 that threw me off. There's been nothing modified.

3 MR. SPIROCK: Everything else looks good.  
4 That's seconded.

5 MR. THUROW: That's right.

6 MR. WORD: Okay.

7 MR. SPIROCK: That's seconded. The only  
8 thing we're going to act on independently is Item B.

9 MR. THUROW: That is correct. That is my  
10 motion.

11 MR. WORD: And we have a second.

12 MR. SPIROCK: That was seconded.

13 THE CHAIRMAN: Is everyone clear on the  
14 motion?

15 We have a motion to approve 12.8.2.13,  
16 "Right of Way Surveying," in its entirety, except  
17 for Subsection B, which will --

18 MR. THUROW: Which will be considered  
19 individually.

20 THE CHAIRMAN: Which will be considered  
21 individually. Any discussion?

22 (No response.)

23 THE CHAIRMAN: All those in favor, say  
24 "Aye."

25 MR. SPIROCK: Aye.

1 MR. THUROW: Aye.

2 THE CHAIRMAN: Aye.

3 Those opposed, by like sign.

4 (No response.)

5 THE CHAIRMAN: Moving back on to  
6 Section 12.8.2.13, Subsection B.

7 MR. THUROW: Mr. Chairman, I propose that  
8 the language for Subsection B read as follows:  
9 "Obtain a copy of all available, relevant recorded  
10 plats and all plats and maps known to be available to  
11 the surveyor for the tract or tracts affected by the  
12 existing or contemplated right of way." So  
13 essentially, what I'm doing is rejecting the  
14 strikeout "known to be available to the surveyor" and  
15 accepting "to be available" -- the words "available  
16 and relevant," leaving the remainder of that language  
17 as currently constituted.

18 MR. SPIROCK: Second.

19 THE CHAIRMAN: We have a motion and a  
20 second to accept --

21 MR. WORD: To approve. Say "approve."

22 THE CHAIRMAN: -- to approve 12.8.2.13 in  
23 Subsection B, with the exception of the strikeout.

24 Thank you.

25 Discussion?

1 (Conferring.)

2 THE CHAIRMAN: All those in favor, say  
3 "Aye."

4 MR. THUROW: Aye.

5 THE CHAIRMAN: Aye.

6 Like sign.

7 MR. SPIROCK: Nay.

8 THE CHAIRMAN: You've thrown me a curve,  
9 brother.

10 Motion carries.

11 We are down to Section 12.8.2.14, "Control  
12 Surveying Reporting." I would like to consider this  
13 as -- the section in its entirety.

14 MR. SPIROCK: Did you catch K?

15 THE CHAIRMAN: K is --

16 MR. THUROW: That's part of the previous  
17 subsection.

18 THE CHAIRMAN: That's --

19 MR. SPIROCK: Okay.

20 THE CHAIRMAN: Yeah, I think we approved  
21 that.

22 MR. SPIROCK: Mr. Chairman, a question of  
23 staff. I've got the same problem with capitalization  
24 with "manual of surveying instructions" when we  
25 talked about "state plane." Isn't that a phrase of

1 proper nouns?

2 MR. WORD: Mr. Spirock, if I may,  
3 Mr. Chair, this is a standard proposed by the state  
4 records people, I believe. They don't like upper  
5 case. They don't like upper case.

6 MR. SPIROCK: They don't like upper case,  
7 and they won't --

8 MR. WORD: Everything is lower case.

9 MR. SPIROCK: They won't underline a  
10 publication, even if the author cited it.

11 MR. WORD: They'll correct it the way they  
12 want it.

13 MR. SPIROCK: Never mind. Never mind.

14 Mr. Chairman, in the matter of 12.8.2.14,  
15 "Control Surveying Reporting," I move that we adopt  
16 it all the way through the provision I, as presented  
17 at the public hearing.

18 MR. THUROW: I second.

19 THE CHAIRMAN: It's been moved and seconded  
20 to approve Section 12.8.2.14, "Control Surveying  
21 Reporting," Sections A -- Subsections A through J.  
22 Discussion?

23 MR. WORD: Mr. Chair, a point of  
24 clarification. I heard A through I from the movant,  
25 and I'm not clear. That is not all of the --

1 THE CHAIRMAN: Oh.

2 MR. WORD: -- section, so was the intent  
3 to --

4 MR. SPIROCK: Through J.

5 MR. WORD: So the entire section. It might  
6 be clearer --

7 MR. SPIROCK: That's correct. That was --

8 MR. WORD: -- just to say the entirety  
9 of --

10 MR. SPIROCK: This reading is I duly  
11 certify, surveyor, yadda.

12 THE CHAIRMAN: Discussion?

13 There were some concerns brought up by the  
14 audience here. I'll get your take on it. In the  
15 first paragraph, "and shall provide the report to  
16 the prime client and to any other person who makes a  
17 written submittal."

18 I do have concerns with that, because when  
19 you say, "any person," that gets into a whole  
20 different realm of law about written requests and  
21 freedom of information and who has the right to ask  
22 those -- for that information from you. If we put  
23 that in there, then Joe the Janitor could come up  
24 and ask me for a copy of my control report. I'm  
25 being a little bit facetious here, but that's what

1 this means.

2 MR. SPIROCK: Yeah, Mr. Chairman, I had  
3 similar concerns about replacing that with "any other  
4 surveyor who requests it." But you know what, Joe  
5 the Janitor won't get his ticket on Tuesday, buy his  
6 UAV on Thursday, and be ready to put it into  
7 operation on Saturday. And I don't know how to  
8 discriminate, so "any other person" is as good as I  
9 could come up with.

10 (Conferring.)

11 MR. SPIROCK: I believe I made the motion,  
12 but I didn't --

13 MR. WORD: Yeah, I didn't hear a second.

14 MR. SPIROCK: Did I hear a second from  
15 Mr. Thurow?

16 MR. THUROW: Not yet. For the purpose of  
17 discussion, I will second this motion.

18 THE CHAIRMAN: It's been moved and seconded  
19 to approve 12.8.2.14, "Control Surveying," in its  
20 entirety, from Section A to Section J. Discussion?

21 MR. SPIROCK: Mr. Chairman, under C, just  
22 let it be known that I'm worried about the word "all"  
23 again but decided it's already modified with  
24 "pertinence." It doesn't -- it is less concerning.

25 THE CHAIRMAN: I'll circle back to my

1 concerns about "any other person who makes a written  
2 submittal." I have some big concerns about that. Is  
3 there some way --

4 MR. THUROW: Because you feel,  
5 Mr. Chairman, that it would violate client  
6 confidentiality in some circumstances?

7 THE CHAIRMAN: That is correct.

8 MR. THUROW: And why, hypothetically, would  
9 a client object to a surveyor releasing his control  
10 data?

11 THE CHAIRMAN: Because he paid for it, and  
12 he doesn't want anybody else to have it.

13 MR. THUROW: By that -- as I brought up  
14 during the actual discussion in the Rules Hearing,  
15 why would that not also apply to boundary surveys,  
16 where you are required to file your plat of survey?  
17 Your client may not want you to do so, but you are  
18 obligated to do so. Why is this any different?

19 THE CHAIRMAN: Well, because I don't think  
20 Joe the Janitor is going to make any money off of my  
21 survey, whereas if some other surveyor submits a  
22 request in writing to me, then I am required to  
23 provide all of his and all of my data when another  
24 client paid for it. And he can either charge or make  
25 money off of that data.

1 MR. THUROW: So your concerns are pecuniary  
2 rather than protection of the public? That's a  
3 wife-beating question, Mr. Chairman. I'm sorry.

4 THE CHAIRMAN: Yeah, I think so, too.

5 MR. SPIROCK: Glen, for what it's worth, I  
6 agree with you. It is, in my mind, treated like a  
7 boundary survey, to where somebody who follows in  
8 your footsteps needs to know where to get prior  
9 information to do his job well so that he may protect  
10 the public, or she. And if control surveys can be  
11 reserved to the vest only because somebody else paid  
12 for it and it was called a control position or  
13 control position report, that doesn't wash. I'd  
14 rather see it available if requested.

15 THE CHAIRMAN: Any other discussion?

16 Let me call for the question. All those  
17 in favor of approving, in its entirety, Section  
18 12.8.2.14, "Control Surveying." All those in favor,  
19 say "Aye."

20 MR. THUROW: Aye.

21 MR. SPIROCK: Aye.

22 THE CHAIRMAN: Aye.

23 Those opposed, by like sign.

24 (No response.)

25 THE CHAIRMAN: Motion carries.



1           Moving on to Section 12.8.2.16,  
2 "Accuracy," I would like to do this again in its  
3 entirety, working through Section A, Subsection 1,  
4 2, 3, 4, 5, Subsection B, C, and it looks like we're  
5 trying to eliminate Subsection C.1, 2, 3, and 4.  
6 Yeah, all of Section C, including Subsections 1, 2,  
7 3, and 4.

8           MR. THUROW: Did you make a motion, sir?

9           THE CHAIRMAN: Not me. I don't make  
10 motions.

11           MR. SPIROCK: Glen, I'll go ahead and make  
12 the motion to adopt it all the way through  
13 Section 12.8.2.17, "Monuments," as presented at the  
14 public hearing. I might want to reserve some  
15 discussion.

16           MR. THUROW: I'll second.

17           THE CHAIRMAN: It's been moved and seconded  
18 to approve Section 12.8.2.16, "Accuracy," in its  
19 entirety. Discussion?

20           MR. SPIROCK: Mr. Chairman, I might ask  
21 other members of the Committee who were there when it  
22 was discussed. Why was C struck, accuracy standards  
23 for geospatial data?

24           MR. THUROW: If I might, Mr. Chairman, let  
25 me try to --

1 THE CHAIRMAN: Please, Mr. Thurow.

2 MR. THUROW: -- characterize the discussion  
3 from December the 11th concerning Item C. As I  
4 recollect -- and I don't know that -- do we have the  
5 minutes currently with us on your machine from  
6 December 11th?

7 That's January.

8 MR. WORD: January.

9 MR. SPIROCK: That's January. I was there  
10 in January.

11 MR. THUROW: It just says we struck it, but  
12 it doesn't say why.

13 MR. VALDEZ: Correct.

14 MR. THUROW: All right. So I'm going to  
15 have to just go from memory to characterize the  
16 discussion here: Was that it placed an unreasonable  
17 obligation on the professional community when dealing  
18 with geospatial accuracy standards, which are defined  
19 differently by different geospatial organizations,  
20 and that there is no general agreed-upon accuracy  
21 standard currently in existence and that these  
22 accuracy standards were simply placing an unnecessary  
23 obligation on professional surveyors operating within  
24 that realm.

25 In other words, we're exacting against

1 ourselves obligations that the GIS community itself  
2 does not adhere to or recognize. So I think, in  
3 this particular instance, it was decided that  
4 geospatial accuracy standards for control surveys  
5 went beyond the purview of the minimum standards,  
6 and for that reason, it was struck in its entirety.

7 Now, I may not have done the argument  
8 justice there, but I'm simply going by what my  
9 recollection is.

10 MR. SPIROCK: Okay. Just let it be known  
11 for your own edification some language that I  
12 proposed regarding GIS/LIS systems, that if it  
13 contains data that purports to be one of our class of  
14 surveys, that the person preparing it is obligated to  
15 include metadata. Now, that didn't make it through  
16 this version, but if it comes up again, I'm going to  
17 rethink that and ask that it be put back in. Because  
18 that's precisely the reason for that, --

19 MR. THUROW: Yeah.

20 MR. SPIROCK: -- is that, if you're writing  
21 the metadata, or the data about data, --

22 MR. THUROW: Right.

23 MR. SPIROCK: -- for a product that a  
24 surveyor prepares that is not paper -- here's my USB  
25 or my -- I improperly called it at the state

1 convention a floppy disk. That shows how old I am.  
2 But if it's purely digital, it's got to contain some  
3 references to who prepared it, what accuracy it is,  
4 and --

5 MR. THUROW: I remember one other point  
6 now, and that is the definition of "surveying" in the  
7 Engineering and Surveying Practice Act needs -- in  
8 order to justify this, would need to be modified with  
9 the inclusion of such terms as "authoritative  
10 location"; that basically, this presupposes changes  
11 to the Act that would require such requirements. And  
12 so I believe that was the argument made, and it was  
13 decided, after lengthy discussion, that the whole  
14 section needs to be taken out at this point in time.

15 But it certainly can be revised as the  
16 Engineering and Surveying Practice Act, the  
17 definition of "surveying," if that is revised to  
18 such language as "determination of authoritative  
19 position," including that in GIS. But at this  
20 particular point in time, we're requiring our  
21 practitioners -- holding them to a standard that's  
22 higher than the general GIS, the community as a  
23 whole, adheres to.

24 MR. SPIROCK: Okay. You can call the vote.

25 THE CHAIRMAN: It's been moved and seconded

1 to approve Section 12.8.2.16, "Accuracy," in its  
2 entirety. All those in favor, say "Aye."

3 MR. THUROW: Aye.

4 MR. SPIROCK: Aye.

5 THE CHAIRMAN: Aye.

6 Those opposed, by like sign.

7 (No response.)

8 THE CHAIRMAN: I believe we only have one  
9 more section here under "Monuments."

10 MR. SPIROCK: Mr. Chairman, in the  
11 matter --

12 THE CHAIRMAN: Does anybody need a break,  
13 or do you want to finish up?

14 MR. THUROW: No, let's just --

15 THE CHAIRMAN: Just go through it. Okay.  
16 Thank you.

17 MR. SPIROCK: Are you ready?

18 THE CHAIRMAN: I am ready.

19 MR. SPIROCK: In the matter of 12.8.2.17,  
20 "Monuments," I move the acceptance of the language  
21 considered at the public hearing, with one exception:  
22 Under Item A, "the equivalent if other than round and  
23 at least 15 inches long." I believe there was public  
24 testimony that said -- and I understand that it  
25 hasn't been under the -- it's going to be just like

1 the word "all," and it may fail for lack of a second.

2 MR. WORD: Mr. Chair, members, I just note  
3 that that was not one of the proposed changes to  
4 12.8.2.17. It was raised in comments, but it's not  
5 one of the proposed changes that was being considered  
6 at the meeting here today.

7 MR. THUROW: So we would not be able to  
8 change that, because it's existing language which was  
9 not considered. And we certainly appreciate that  
10 Mr. Wagener has to buy rebar in 10-foot sections and  
11 cutting that into 16 inches. It results in some  
12 level of waste.

13 THE CHAIRMAN: I promise you --

14 MR. THUROW: You have no -- do you have --

15 MR. WAGENER: It's a minor -- it's a minor  
16 adjustment, not a major adjustment.

17 MR. THUROW: Yeah.

18 THE CHAIRMAN: I promise you I will not  
19 pull one of your iron pins out and measure it with my  
20 pocket rod to ensure that it's 16 inches instead of  
21 15. I assure you that will not happen.

22 MR. THUROW: So I will second the motion as  
23 presented to adopt the language.

24 THE CHAIRMAN: It's been moved and  
25 seconded.

1 MR. WORD: Does the motion include the  
2 change in the 16-inch --

3 MR. THUROW: He withdrew that portion of  
4 the motion.

5 MR. WORD: I didn't hear that.

6 MR. SPIROCK: Okay. I'll withdraw that  
7 portion of the motion. It was quick.

8 MR. THUROW: Discussion.

9 THE CHAIRMAN: It's been moved and seconded  
10 to approve 12.8.2.17, "Monuments," in its entirety.  
11 Discussion?

12 MR. THUROW: The concern seemed to be  
13 expressed that chisel marks are no longer accepted.

14 MR. SPIROCK: Yeah.

15 MR. THUROW: And because we are striking  
16 the language, "with a chiseled cross," and that does  
17 not appear in the modified language. So are we  
18 indeed suggesting that chiseled Xs in concrete are  
19 not acceptable?

20 THE CHAIRMAN: That is exactly what that is  
21 stating.

22 MR. THUROW: So we are stating that the  
23 necessity of owning a concrete drill is -- basically,  
24 we're -- because how else are you going to get a  
25 tagged monument in a concrete surface if you are not

1 drilling? And that's all this is. I mean, and plus  
2 the fact that, with a chiseled X, as I mentioned, you  
3 are not able to identify the surveyor who set that  
4 chiseled X unless you go and get a plat of survey,  
5 which you should have in hand anyway. That plat of  
6 survey should say a chiseled X, a corner with a  
7 chiseled X.

8           You know, Mr. Spirock, perhaps you  
9 remember a time when surveying in Albuquerque,  
10 surveyors who made a chiseled X, there were only  
11 four that did a majority of the work, and they  
12 placed a hash mark in one of the quadrants of the  
13 chiseled X. Red Morrison would take the northeast  
14 corner. Perez would take the southeast corner. And  
15 when you saw that chiseled X and you saw the slash  
16 mark in the appropriate quadrant, you know who set  
17 that chiseled X. Those days are long gone.

18           MR. SPIROCK: Yeah, but they've been  
19 replaced by somebody taking a 16-penny nail and  
20 saying, "Here, I did it."

21           MR. THUROW: That's an X. I know.

22           MR. SPIROCK: And in a big rainstorm or,  
23 better yet, a sandstorm, it doesn't last.

24           MR. THUROW: Well --

25           MR. SPIROCK: And I'm torn with trying to



1 add language without changing the language that would  
2 say a chiseled cross or a preferred tag and nail or  
3 chiseled cross. But then I've got our lawyer over  
4 here saying better be careful. So it's easier just  
5 to accept it the way it was presented.

6 MR. THUROW: Well, I think the easiest  
7 thing here is to accept -- or to reject the change  
8 and -- excuse me, to accept the rejection of the  
9 language and strike the suggested language, not adopt  
10 the suggested changes. Because then it keeps it  
11 exactly as it was, allowing for a chiseled X. Unless  
12 we don't want anybody setting chiseled Xs anymore,  
13 and if so, we should just clearly state that.

14 MR. SPIROCK: That's my point, that it was  
15 recommended to us for a reason.

16 MR. THUROW: Yeah, well --

17 MR. SPIROCK: And I'm sure the reason said,  
18 thou shalt have a tag, and it's kind of hard to tag a  
19 chiseled X. If you set a witness to a chiseled X  
20 with your tag, you're even adding more confusion,  
21 so --

22 MR. THUROW: It was also brought out by  
23 Mr. Cala that a reference monument could be set and  
24 noted on your plat in addition to the X, that you  
25 could find a suitable area where a monument

1 referencing the actual point could be established,  
2 and that fact could be noted on your plat of survey.  
3 Does that not overcome the objections to a chiseled  
4 X?

5 THE CHAIRMAN: Unfortunately, the way this  
6 paragraph is worded, it does not overcome that.

7 MR. THUROW: No, not the way it's worded  
8 right now. So I'm just suggesting that we not adopt  
9 that language.

10 THE CHAIRMAN: Right.

11 MR. SPIROCK: The maker of the motion would  
12 be willing to follow your recommendation to not  
13 accept the proposed changes and to accept the  
14 existing language: Do not delete, "which fall upon a  
15 hard surface shall be monumented with a chiseled  
16 cross or nail in a disk or tag bearing the surveyor's  
17 registration number." That stays.

18 MR. WORD: Mr. Chair, members, Mr. Spirock,  
19 my suggestion, to keep the record clean, would be  
20 that you withdraw your first motion, if that is your  
21 intent, and then submit a new motion as along the  
22 lines of what you just stated. Because the current  
23 motion on the floor that's been seconded is to  
24 approve the entire --

25 THE CHAIRMAN: The entire document.

1 MR. WORD: -- section.

2 THE CHAIRMAN: Section.

3 MR. SPIROCK: Withdraw that.

4 Glen, go for it.

5 MR. THUROW: All right. Mr. Chairman, I  
6 move that 12.8.2.17, "Monuments," be accepted as  
7 currently written or --

8 MR. WORD: Pardon me. If you'd say  
9 "approved," because sometimes people are saying  
10 "accepted," --

11 MR. THUROW: All right.

12 MR. WORD: -- and there can be confusion.  
13 You're formally approving this proposed --

14 MR. THUROW: We will approve the existing  
15 language and the recommended language in A, "or the  
16 equivalent if other than round"; but on B, that the  
17 changes are not accepted, and the original language  
18 be retained. I believe I've stated that clearly  
19 enough.

20 MR. WORD: And the changes in F, you've  
21 accepted those -- approved those, rather?

22 MR. THUROW: Yeah.

23 MR. SPIROCK: Second.

24 MR. THUROW: The remainder is as presented.

25 THE CHAIRMAN: It's been moved and seconded

1 that this Board approve Section 12.8.2.17,  
2 "Monuments," A, C, D, E, and F, and reject the  
3 changes to 12.8.2.17, Subsection B, thereby retaining  
4 the original language. Discussion?

5 (No response.)

6 THE CHAIRMAN: There being no discussion,  
7 all those in favor, say "Aye."

8 MR. SPIROCK: Aye.

9 MR. THUROW: Aye.

10 THE CHAIRMAN: Like sign -- aye.

11 Like sign, opposed.

12 (No response.)

13 THE CHAIRMAN: Motion carries.

14 That concludes the action on the proposed  
15 rule changes to the minimum standards.

16 Our next scheduled meeting date shall be  
17 April -- tentative date is April 14th, 2016, at a  
18 location to be determined.

19 MR. SPIROCK: Oh, it's not Taos?

20 MR. VALDEZ: Mr. Chair, it will be in  
21 Santa Fe at Hearing Room 1 at the Toney Anaya  
22 Building.

23 THE CHAIRMAN: Santa Fe.

24 MR. THUROW: Mr. Executive Director,  
25 perhaps it would be beneficial to state the reason

1 why.

2 MR. VALDEZ: Yes, sir.

3 Mr. Chair, members of the Committee, the  
4 reason the meeting has been changed from Taos to  
5 Santa Fe is because we received a directive from the  
6 governor's office that all meetings are to be held  
7 in the Albuquerque or Santa Fe area unless  
8 specifically noted in your Act or in the rules that  
9 meetings are to be held in other jurisdictions. So  
10 that's why we have changed the meeting to Santa Fe.

11 THE CHAIRMAN: We don't have any of that in  
12 the Act?

13 MR. VALDEZ: No, I checked.

14 THE CHAIRMAN: So we can meet in  
15 Albuquerque all the time from now on?

16 MR. VALDEZ: We could.

17 MR. THUROW: This is nice.

18 THE CHAIRMAN: Or Santa Fe.

19 Again, I would like to thank our Board  
20 staff for this excellent job of preparing us for  
21 this meeting. They do keep me on track. I do know  
22 who runs it. I'm really the batboy in this process  
23 here, and they keep us all on track.

24 Thank you, Thomas Garrett, for being our  
25 court reporter.

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Mr. Wagener, I appreciate you immensely  
being here, offering the input.

This meeting is now adjourned.

(Proceedings adjourned at 3:59 p.m.)

1 BEFORE THE PROFESSIONAL SURVEYING COMMITTEE

2 STATE OF NEW MEXICO

3  
4  
5  
6 REPORTER'S CERTIFICATE

7  
8 I, THOMAS L. GARRETT, New Mexico CCR #255,  
9 do hereby certify that the foregoing pages constitute  
10 a true and correct transcript of the proceedings had  
11 before the New Mexico Professional Surveying  
12 Committee, held in the State of New Mexico, County of  
13 Bernalillo, in the matter herein stated.

14 WITNESS MY HAND this 29th day of March  
15 2016.

16  
17 

18 THOMAS L. GARRETT, CCR, FCRR  
19 BEAN & ASSOCIATES, INC.  
20 New Mexico CCR #255  
21 License Expires: 12/31/16

22  
23  
24 (5004L) TLG  
25 Date taken: March 22, 2016

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## A

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