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BEFORE THE PROFESSIONAL SURVEYING COMMITTEE
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
RULE HEARING
March 22, 2016
10:00 a.m.

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

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1 A P P E A R A N C E S

2 BOARD:

3 MR. DAVID COOPER, Chair

4 MR. GLEN THUROW

5 MR. CLIFFORD SPIROCK

6 STAFF:

7 MR. PERRY VALDEZ, Executive Director

8 MS. ANNETTE THOMPSON-MARTINEZ, Deputy Director

9 MS. SAMI ROMERO, Executive Assistant

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

12

13

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1 THE CHAIRMAN: I'd like to thank you for
2 being here. I know some of you have come from a long
3 distance to attend this hearing. This Board really
4 appreciates your attendance and input. Today is
5 March 22nd, 2016. The time is 9:06.

6 I'm David Cooper. I'm the Committee Chair
7 of the Professional Surveying Committee of the New
8 Mexico Board of Licensure for Professional Engineers
9 and Surveyors. I will be acting as the presiding
10 officer for this hearing. The purpose of this
11 hearing is for the Committee to receive public
12 comment on proposed amendments to the Board's
13 current rules and regulations.

14 (Conferring.)

15 THE CHAIRMAN: The record needs to be
16 corrected. I looked at the clock. The time is 10:07
17 now. Excuse me.

18 This hearing is being conducted pursuant
19 to, and in accordance with, the provisions of the
20 New Mexico Engineering and Surveying Practice Act,
21 NMSA 1978, Chapter 61, Article 23, Section 10; the
22 Open Meetings Act, Article 15, Sections 10-15-1
23 through 10-15-4; and the Uniform Licensing Act, NMSA
24 1978, Sections 61-1-1 through 61-1-33.

25 I need to remind you the New Mexico

1 Lobbyist Regulation Act regulates activities before
2 the boards and commissions in the rule-making
3 proceedings. Contact the Secretary of State's
4 office for information and registration.

5 Public notice of this hearing was
6 advertised in the New Mexico Register on
7 February 12th, 2016, and in the Albuquerque Journal
8 on February 21st, 2016. Copies have been available
9 from the Board office since these notices were
10 published and are available to the public attending
11 this hearing. Copies of the proposed rules were
12 available from the Board office and the Board
13 website.

14 If you wouldn't mind, I would like
15 everybody to sign in on the Attendance Sheet. Has
16 everybody signed in?

17 If I might ask, Mr. Plotner, are you going
18 to keep sitting in the back? Are you going to keep
19 sitting back there?

20 MR. WILL PLOTNER: Do you prefer I not?

21 THE CHAIRMAN: Oh, no, no.

22 MR. PLOTNER: Yes.

23 THE CHAIRMAN: I have a task for you, sir.

24 MR. PLOTNER: Oh, okay. Yes.

25 THE CHAIRMAN: If someone comes in, could

1 you ensure that they sign the Attendance Sheet?

2 MR. PLOTNER: Sure. I am not sure where it
3 is. Oh, there. Yes.

4 THE CHAIRMAN: Mr. Cala, if Mr. Plotner is
5 offering testimony at the podium, could I ask you to
6 ensure that any new attendees sign in?

7 MR. CHARLES CALA: Yes, sir.

8 THE CHAIRMAN: Okay. Thank you.

9 Would the Executive Director, Mr. Perry
10 Valdez -- I'd like Mr. Valdez to introduce the
11 staff, our staff. We have a new staff member here.
12 I know it's not in the formal proceedings, but I
13 feel it's important to recognize our staff here.

14 MR. PERRY VALDEZ: Mr. Chair, members of
15 the Committee, members of the public, with me, I have
16 Annette Thompson-Martinez to my right. She's our new
17 Deputy Director. And then next to her is Sami
18 Romero. She's our Executive Assistant. And we're
19 here today to assist in the Rule Hearing procedures.

20 THE CHAIRMAN: Thank you, Mr. Valdez.
21 Would you call the roll for the Board members present
22 at this hearing?

23 MR. VALDEZ: David Cooper?

24 THE CHAIRMAN: Present.

25 MR. VALDEZ: Glen Thurow?

1 MR. GLEN THUROW: Present.

2 MR. VALDEZ: Cliff Spirock?

3 MR. CLIFFORD SPIROCK: Here.

4 MR. VALDEZ: Augusta Meyers?

5 (No response.)

6 MR. VALDEZ: Mr. Chair, we have a quorum.

7 THE CHAIRMAN: Thank you, Mr. Valdez.

8 Let the record show that Rick Word,
9 Assistant Attorney General and the General Counsel
10 for the Board, is present to advise this Board on
11 these proceedings.

12 For the record, would the members of the
13 audience please stand and introduce themselves and
14 state their affiliation, please, starting with you,
15 sir?

16 MR. JEFFERY LUDWIG: My name's Jeffery
17 Ludwig. I'm an NMPS member and a small business
18 owner in Santa Fe.

19 THE CHAIRMAN: Thank you.

20 MR. CHRIS CHAVEZ: My name is Chris Chavez.
21 I'm the regional land surveyor for the Forest
22 Service. I oversee the boundary management in
23 Arizona and New Mexico.

24 THE CHAIRMAN: Thank you.

25 MR. TODD WAGENER: Todd Wagener, a private

1 surveyor and engineer in Roswell.

2 MR. ROBERT GROMATZKY: Robert Gromatzky,
3 private surveyor, Bohannon Huston.

4 MR. CALA: Chuck Cala, private surveyor,
5 High Mesa Consulting Group.

6 MR. JOSEPH SOLOMON: Joe Solomon, High Mesa
7 Consulting Group, surveyor.

8 MR. PLOTNER: Will Plotner with Cartesian
9 Surveys and NMPS member and Committee chair for the
10 Minimum Standards Committee.

11 MS. JENNIE LUSK: Jennie Lusk, Assistant
12 General Counsel with the New Mexico Attorney General.

13 THE CHAIRMAN: Thank you all.

14 This is a formal proceeding. Our court
15 reporter, Mr. Thomas Garrett, has been contracted to
16 record the proceedings, as is the usual process.
17 The court reporter will record the proceedings, and
18 the transcript will become part of the Rules Hearing
19 record. Therefore, persons recognized to address
20 the Board are asked to do this: Identify yourself
21 each time you address the Board, as this is going
22 into the public record. Speak loudly and clearly so
23 that the recorder can pick up your comments.

24 The procedures are as follows. This
25 hearing will be conducted in the following manner:

1 Mr. Valdez will present exhibits to the Board. I,
2 as the presiding officer, will rule on the
3 admissibility of the exhibits offered for admission
4 after allowing questions from members of the Board.
5 Exhibits admitted into evidence are available for
6 review by members of the public; however, exhibits
7 may not be removed from the room.

8 After Mr. Valdez offers exhibits and the
9 admissions have been ruled upon, I will open the
10 hearing for comments from the audience. We will
11 proceed in numerical sequence through each proposed
12 rule. We will address only one rule at a time.
13 However, you may refer to other rules that
14 reasonably relate to the rule discussed or which
15 relates to your comments.

16 The New Mexico Board of Licensure for
17 Professional Engineers and Surveyors does not follow
18 the rules of evidence but shall, in the interests of
19 efficiency, reserve the right to limit all testimony
20 deemed to be irrelevant, redundant, or unduly
21 repetitious. The decision as to whether the
22 testimony is irrelevant, redundant, or unduly
23 repetitious shall be made by me, the presiding
24 officer.

25 May I have a show of hands on the number

1 of people who intend to testify or comment on the
2 proposed rules?

3 Four, five. Thank you.

4 After each person has testified or offered
5 comment, I will permit Board members to question
6 that person. Any member of the audience wishing to
7 question that person may do so after being
8 recognized by me, the presiding officer. Each
9 person recognized to speak shall identify himself or
10 herself for the public record.

11 At the conclusion of this Rules Hearing,
12 the Board will hold its meeting, where they will
13 conduct discussions and take final action, such as
14 amending, adopting, tabling, and so forth, on the
15 rules.

16 This public hearing is now open.

17 Mr. Valdez, at this time, do you have any
18 exhibits which you would like to introduce into
19 evidence?

20 MR. VALDEZ: Mr. Chair, I have the
21 following exhibits to enter into evidence:
22 Exhibit 1, the legal notice published in the New
23 Mexico Register on February 12th, 2016, the required
24 minimum of 30 days' advance notice for a public Rule
25 Hearing.

1 Exhibit 2, the public notice published in
2 the Albuquerque Journal on February 21st, 2016, the
3 required 30 days' advance notice for a public Rule
4 Hearing.

5 Exhibit No. 3, proposed amendments to the
6 Board's rules, Part 2, Section 12.8.2.1, entitled,
7 "Issuing Agency."

8 Exhibit 4, proposed amendments to the
9 Board's rules, Part 2, Section 12.8.2.6, entitled,
10 "Objective."

11 Exhibit No. 5, proposed amendments to the
12 Board's rules, Part 2, Section 12.8.2.7, entitled,
13 "Definitions."

14 Exhibit 6, proposed amendments to the
15 Board's rules, Part 2, Section 12.8.2.9, entitled,
16 "Boundary Surveying."

17 Exhibit No. 7, proposed amendments to the
18 Board's rules, Part 2, Section 12.8.2.10, entitled,
19 "Improvement Location Report."

20 Exhibit 8, proposed amendments to the
21 Board's rules, Part 2, Section 12.8.2.11, entitled,
22 "Topographic Surveying."

23 Exhibit 9, proposed amendments to the
24 Board's rules, Part 2, Section 12.8.2.12, entitled,
25 "Easement Surveying."

1 Exhibit 10, proposed amendments to the
2 Board's rules, Part 2, Section 12.8.2.13, entitled,
3 "Right of Way Surveying."

4 Exhibit 11, proposed amendments to the
5 Board's rules, Part 2, Section 12.8.2.14, entitled,
6 "Control Surveying Reporting."

7 Exhibit 12, proposed amendments to the
8 Board's rules, Part 2, Section 12.8.2.16, entitled,
9 "Accuracy."

10 Exhibit 13, proposed amendments to the
11 Board's rules, Part 2, Section 12.8.2.17, entitled,
12 "Monuments."

13 Exhibit 14, public comments of proposed
14 amendments from Todd Wagener.

15 And I'm not sure if legal counsel will
16 permit this, but we did receive another exhibit by
17 e-mail late last night, and if I should enter that
18 as Exhibit 15, from Mr. Scott Croshaw -- excuse me,
19 Christopher Croshaw.

20 THE CHAIRMAN: Mr. Valdez, do you have
21 copies for the Board?

22 MR. VALDEZ: Yes, we do.

23 THE CHAIRMAN: And available for the
24 audience, if necessary?

25 MR. VALDEZ: I believe so.

1 (Ringing sound.)

2 THE CHAIRMAN: Ten dollars to the
3 educational fund for any phone that rings.

4 Mr. Valdez, I would like for you to enter
5 this into the public record as Exhibit 15, please.
6 It's accepted by this PO.

7 Mr. Valdez, are the copies here identical
8 to the ones that were posted on the website and
9 presented to the Board?

10 MR. VALDEZ: Yes.

11 THE CHAIRMAN: Are there any questions from
12 the Board members?

13 (Conferring.)

14 THE CHAIRMAN: Any questions?

15 (No response.)

16 THE CHAIRMAN: There being no questions, I
17 accept Exhibits 1 through 15, to be admitted into the
18 public record.

19 (Exhibits 1-15 admitted.)

20 THE CHAIRMAN: Are we good?

21 MR. VALDEZ: Mr. Chair, there are no other
22 exhibits to enter into the record at this time.

23 THE CHAIRMAN: Thank you.

24 MR. SPIROCK: Mr. Chairman, if I may, I
25 would like to review very quickly Exhibit No. 14.

1 Okay. I'm happy.

2 THE CHAIRMAN: Any person wishing to
3 testify and who wishes to submit evidence with
4 comments shall do so when they are recognized to
5 testify. Each document that's submitted by the
6 commenter shall be introduced as an exhibit into the
7 record. Board members will be permitted to ask
8 questions before I rule on the admissibility of any
9 evidence submitted. Upon admissibility, each exhibit
10 will be marked and numbered and entered into the
11 record.

12 At this time, each proposed rule will be
13 introduced in turn for comment. I will open the
14 floor to members of the audience for testimony and
15 comments on each rule. Members of the hearing Board
16 or of the audience may question each witness upon
17 being recognized to speak. However, any discussion
18 by the Board will be held during the meeting
19 following.

20 At this time, I would like to introduce
21 12.8.2.1, "Issuing Agency." This is just a little
22 cleanup language about our new address, phone
23 numbers, website and stuff. Are there any comments
24 on this section?

25 (No response.)

1 THE CHAIRMAN: No comments?

2 (No response.)

3 THE CHAIRMAN: Moving on to Exhibit 2 --
4 excuse me. Moving on to 12.8.2.6, "Objective," this
5 was a little bit of language cleanup and outlining
6 the responsibility of the licensee to meet or exceed
7 the minimum standards and so on. Are there any
8 comments?

9 Mr. Plotner.

10 MR. PLOTNER: Mr. Chair, I'd like to ask --
11 I'd just like to ask a procedural question, I guess.
12 What is the procedure for each of these items that
13 are being voted on? If we suggest that they be
14 tabled, what are the consequences to each item that
15 is not approved by the Board? Is this going to be
16 heard at a later date, or can you give me some idea
17 of what that -- how that proceeds, proceedings
18 follow? Is this, if you vote it down, we go back to
19 the old language, or how does that work?

20 THE CHAIRMAN: Most of this discussion
21 about these comments will be heard at the meeting
22 following the Rules Hearing. If there are no
23 changes, then there are -- it doesn't take effect.
24 Any issues that are not sections that are -- if we
25 don't vote on acceptance, then they stay exactly the

1 way they were before.

2 MR. PLOTNER: And that's until when,
3 indefinitely, until there's another Rules Hearing in
4 seven years, or until next month, when there's an
5 additional Rules Hearing? How does that --

6 THE CHAIRMAN: Until the Board votes to go
7 to another Rules Hearing process. It would be
8 similar to this Rule Hearing process, Mr. Plotner.
9 Your society, through the Minimum Standards
10 Committee, submitted this request -- thank you --
11 this request to the Board for these changes. The
12 Board took that under advisement and concluded that a
13 Rules Hearing was warranted, and that's how we got
14 here.

15 MR. PLOTNER: Okay. Thank you.

16 THE CHAIRMAN: Thank you.

17 Mr. Garrett, you got the gentleman's name,
18 correct?

19 THE COURT REPORTER: Yes, sir.

20 THE CHAIRMAN: Thank you.

21 Yes, sir. Please identify yourself for
22 the public record.

23 MR. GROMATZKY: Robert Gromatzky, Bohannan
24 Huston. I do have an exhibit to submit, and it
25 covers each of the topics that are going to be

1 discussed today. I would like to submit it. I don't
2 know exactly the format of this meeting, if we're
3 going to go through each item one by one, each member
4 is going to get up and speak, or if it's going to be
5 something where we submit an exhibit to be considered
6 by the Board. But I would like to speak on my
7 exhibit.

8 (Conferring.)

9 MR. SPIROCK: While they're discussing it,
10 how lengthy is it?

11 MR. GROMATZKY: Three pages.

12 MR. SPIROCK: Thank you.

13 THE CHAIRMAN: Is this on a particular
14 section, or just about the entire document?

15 MR. GROMATZKY: The entire document.

16 THE CHAIRMAN: The entire document. May I
17 see it?

18 MR. GROMATZKY: Sure.

19 THE CHAIRMAN: Do you have copies for the
20 Board members?

21 MR. GROMATZKY: Yes. There's 15 copies
22 right there.

23 THE CHAIRMAN: Thank you.

24 MR. GROMATZKY: And so that is submitted on
25 behalf of the three surveyors at Bohannon Huston and

1 myself. Mr. Alan Benham and Tim Solinski, they have
2 both signed that document as well.

3 MR. SPIROCK: Mr. Chairman, I move to
4 accept that as Exhibit No. 16.

5 I move to accept it as No. 16.

6 THE CHAIRMAN: I will accept these as
7 Exhibit 16.

8 (Exhibit 16 admitted.)

9 THE CHAIRMAN: Is that correct, Mr. Valdez?

10 MR. VALDEZ: Correct.

11 THE CHAIRMAN: Thank you.

12 Thank you, Mr. Gromatzky.

13 MR. GROMATZKY: So are we going to go
14 through each of these for discussion points?

15 THE CHAIRMAN: Yes, sir, one by one.

16 MR. GROMATZKY: One by one?

17 THE CHAIRMAN: One by one.

18 MR. GROMATZKY: And so members of the
19 audience will have opportunity to comment on each
20 one?

21 THE CHAIRMAN: Each one individually. That
22 is correct.

23 MR. GROMATZKY: All right. Thank you.

24 THE CHAIRMAN: Thank you.

25 We are working on Part 2, Section

1 12.8.2.6, "Objective." Did you have further
2 comments on that? Any comments on the "Objective"
3 by the members of the Board or the audience?

4 MR. WAGENER: Mr. Chairman, I only plan on
5 standing up here one time and not taking your time.
6 My name --

7 THE CHAIRMAN: Mr. Wagener.

8 MR. WAGENER: Good morning, members of the
9 Board of Registration and the Surveying Committee.
10 My name is Todd Wagener, PS-9242. My address is 1410
11 North Missouri Avenue, Roswell, New Mexico.

12 I have previously submitted written
13 comments to this Committee for consideration, and I
14 stand by those comments. I attended and vigorously
15 participated in both sessions of the presentation of
16 the proposed changes to the minimum standards
17 conducted last week at the NMPS conference. This
18 was an introduction to these proposed changes to the
19 membership of the NMPS. It was quite evident that
20 there was no consensus on the proposed changes. I
21 see no need to adopt these changes at this time.

22 The Act sunsets in 2017, and there will be
23 changes to the Act which will require amendments to
24 the standards again. The history of changes to the
25 minimum standards has generally been to make subtle

1 changes by amending only a limited number of
2 sections dealing with only one or two major
3 identified "problems" at the time.

4 In 1991, Rule 500 was a major
5 reorganization and consolidation and cleanup of the
6 provisions, but there were few or no major changes.
7 The biggest change was to institute the checklist
8 format in the standards and to add advisory
9 opinions, which has been a way to be able to explain
10 application of the standards between revisions.

11 In 2000, changes to the Administrative
12 Code forced a rewrite of the standards. Again,
13 there was a reorganization, consolidation, and more
14 sections added and expanded. However, there were no
15 major changes adopted.

16 What these proposed revisions constitute
17 is a major revision, and trying to insert a sentence
18 or a phrase here and there is not the way to
19 proceed. The clear and concise definitions need to
20 be written. Special care should be taken to move
21 any requirement's provisions from the "Definitions"
22 and moved into the proper sections.

23 I would suggest that you engage an
24 individual or company with expertise in drafting
25 regulations to make investigation into what items

1 need attention under the standards, advise and hold
2 hearings -- advertise, excuse me, and hold hearings
3 in at least many parts of the state. But Farmington
4 is active, Las Vegas, Hobbs, Las Cruces, Silver
5 City, Albuquerque, and Santa Fe.

6 The results of these hearings and a draft
7 proposed change would then be presented to the Board
8 of Surveying Committee for review and comment. A
9 second set of hearings would then be held and
10 comments collected. A second rewrite would then be
11 submitted to you and the state for their review and
12 comment. Then, and only then, hold a hearing for
13 the adoption.

14 I've tried not to make many more comments
15 other than what I've said in the minimum standards.
16 I know I've said a lot before and I'll say a lot
17 again in the future, but I suggest you do not adopt
18 this standard. I am vehemently opposed to the way
19 it is, and the rewrite is a major rewrite the way
20 you are proposing.

21 Thank you.

22 MR. THUROW: Mr. Chair, a question for
23 Mr. Wagener, please? Is that allowed at this point?

24 THE CHAIRMAN: Yes.

25 MR. THUROW: Mr. Wagener, you made a

1 comment that it was evident from the recent
2 presentations at the New Mexico Professional
3 Surveyors conference that there was no consensus, and
4 in my 30 years of surveying, I've never seen
5 surveyors agree on almost anything. What makes you
6 think that consensus is necessary in order for these
7 standards to move forward?

8 MR. WAGENER: Consensus is -- I agree with
9 you, Mr. Thurow, that you do not necessarily have to
10 have all peoples like it, but in this instance -- and
11 we have been through many changes in the standards
12 over the years. In almost every case, there was
13 large discussions at NMPS in identifying what the
14 will of the body was; not necessarily what the
15 language was, but the will, what they wanted to
16 change.

17 You know, we've always had the problems
18 whether to get rid of inspection reports or what to
19 name them. They've been in and out, and the same
20 thing applies with the recording every survey in and
21 out. We've had that discussion numerous times. But
22 this adoption was -- I appreciate that NMPS tries to
23 get that information.

24 Two years ago, at the conference we had --
25 and I was on the committee for proposed changes at

1 that time, and we tried to solicit input. And they
2 were mostly dealing with a change in the specific
3 section, one, two sections, and they dealt with the
4 control surveying, how you report that, and in the
5 basis of bearing.

6 Because at that time, which you -- it was
7 a different Board, a completely different Board.
8 The Board was having quite a problem identifying
9 what a basis of bearing was. And those are, again,
10 two pretty major sections, but they're not
11 tremendously effective over the whole body of
12 surveying.

13 But this is changing things around
14 substantially and adding a lot of stuff, like what
15 an original survey is, what a retracement survey is,
16 and they drop remonumentation surveys. The way NMPS
17 generally works is they try to have meetings at the
18 general sessions of the conference once a year,
19 gather that input, then go to the committees, let
20 the committee work their will, try to figure out
21 what it is, then come back when they have specific
22 language written and gather what information there
23 is among the surveyors.

24 I mean, if it's split 50/50 or 20, 30,
25 40 percent one way and 60 percent another, they

1 generally decide not to proceed, because there's
2 such a large body of people that aren't going to --
3 that potentially won't follow the standards.

4 So I think that this whole procedure that
5 we've -- now, I appreciate that you have a real
6 problem in that, when you adopt a rule change, the
7 state mandates how you adopt that rule change. But
8 the things leading up to that rule change, where the
9 acrimony between individual surveyors and between
10 the surveyors and the Board and the public and
11 everybody else, that's better at a discussion level
12 that's not at the Board level: Try to figure out
13 what they are doing, what they want.

14 I know that was attempted this time, but
15 in this case, what prompted it was a member of that
16 committee that was reviewing what NMPS wanted to do
17 wasn't -- he was getting his hearing, but we were
18 not progressing at any kind of speed. We weren't
19 able to adopt. We were still in a general idea of
20 what we wanted to do and why we wanted to do it.

21 And then he got frustrated with the
22 situation and sent his changes to the Board like it
23 was already adopted at NMPS. And then, apparently,
24 NMPS -- this was, what, six months ago. NMPS was
25 essentially forced into saying, we've got to adopt

1 this stuff, because the Board says they're going to
2 act on its rules, whether we want to or not, whether
3 we want to see it or not. So they quickly did it.

4 I usually keep my ear to the ground on
5 this type of stuff, and I turned my ear off. I
6 turned my hearing aid off, because I was so
7 disgusted with the process that we had up to that
8 point and thought that it would come to nothing.
9 And I'm sorry, but until the Board sent the
10 information to me, I did not know that these changes
11 were coming. And that's my fault, not yours and not
12 NMPS's. It's my fault.

13 MR. THUROW: Thank you.

14 THE CHAIRMAN: But Mr. --

15 MR. WAGENER: But that's where we stand.
16 But at that meeting, you could hear that there were
17 lots of people that were not understanding what the
18 changes were or why, and I think it's very --

19 THE CHAIRMAN: Thank you, Mr. Wagener.

20 Mr. Spirock, do you have any questions for
21 Mr. Wagener?

22 MR. SPIROCK: No.

23 THE CHAIRMAN: Audience, do you have any
24 questions for Mr. Wagener?

25 (No response.)

1 THE CHAIRMAN: Thank you for your input,
2 sir.

3 MR. PLOTNER: Mr. Chair, I would like to --

4 MR. RICHARD WORD: State your name, please.

5 MR. PLOTNER: Will Plotner. I would like
6 to state that, while it was our intent to make the
7 membership aware of all these changes all the way
8 through, we thought we had a good consensus at the
9 time. But in the last week since the convention,
10 it's clear to me that not everyone was brought aware
11 of this. And I'm concerned that, you know,
12 Mr. Wagener came up and stated his case, and I
13 believe that there are quite a few other members that
14 feel the same way.

15 And you know, I don't know what the option
16 is, if we can get more time, but I hear that the
17 sunset law expires next year. I think we need more
18 time to look at this and get more of a consensus of
19 our membership.

20 MR. SPIROCK: Question.

21 THE CHAIRMAN: Question.

22 MR. THUROW: Questions, Mr. Plotner.

23 THE CHAIRMAN: Question, Mr. Plotner.

24 MR. PLOTNER: Not so easy, huh?

25 THE CHAIRMAN: Not so easy.

1 MR. SPIROCK: Mr. Plotner.

2 MR. PLOTNER: Yes.

3 MR. SPIROCK: For NMPS, did you hold any
4 other type of hearings on a statewide basis, or just
5 with your local chapter?

6 MR. PLOTNER: I turned our findings over to
7 the president, who then turned it over to all of the
8 state local presidents, for them to share with the
9 local chapters. Then they sent us comments back. I
10 have to tell you we only received about five
11 individuals who provided us with comments, and we ran
12 that through the committee. Everything that came to
13 us, we looked at it.

14 MR. THUROW: But Mr. Plotner, you did have
15 a process where the proposed changes were vetted to
16 the organization as a whole, and any --

17 MR. PLOTNER: That's correct.

18 MR. THUROW: -- breakdown in communication
19 would probably have to be attributed to NMPS in this
20 particular instance if the documents that you
21 submitted to this Board at the December 11th meeting
22 to discuss these issues in Albuquerque -- at that
23 point in time, you felt that that had been entirely
24 vetted through the organization.

25 MR. PLOTNER: Yes, I did. Absolutely.

1 MR. THUROW: Thank you.

2 THE CHAIRMAN: Mr. Plotner, at the
3 presentation this weekend, it appeared that a large
4 majority of the membership out there was not aware of
5 these changes. Did you get that same feeling?

6 MR. PLOTNER: I did.

7 THE CHAIRMAN: And why do you think that
8 is?

9 MR. PLOTNER: I don't know the answer to
10 that. At the time, we intended to make everyone
11 aware. We -- you know, and especially -- I can only
12 state what was happening in our local chapter. I
13 know it was brought before the local chapter two or
14 three times. Everyone discussed it there. We had
15 great communications with everybody in the committee.
16 Obviously, not everyone felt like everything that
17 they wanted done was done, but you know, we tried to
18 address --

19 THE CHAIRMAN: Sure.

20 MR. PLOTNER: -- every issue, and every
21 issue went before the entire committee for comments,
22 so --

23 THE CHAIRMAN: Well, it seemed clearly
24 apparent, by some of the questions that Mr. Spirock
25 and I received, that not only did they not know about

1 these proposed changes, but they clearly didn't
2 understand what NMPS was trying to do. And again --
3 and again --

4 MR. PLOTNER: That's -- that's obvious now.

5 THE CHAIRMAN: Yeah, that's obvious now.

6 MR. PLOTNER: Yes.

7 THE CHAIRMAN: Okay. Any other questions,
8 Mr. Spirock?

9 MR. SPIROCK: No.

10 THE CHAIRMAN: Yes, sir. Please identify
11 yourself.

12 MR. CALA: Mr. Chairman, I'm Chuck Cala
13 from High Mesa. I just have a question for Will.
14 I'm not a member of NMPS, but several of my employees
15 are. One of them brought these proposed changes to
16 me and to my partner just for us to review. It
17 appears that there was some communication, at least
18 in the Rio Grande chapter of this local area. Do you
19 feel like the Board of Licensure should have, in this
20 process, been responsible for communicating with NMPS
21 members and disseminating this information to these
22 members?

23 MR. PLOTNER: You know, I don't know that I
24 can answer that question. I don't know what the
25 obligations of the BOL are.

1 MR. SPIROCK: Just an observation,
2 Mr. Chairman, if I may. I think it was mentioned at
3 this conference, as well as my own experience with
4 this Board, that anybody can provide recommendations
5 or changes. It's just that this committee chose to
6 take one origin. I believe it was Michael Daly and
7 his independent effort in Gallup of saying, "I'd like
8 to see these changes."

9 And we acted on that as an individual's
10 request and then submitted it to the professional
11 society for their review and comment, which is the
12 issue of Mr. Plotner and the dissemination of
13 information.

14 THE CHAIRMAN: Any other comments,
15 questions?

16 (No response.)

17 THE CHAIRMAN: Thank you, Mr. Plotner.

18 MR. PLOTNER: Thank you.

19 THE CHAIRMAN: Moving on to Part 2,
20 Section 12.8.2.7, entitled, "Definitions," this
21 section deals with, specifically, professional
22 competency and performance and types of surveying,
23 specifically boundary surveying, breaking it down
24 into two separate categories: Original survey and
25 retracement survey. Do we have any comments or

1 questions?

2 Yes, sir.

3 MR. GROMATZKY: Do I need to reintroduce
4 myself?

5 THE CHAIRMAN: Absolutely.

6 MR. GROMATZKY: All right. Robert
7 Gromatzky from Bohannan Huston. So included in my
8 exhibit are comments to each of the changes, and so I
9 will just verbalize my comments in the document.

10 In 12.8.2.7.A, I would like to see that
11 removed from the changes, and the reason is that all
12 licensees are charged with competency in the field
13 of surveying, as there are no specific
14 certifications for each type of surveying. It
15 appears that, of the changes, that that was a result
16 of those proposed changes, and adding this language
17 implies that not all licensees are competent in each
18 of the defined types of surveying.

19 THE CHAIRMAN: Mr. Thurow?

20 MR. THUROW: No questions, Mr. Chairman.

21 THE CHAIRMAN: Mr. Spirock?

22 MR. THUROW: I do have a question.

23 MR. SPIROCK: Mr. Gromatzky --

24 MR. THUROW: I'm sorry.

25 MR. SPIROCK: Go ahead.

1 THE CHAIRMAN: Go ahead, sir.

2 MR. THUROW: Are you --

3 MR. SPIROCK: Mr. -- go ahead.

4 THE CHAIRMAN: Mr. Spirock, please
5 continue.

6 MR. SPIROCK: Thank you.

7 Mr. Gromatzky, --

8 MR. GROMATZKY: Yes.

9 MR. SPIROCK: -- one of the -- the genesis
10 of that phrase came from some efforts, again, with
11 NMPS on trying to come up with a standard of care.
12 And I was one of the Board members who had an issue
13 with "standard of care," thinking that it might be
14 confused with a standard of care in a legal sense,
15 with what one prudent surveyor would do in a
16 courtroom pitted against a jury and another surveyor
17 thinking what he should do prudently. So rather than
18 come up with that confusion, I believe the term
19 "standard of professional competency and performance"
20 was interjected.

21 If we remove that entirely, we are
22 weakening the standard of care, which was the
23 original intent of the suggested language. So
24 rather than just throwing it out, do you have any
25 language alternatives?

1 MR. GROMATZKY: Well, perhaps if competency
2 in a particular field, "competency" -- the word
3 "competency" throughout the document was stricken and
4 replaced with "standard of professional performance,"
5 it may be that that would be acceptable. However,
6 the way that it's written right now, it implies that
7 there are competency levels for each of the different
8 types of surveying. And when a licensee receives a
9 license, they're charged with responsibility in all
10 facets of surveying.

11 So I feel that the proposed changes, as
12 they are right now, would lead to individuals not
13 taking responsibility for any one of the defined
14 types of surveying or maybe saying that they
15 specialize in one area and not another. And so we
16 get into individualized and individual types of
17 surveying, and I don't think that change is
18 appropriate either.

19 MR. SPIROCK: Thank you.

20 MR. THUROW: Mr. Chairman.

21 Mr. Gromatzky, would you then assert that
22 all surveyors are competent with all skills in
23 surveying? Are we not supposed to practice only in
24 those areas in which we are competent to do so? For
25 instance, I might claim to be a geodesist, and that

1 would be true until somebody asked me a question
2 about geodesy.

3 So in that sense, I know enough to stay
4 out of geodesy as a part of surveying, because I
5 feel I am not competent to practice in that area.
6 Isn't that all this is saying, is that you need to
7 be competent in that area of surveying before you
8 represent yourself as such?

9 MR. GROMATZKY: I agree to a level. I
10 believe that it's up to the licensee to make that
11 determination as to the areas that they are competent
12 in practicing. However, to put it down and codify it
13 is -- unless we're willing to put down a
14 specification as to, well, I'm a boundary surveyor,
15 I'm a geodetic surveyor, I'm a topographic surveyor,
16 with a special emphasis placed on their license, then
17 I see no point in codifying that.

18 We're all charged with responsibility of
19 all the different types of surveying. If you choose
20 to practice or not to practice each one of those
21 types of surveying, that's up to the licensee, and I
22 don't think it should be codified in the minimum
23 standards.

24 THE CHAIRMAN: Do you believe it should be
25 codified somewhere?

1 MR. GROMATZKY: Maybe in the Practice Act.

2 THE CHAIRMAN: Thank you.

3 Any questions, comments from the audience?

4 (No response.)

5 THE CHAIRMAN: There being none, thank you,
6 sir.

7 MR. GROMATZKY: Thank you.

8 THE CHAIRMAN: Moving on to Part 2,
9 Section 12.8.2.9, entitled, "Boundary Surveying." I
10 gave a brief explanation under -- when we were going
11 over .7, so that goes for this section, too. This
12 deals with boundary surveying, original survey, and
13 retracement survey, those changes of a further
14 definition of the different types of surveying.

15 Would any members of the audience like to
16 speak on this section?

17 Yes, sir.

18 MR. CHAVEZ: Chris Chavez. Mr. Chairman,
19 members of the Committee, although I work for the
20 Forest Service, my views and opinions aren't
21 reflective of that of the Forest Service. But I've
22 consulted with the Bureau of Land Management myself
23 on the "Original Survey," and so the concern we have
24 in that section is where it's stated, "to subdivide a
25 section of land as part of the Public Land Survey

1 System where no such subdivision has previously been
2 done" -- or, "previously done."

3 So the research that we've done, you know,
4 there's a court case. I didn't bring it with me
5 today. It's Vaught versus McClymond, and it's a
6 Supreme Court case in Montana in 1945 where the
7 Supreme Court stated that, when the section has not
8 been subdivided, when you subdivide a monument, it's
9 not an original survey.

10 So we would wish to have that changed
11 somehow in that, because we believe that, where the
12 section has not been previously subdivided, that's
13 not an original survey. So that's where we're --
14 where that emphasis is. So we were just wondering
15 if that could be modified somehow to reflect that
16 change, so --

17 MR. SPIROCK: Mr. Chairman, if I may?

18 THE CHAIRMAN: Mr. Spirock.

19 MR. SPIROCK: Doesn't that go back to what
20 we discussed earlier under "Definitions"? I believe
21 Todd pointed out that, by trying to come up with the
22 language definitions of an original survey or a
23 retraceable survey, it was ill advised in terms of
24 location, trying to put in performance standards
25 underneath "Definitions."

1 MR. CHAVEZ: Sure.

2 MR. SPIROCK: And then in this particular
3 area, the question, if those words were just moved,
4 would still create a problem for the PLSS surveys as
5 to what constitutes. So isn't your comment directed
6 at "Definitions" as well?

7 MR. CHAVEZ: Not so much there, just so
8 much in that, an original survey there. That is a
9 good point, but after talking with several members of
10 the BLM, you know, I don't know how to address that
11 there you just mentioned. But we do have a concern
12 with that, that portion there.

13 MR. THUROW: Mr. Chairman?

14 THE CHAIRMAN: Yes, sir, Mr. Thurow.

15 MR. THUROW: Mr. Chavez, I think I
16 understand your concern over the use of the term
17 "original survey" in the context of the government,
18 where a fee has not passed into private hands, that
19 an original survey can only be performed by the
20 Bureau of Land Management. And I think the original
21 intent here was to use "original survey" in the sense
22 that a fee had already passed to private ownership,
23 and this will be the first time that the interior of
24 a section was actually broken down.

25 But I do understand and appreciate the

1 concern for mixing the terminology, and perhaps this
2 is an item that should be carefully reconsidered,
3 perhaps not using the term "original survey" but
4 substan -- but I think I know what the intent was in
5 this particular instance. The private survey fee
6 has already passed and that the section -- while the
7 exterior of a section has already been surveyed,
8 originally by the government, that at that point,
9 when the fee passes, that it is the private
10 surveyor's responsibility to further subdivide a
11 particular section.

12 And I believe I have characterized that
13 correctly but will certainly defer to other members
14 of the Committee if my understanding is incorrect.

15 MR. CHAVEZ: I appreciate that. Thank you.

16 I would like to expand on that further.
17 You know, when it has passed to private ownership --
18 say there's a homestead that's been patented --
19 well, that Supreme Court case says the lines have
20 been identified already even though the points have
21 not been marked on the ground.

22 MR. THUROW: Yeah.

23 MR. CHAVEZ: So theoretically, the lines
24 have been identified on the ground, and those corners
25 exist. We don't like to use the word in theory that

1 the corners exist, but they are there. It's just no
2 one has run them on the ground yet, but in theory,
3 they do exist.

4 So yeah, that is a -- it's a tough one.
5 But we just wanted to avoid from somebody having set
6 the corner not being deemed an original survey.
7 Then, you know, if it hasn't done -- been done to
8 statute, then that could -- that could pull. That
9 could not be contested in any way. That's our
10 concern, and then that was mainly my comment on
11 that.

12 But one further comment I had is the
13 monumentation on federal land. You know, we had had
14 some instances where private surveyors have set
15 monuments on federal land, so that was the other
16 thing that we don't know if that could be addressed
17 in the "Boundary Surveying" section: When a
18 licensed surveyor in the state can extend over
19 federal land.

20 Say, for example, you're having to bring
21 control to another section to subdivide a section.
22 When can you set a monument on federal land using
23 your license? So that's the other thing I wanted to
24 add on these sections, because we have had some
25 instances where private surveyors have done surveys

1 on federal land through improvement surveys on
2 sections. So we wouldn't know how that would apply
3 here, if at all. That's a whole new can of worms, I
4 know, but --

5 THE CHAIRMAN: How would that -- my
6 question is, how would that happen? I can't
7 envision --

8 MR. THUROW: I can, Mr. Chair.

9 THE CHAIRMAN: Thank you, sir. Enlighten
10 me.

11 MR. THUROW: Mr. Chavez, if I could. For
12 instance, if you have a homestead entry that is
13 surrounded by government lots and this person is
14 hired to stake the boundary of the homestead entry
15 and, in doing so, sets those corners, are you
16 suggesting that, because it is a common line of
17 ownership, that only federal authority is able to
18 reestablish those corners?

19 MR. CHAVEZ: Right. That's the -- that's
20 exactly what I was asking, yeah.

21 MR. THUROW: Okay.

22 MR. CHAVEZ: Because there are some
23 instances you have to go outside to --

24 MR. THUROW: How long would it take for a
25 landowner with a homestead entry survey to get the

1 federal authority surveyors out to remonument the
2 position of their boundary?

3 MR. CHAVEZ: That would --

4 MR. THUROW: Years?

5 MR. CHAVEZ: It would take a long time.

6 You know, a private landowner could go to BLM and get
7 special instructions. They can pay BLM to do the
8 work, but that's a lengthy process.

9 THE CHAIRMAN: Interesting.

10 MR. CHAVEZ: It can be done.

11 THE CHAIRMAN: Very interesting conundrum
12 there, Mr. Chavez. Very interesting.

13 Mr. Spirock.

14 MR. SPIROCK: Mr. Chavez, you have heard
15 some of our discussion with Mr. Plotner about
16 disseminating information about proposed changes to
17 our private group, the NMPS. I'm going to be a bit
18 hypothetical here. During our next session, where we
19 take or do not take action, one possibility is to
20 table an action and have it come up at another time.

21 MR. CHAVEZ: Sure.

22 MR. SPIROCK: Do you have a network or a
23 contact source that you can provide either the Board
24 or Mr. Plotner with NMPS or anybody else so that,
25 should that occur, you guys that deal with federal

1 land every day, day in and day out, can at least
2 provide some input before it gets to this Committee?

3 MR. CHAVEZ: Sure. Yeah. Just provide it
4 to Mr. Plotner? Okay.

5 MR. SPIROCK: Provide it to Mr. Plotner.

6 MR. CHAVEZ: Okay.

7 MR. SPIROCK: I'm sure he'll get it to
8 NMPS, and I don't know if he'll do a committee, but
9 at least put it on your forewarned list.

10 Thank you.

11 THE CHAIRMAN: Any questions, comments from
12 the audience?

13 (No response.)

14 THE CHAIRMAN: Mr. Chavez, I would like to
15 address your concerns about the words "original
16 survey." We all here fully understand what that word
17 means in the sense of the PLSS. Like you mentioned,
18 the lines may not have been run on the ground, but
19 they are there. They exist. There was only one
20 location for those lines according to law.

21 What the Committee had tried to do is, if
22 you read -- take the context, the paragraph in its
23 entire context, and not just picking out little
24 pieces of it and focusing on that. It was a
25 subdivision within a section, and you can be

1 performing two types of surveys. You can be doing
2 an original survey, and you can be doing a
3 retracement survey --

4 MR. CHAVEZ: Sure.

5 THE CHAIRMAN: -- at the same time. The
6 subdivision of the section, I would concur with you,
7 as most of us would, probably would, that when you
8 set the center of section, according to federal law
9 and state law, you are doing a retracement survey.

10 Would you agree?

11 MR. CHAVEZ: Yes.

12 THE CHAIRMAN: Yes. Okay. So where that
13 came from is when you're subdividing the rest of the
14 section as the owner of the parent parcel. You own
15 the whole section, right?

16 MR. CHAVEZ: Uh-huh.

17 THE CHAIRMAN: You're subdividing that into
18 lot and block, right? Mr. Spirock comes in. This
19 happened 25 years ago, and he comes in and sets the
20 center of section, what he believes to be using
21 proper procedures, and sets the center of section.
22 It was all under the parent parcel, and you divided
23 the northeast quarter into lot and block. Those were
24 transferred lot and block, and it's all gone. And
25 then at a later date, I deed off the northwest

1 quarter, right? Is the center of section still in
2 the same place?

3 MR. CHAVEZ: That's an interesting concept,
4 because if it's done with proper procedure --

5 THE CHAIRMAN: Well, say it's ten feet off
6 of the connecting quarter corners.

7 MR. CHAVEZ: Well, ten -- when was the date
8 of the survey?

9 THE CHAIRMAN: Thirty, 40 years ago,
10 transit and chain.

11 MR. CHAVEZ: Then it's only off because we
12 can measure better.

13 THE CHAIRMAN: There you go. That was
14 the --

15 MR. CHAVEZ: Because we often get these
16 cases, all the time.

17 THE CHAIRMAN: Right. So you can see that
18 that was the concern of the Committee, is that you
19 have some people coming in. Because they can measure
20 better, they can define the center of section in a
21 different location than was set 40 years ago.
22 Property has been transferred, and they think, just
23 because they can measure better, we can set the
24 center of section where it was "supposed to be" in a
25 retracement survey.

1 MR. CHAVEZ: Right.

2 THE CHAIRMAN: So the concern of the
3 Committee and the Board is that you have surveyors
4 going in and doing that and upsetting the apple cart,
5 right? There was no mechanism for the Board to
6 admonish those people that did not use proper
7 boundary procedures and law --

8 MR. CHAVEZ: Sure.

9 THE CHAIRMAN: -- and reset the center of
10 section, right?

11 So from the Board's perspective, whose
12 only duty -- or primary duty is health, safety, and
13 welfare of the public. We had no mechanism to
14 ensure that that was being done. So from your
15 instance, you know, when you set a center of section
16 in one location, but things happen after that.

17 MR. CHAVEZ: That's --

18 THE CHAIRMAN: There was really no
19 mechanism for the Board to try to deal with those,
20 and that's part of this, where this language came
21 from.

22 Would you not agree, Mr. Plotner, as the
23 member --

24 MR. PLOTNER: Yes, I do agree.

25 THE CHAIRMAN: -- as the chairman of the

1 Minimum Standards Committee?

2 I agree with you, Mr. Chavez. The word
3 "original survey" is --

4 MR. CHAVEZ: I think what you're saying is
5 that's another separate issue, because you can have
6 people measuring better all the time.

7 THE CHAIRMAN: All the time.

8 MR. CHAVEZ: But that's probably a separate
9 issue besides the original survey, you know, because
10 once the section's been established, that corner
11 exists.

12 THE CHAIRMAN: It exists.

13 MR. CHAVEZ: But whatever happens after
14 that is our own disservice to the public, if you
15 will.

16 THE CHAIRMAN: But you do understand my
17 statement about the Board not being able to --

18 MR. CHAVEZ: Sure. Yeah.

19 THE CHAIRMAN: -- really protect the public
20 by not having this codified? This has come up many
21 times in the past.

22 MR. CHAVEZ: Sure.

23 THE CHAIRMAN: Not having it codified puts
24 handcuffs on the Board for these types of actions
25 that upset the apple cart and do not protect the

1 public. But I do agree with you and other members of
2 the audience and all the members that were there at
3 the meeting this weekend. "Original survey" brings a
4 lot of opinions and has different meanings depending
5 on where you work.

6 So thank you, Mr. Chavez, for your
7 comments on that.

8 MR. CHAVEZ: Sure. Thank you.

9 THE CHAIRMAN: It's greatly appreciated.

10 MR. CHAVEZ: Thank you. And I wanted to
11 say I appreciate the Board for strengthening the
12 minimum standards across the country. You know, we
13 have -- although it may not be perfect in a lot of
14 people's views, but it is to a higher level than a
15 lot of states, so I appreciate that.

16 THE CHAIRMAN: Thank you, sir.

17 Any other comments on 12.8.2.9, "Boundary
18 Surveying"?

19 Yes, sir.

20 MR. CALA: Mr. Chairman, Board, I'm Chuck
21 Cala. I don't really have a comment, but -- well, it
22 may be an anecdotal comment about the government and
23 the Bureau of Land Management conducting surveys for
24 common boundaries. I was personally involved in a
25 case here in Albuquerque -- it's fairly

1 high-profile -- where my client petitioned the Bureau
2 of Land Management and offered to pay for the
3 government running a boundary on not private land but
4 on a boundary between private land and public lands.

5 That was in 2002, and it's just been
6 completed in the last six months. I don't believe
7 it's in the best interest of the public to have to
8 rely upon the Bureau of Land Management to conduct
9 surveys anytime they involve a common boundary
10 between private lands and public lands. So I think
11 it would be impractical for that notion to be
12 enforced as part of the minimum standards.

13 THE CHAIRMAN: Mr. Thurow?

14 Mr. Spirock?

15 Anything from the audience for this?

16 MR. CHAVEZ: I just want to reiterate that
17 comment.

18 THE CHAIRMAN: Please identify yourself.

19 MR. CHAVEZ: Chris Chavez again. I just
20 wanted to say that there are instances where the
21 public doesn't have the ability to do those kind of
22 surveys because there's extensive litigation involved
23 with the BLM. But that's the only time that we would
24 have that be -- it's very difficult sometimes in
25 those instances, but that's all I wanted to comment.

1 THE CHAIRMAN: Yes, sir.

2 MR. GROMATZKY: Robert Gromatzky, Bohannan
3 Huston. So in regards to the proposed changes to the
4 minimum standard for 12.8.2.9, my document covers
5 several of these sections, starting with 12.8.2.9.J:
6 "And record the survey" under the definition of
7 "boundary surveying." And we would like to see that
8 removed from the proposed changes, and our reason is
9 that the current requirement of recording ALTA and
10 boundary plats is sufficient to the practice of
11 surveying and safeguarding the public interest.

12 Next topic, 12.8.2.9.J.6: Keep the phrase
13 "the use of assumed bearings is prohibited." This
14 may have been an oversight to the changes of the
15 minimum standards, but the changes as we see them
16 right now, if that is stricken, it is not addressed
17 in the minimum standards if it is stricken.

18 The next topic, 12.8.2.9.J.6.a: Remove
19 "elevation, vertical datum, mapping angle, and
20 ground to grid factor" for the elements of the
21 control point for the basis of bearings. The reason
22 is that these elements of a coordinate are not
23 necessary to compute a bearing, and these are the
24 minimum standards.

25 The next item, 12.8.2.9.J.6.c.

1 MR. SPIROCK: Just a second, Robert. The
2 Chairman and I are shuffling papers.

3 MR. GROMATZKY: Okay.

4 MR. SPIROCK: Hold that thought.

5 THE CHAIRMAN: You are speaking on
6 12.8.2.9, correct?

7 MR. GROMATZKY: Yes, and specifically the
8 subsets of those actual --

9 THE CHAIRMAN: Okay. We're a little bit
10 off script here, and I believe that was my fault. We
11 were really -- we had not finished 12.8.2.7 for
12 public comment.

13 MR. GROMATZKY: Okay.

14 THE CHAIRMAN: My apologies.

15 MR. GROMATZKY: I thought we had gone to
16 .9.

17 THE CHAIRMAN: I'm reasonably sure, if we
18 went to the court reporter, he would advise me that I
19 jumped ahead.

20 If you could pause for a moment, if you
21 wouldn't mind. As we were going through 12.8.2.7,
22 there were other types of surveying in there:
23 Improvement location reporting, topographic
24 surveying, easement surveying, right of way
25 surveying, condominium, and so on. If we have

1 comments on this, I would ask you to let us get
2 through those and then continue again, if that would
3 be appropriate for you.

4 MR. GROMATZKY: Okay. Since I have the
5 podium, I did not complete my comments for 12.8.2.7,
6 so I would like to continue with those.

7 THE CHAIRMAN: Thank you. Please continue.

8 MR. GROMATZKY: All right. Thank you.

9 THE CHAIRMAN: So if you would, identify
10 the section that you were referencing.

11 MR. GROMATZKY: Okay.

12 THE CHAIRMAN: So everybody can be on track
13 with it.

14 MR. GROMATZKY: Okay. 12.8.2.7.B.8, remove
15 "all changes that require an ALTA/NSPS survey to be
16 recorded." The reason, the current requirement of
17 recording ALTA and boundary plats is sufficient to
18 the practice of surveying and safeguarding the public
19 interest. There may be conditions that the client
20 wishes the information to remain private. Also, this
21 may be in conflict with the current county recording
22 practices.

23 Next topic, 12.8.2.7.10.G: Remove "Where
24 a unique parcel identification number has been or
25 will be assigned by the county in which the tract or

1 lot is situated." The reason, it's not clear what
2 the proposed language adds or changes to the
3 definition of a lot or tract. Several county
4 planning and zoning departments have indicated that
5 property that has been illegally subdivided are
6 still issued parcel identification numbers for tax
7 purposes. This does not mean that there is a lot or
8 tract of record for the purpose of further
9 subdivision.

10 And that concludes my comments for
11 12.8.2.7.

12 THE CHAIRMAN: Do we have any other
13 comments on 12.8.2.7, any of the sections at all?

14 If so, I would ask you to yield the podium
15 for a moment.

16 MR. GROMATZKY: Sure.

17 THE CHAIRMAN: Thank you, sir.

18 MR. SOLOMON: Joe Solomon. I just wanted
19 to address Mr. Chavez. This is going back to A. The
20 federal government has initiated -- or instituted the
21 CFedS program, which does allow the public surveyor
22 to take the course work and apply the standards of
23 the manual in order to do retracement surveys and
24 original surveys of the public lands under the
25 direction and approval of the BLM.

1 Mr. Thurow, I believe, is also a CFed.
2 I'm a CFed, and I've done a couple of these around
3 New Mexico. And I just wanted to mention that there
4 is a mechanism for the public to get a public survey
5 done without the use of the BLM.

6 MR. THUROW: That's still a state authority
7 survey, Mr. Solomon?

8 MR. SOLOMON: That's correct. That's
9 correct.

10 THE CHAIRMAN: Mr. Chavez.

11 MR. CHAVEZ: I appreciate that. Chris
12 Chavez here. I appreciate that. I wasn't sure of
13 how to clarify that: If you're allowed to, under the
14 CFedS program, set your line on federal land with
15 your license. I would like a clarification.

16 MR. SOLOMON: I don't think that you're
17 allowed to set a private monument. You have to set a
18 BLM-approved monument.

19 MR. CHAVEZ: Right.

20 MR. SOLOMON: You have to use BLM standards
21 in order to provide that.

22 MR. CHAVEZ: Right, but you can't put your
23 license number on it.

24 MR. SOLOMON: You can put your license
25 number on the cap.

1 MR. CHAVEZ: I don't believe you can on the
2 BLM.

3 THE CHAIRMAN: Thank you, gentlemen. We're
4 a little bit off topic.

5 MR. CHAVEZ: Sorry.

6 THE CHAIRMAN: That's fine.

7 MR. CHAVEZ: But I did have one more
8 comment while I'm --

9 THE CHAIRMAN: While you're at the podium?

10 MR. CHAVEZ: Yeah.

11 THE CHAIRMAN: Yes, please.

12 MR. CHAVEZ: So in improvement location
13 reporting, the same section here, the topographic
14 surveying, are those, you know, kind of piggybacking
15 on what we were just talking about: Can the surveyor
16 licensed in New Mexico perform surveys on federal
17 land; for example, topographic surveys? Because we
18 often have those.

19 That was my comment for both improvement
20 surveys and topographic surveys. That was another
21 question. We often have those, all the time, so --
22 and there are topographic surveys for design and
23 particular improvement surveys. We have some of
24 those that went on on federal land.

25 THE CHAIRMAN: Why would we be having an

1 improvement survey on federal land?

2 MR. CHAVEZ: We have some summer lease
3 homes. For example, in the Pecos area, we have the
4 cows, leased summer home areas. And these home areas
5 have been identified previously with particular metes
6 and bounds parcels. But what's happening is some of
7 these homes have to have, for example, a new septic
8 tank. So the state requires an improvement survey
9 for them to have an update to their septic tank, so
10 they require that. So we've seen a few improvement
11 surveys in the past come before our office, so we
12 just wanted to see if --

13 MR. THUROW: Mr. Chairman, if I may?

14 THE CHAIRMAN: Yes, sir. Mr. Thurow.

15 MR. THUROW: And I know we're pressed for
16 time here.

17 MR. CHAVEZ: Sure.

18 MR. THUROW: Mr. Chavez, are these
19 primarily leasehold estates that are on federal lands
20 where this occurred?

21 MR. CHAVEZ: Yes. Yes.

22 MR. THUROW: Often, somebody would want,
23 even if it's a lease, they'll be seeking some sort of
24 a refinance if they need, as you said, a new septic
25 tank or remodel.

1 MR. CHAVEZ: Right. Correct.

2 MR. THUROW: The bank requires a location
3 improvement report, and so do you take a position
4 personally -- I know you don't speak for the Forest
5 Service or any federal authority --

6 MR. CHAVEZ: Right.

7 MR. THUROW: -- that this has to be done
8 under federal authority surveys rather than state
9 authority surveys?

10 MR. CHAVEZ: No, I just wanted to clarify
11 that it can be done one way or another, because when
12 it has come up in our office before, there's been a
13 question: Well, does this kind of surveyor licensed
14 in the State of New Mexico have the authority needed
15 to perform this task or not?

16 MR. THUROW: I see.

17 MR. CHAVEZ: So there's just a question.
18 Maybe we could get that clarified through the
19 process. So it's not that it's a big concern, but
20 just a clarification for us.

21 THE CHAIRMAN: I don't think it's a concern
22 of the state Board. I think it's a concern of the
23 federal interest.

24 MR. CHAVEZ: Right.

25 THE CHAIRMAN: If the federal interest says

1 you can't do it, don't produce that product, then I
2 guess we couldn't do it, could we? I think the ball
3 is in your court, sir.

4 MR. CHAVEZ: Well, the thing is, is it's
5 being done, but we have no way of having an authority
6 to say, no, it can't be done to save time. You know,
7 we don't have that. Because my one point, it's not a
8 boundary survey.

9 THE CHAIRMAN: Correct.

10 MR. CHAVEZ: So at the same time, they are
11 identifying the limits, but they don't have to --

12 THE CHAIRMAN: I understand.

13 MR. CHAVEZ: -- put their state license.

14 MR. THUROW: I think we appreciate your
15 concern.

16 MR. CHAVEZ: Thank you.

17 THE CHAIRMAN: Thank you.

18 No other comments on the definitions,
19 12.8.2.7?

20 (No response.)

21 THE CHAIRMAN: Moving back to where we were
22 before. Again, my apologies. 12.8.2.9, "Boundary
23 Surveying," any comments?

24 Yes, sir. Sorry to make you identify
25 yourself again, but please do.

1 MR. GROMATZKY: That's all right. Robert
2 Gromatzky, Bohannan Huston. Our comments regarding
3 the changes to 12.8.2.9 are as follows: 12.8.2.9.J,
4 remove "and record the survey" under the definition
5 of "boundary surveying." The reason, the current
6 requirement of recording ALTA and boundary survey
7 plats is sufficient to the practice of surveying and
8 safeguarding the public interest.

9 The next topic, 12.8.2.9.J.6: Keep the
10 phrase "the use of assumed bearings is prohibited,"
11 the reason being that this may be an oversight, but
12 assumed bearings should not continue to be
13 prohibited -- or should continue to be prohibited.
14 And the absence of this language may lead to the use
15 of that.

16 Next topic, 12.8.2.9.J.6.a: Remove
17 "elevation, vertical datum, mapping angle, and
18 ground to grid factor" from the defined basis of
19 bearings. The reason is that the elements of the
20 coordinate -- these elements of the coordinate are
21 not necessary to compute a bearing, and these are
22 the minimum standards.

23 Twelve -- the next topic, 12.8.2.9.J.6.c:
24 Remove "real" from "real geodetic values." Also,
25 remove any reference to software, online services,

1 or processes to obtain geodetic values. The reason,
2 "real" serves no purpose, and adding it to the
3 standards may have unintended consequences.

4 And I guess the question that I have is,
5 what is a fake geodetic control value? Perhaps
6 substitute with "measured or published." The
7 standard needs to be generic and at the surveyor's
8 discretion as to which tools, processes, or sources
9 are to be used to determine geodetic values.

10 The next topic, 12.8.2.9.J.7: Replace
11 "all information used from the document shall be
12 shown on the plat" with "pertinent information used
13 from the document that affects the survey shall be
14 shown on the plat." The reason is that "all" is
15 inclusive and may have unintended consequences.

16 The next topic, 12.8.2.9.K: Keep "A plat
17 of survey must be recorded only if it is a survey of
18 a parcel for which no previously recorded plat
19 exists or, in the case of remonumentation, the
20 surveyor finds that field measurements are
21 significantly different from record dimensions."
22 The reason is the current requirement of recording
23 an ALTA and boundary survey plat is sufficient to
24 the practice of surveying and safeguarding the
25 public interest. There may be conditions that the

1 client wishes the information to remain private.
2 Also, this may be in conflict with the current
3 county recording practices.

4 And that concludes my comments for
5 Section 12.8.2.9.

6 THE CHAIRMAN: Mr. Spirock.

7 MR. SPIROCK: Question for Mr. Gromatzky.
8 Under your 12.8.2.9.J.6, keeping the language of "use
9 of assumed bearings is prohibited," in my copy, at
10 least, 6.d concludes with the sentence of, "Assumed
11 bearings are prohibited."

12 MR. GROMATZKY: Let me look at --

13 MR. SPIROCK: I just want to make sure
14 we're reading from the same page. 6.a talks about
15 state plane coordinates.

16 MR. GROMATZKY: Okay.

17 MR. SPIROCK: B, a specific line. C, D.
18 Now there was some discussion about a longitudinal
19 line.

20 MR. GROMATZKY: Okay. Okay.

21 MR. SPIROCK: But it does say it was
22 prohibited.

23 MR. GROMATZKY: I saw it stricken, and I
24 thought it was completely removed. I must have
25 missed that.

1 MR. SPIROCK: Thank you.

2 MR. THUROW: Mr. Chairman, if I could?

3 THE CHAIRMAN: Mr. Thurow.

4 MR. THUROW: I did have a question about
5 that same J.6.a. You mentioned that it's not
6 necessary to you to have that data --

7 MR. GROMATZKY: Correct.

8 MR. THUROW: -- in order to compute the
9 basis of bearing.

10 MR. GROMATZKY: Correct.

11 MR. THUROW: Is it helpful to me, if I'm
12 retracing one of your surveys, to have that data so I
13 can accurately follow in your footsteps?

14 MR. GROMATZKY: As far as my practice, no,
15 it's not. If you have a coordinate and it's a state
16 plane grid coordinate, you can always compute a
17 latitude/longitude to navigate to it. The other
18 elements outside of the horizontal grid coordinates
19 are superfluous to being able to establish a basis of
20 bearing.

21 MR. THUROW: Thank you.

22 THE CHAIRMAN: Mr. Wagener, do you have a
23 question for this?

24 MR. WAGENER: I have a question. Is it
25 appropriate to have the ground to grid factor in --

1 maybe not under basis of bearing, but under some
2 provision under the boundary surveying so that we can
3 make our coordinate adjustments between what you
4 report on a survey and what we try to retrace if we
5 need to have that ground to grid factor in there, on
6 anything that says it's GPS or so we know what the
7 basis on the survey is?

8 MR. GROMATZKY: That's a good point, and
9 the current standard -- the local standard of care
10 here in Albuquerque is that we tie our subdivision
11 plats to one or more published control points and
12 that each of those grid factors, per point, is
13 listed. That's a city requirement. However, those
14 ground to grid scale factors may or may not be the
15 ground to grid scale factors used for the project.
16 They're just published information. That's all that
17 it is.

18 So if you tried to use any of those ground
19 to grid scale factors for those points, for that
20 survey, you would not achieve the same ground
21 distances. And that is probably better suited for a
22 note on the survey document about what the ground to
23 grid scale factor is for the survey.

24 MR. THUROW: But doesn't that go back to my
25 point?

1 I'm sorry, Mr. Chairman. Go ahead.

2 THE CHAIRMAN: I believe we all understand
3 the problems or what Mr. Gromatzky's issues are. We
4 don't need to get into the finer nuances of this
5 unless -- I will allow you to continue, but we need
6 to be brief.

7 MR. THUROW: No, I know when I've been shut
8 down, so --

9 THE CHAIRMAN: Well, no. No.

10 MR. THUROW: No, that's fine. Please
11 proceed.

12 THE CHAIRMAN: We do need to move on down
13 the road here.

14 MR. THUROW: I understand.

15 THE CHAIRMAN: We've got quite a few things
16 to cover here. Some of them are not as contentious
17 as others.

18 MR. GROMATZKY: Okay. Thank you.

19 THE CHAIRMAN: Thank you, sir. I do
20 appreciate your comments, and they are all here in
21 your submitted paperwork; is that correct?

22 MR. GROMATZKY: Correct.

23 THE CHAIRMAN: Thank you.

24 MR. GROMATZKY: Thank you.

25 MR. SPIROCK: Mr. Chairman.

1 Just very quickly, Robert, an observation
2 that goes to the rest of the audience as well. Your
3 committee has got to think about the entire state.

4 MR. GROMATZKY: Correct.

5 MR. SPIROCK: What happens when you trip
6 across something in Mora?

7 MR. GROMATZKY: Excuse me?

8 MR. SPIROCK: In Mora or Taos County: Who
9 did it, and what did they publish? And when you look
10 at what they published, we've got to consider that it
11 may be redundant for your normal practice in
12 Albuquerque, but it would be somewhat helpful to the
13 person retracing a survey in a rural county.

14 MR. GROMATZKY: Sure. And my comment to
15 that, I guess, would be that these are minimum
16 standards and that the local practice differs from
17 each geographical region. And setting a minimum
18 requirement is sufficient, but requiring beyond what
19 the minimum requirement is and adding additional
20 things that truly are not minimum, I think, is not
21 appropriate for the minimum standards.

22 THE CHAIRMAN: Thank you.

23 MR. GROMATZKY: So there needs to be that
24 flexibility to do more than what the minimum
25 requirement is, and local jurisdictions may dictate

1 what that -- or set what that standard is. So I
2 think that, by removing some of these elements, that
3 you're providing for local jurisdictions to direct
4 what the practice or normal standard of care in
5 surveying is in those localities --

6 THE CHAIRMAN: Understood.

7 MR. GROMATZKY: -- by making further
8 requirements.

9 MR. SPIROCK: No further questions.

10 THE CHAIRMAN: Understood. Good point.
11 That's an excellent point.

12 MR. GROMATZKY: Thank you.

13 THE CHAIRMAN: Any other comments?

14 Moving on to 12.8.2.10, "Improvement
15 Location Report," just some minor changes, a little
16 bit of language cleanup on this section, nothing
17 major. Do we have any comments from the audience?

18 (No response.)

19 THE CHAIRMAN: Do we have any questions,
20 comments from the Board members?

21 (No response.)

22 THE CHAIRMAN: No comments on this section.

23 Moving on to 12.8.2.11, "Topographic
24 Surveying." Do we have any comments from the
25 audience?

1 (No response.)

2 THE CHAIRMAN: Do we have any comments from
3 the Board?

4 MR. SPIROCK: We do, but we need to reserve
5 them for the next meeting.

6 THE CHAIRMAN: Any observations?

7 MR. SPIROCK: Yeah. We have, throughout
8 the document, references and cross-references. I
9 don't know whether it would be appropriate, but since
10 we are looking at proofreading and clerical errors,
11 that when we get to it, we reference 12.8.2.16 as
12 well.

13 THE CHAIRMAN: Okay. Thank you,
14 Mr. Spirock.

15 Any other comments?

16 (No response.)

17 THE CHAIRMAN: No other comments being
18 heard, moving on to 12.8.2.12, "Easement Surveying."
19 Do we have any comments from the audience?

20 Yes, sir.

21 MR. GROMATZKY: Robert Gromatzky, Bohannan
22 Huston. My comments regarding 12.8.2.12 are as
23 follows: Looking at specifically Section
24 12.8.2.12.D, we need to remove or reword that
25 section. The definition of "easement surveying" is

1 the description, portrayal, or monumentation of
2 easements only.

3 It would appear that the intent of the
4 proposed change is to require a boundary survey
5 location for each affected tract. We believe that,
6 although it is well-intended, it is not entirely
7 practical to require a boundary survey location for
8 each tract, and it should not be considered as a
9 minimum requirement. Items 1 through 3 of
10 12.8.2.12.B are sufficient for a minimum standard.
11 I believe that concludes my comments for 12.8.2.12.

12 THE CHAIRMAN: If you'd hold for a moment.
13 This section deals with easement surveying. I needed
14 to announce this initially. Only Section D was added
15 about not making ties from property corners to the
16 boundary line -- center lines of easements to the
17 boundary corners and things like that.

18 I am sure all of you have run across
19 trying to run an easement over several miles to
20 get -- several miles, several thousand feet to get
21 to your property to see exactly where it crosses so
22 that your boundary survey could meet and comply with
23 the minimum standards. This is where this came
24 from.

25 MR. SPIROCK: Mr. Chairman, I have the same

1 problem.

2 Robert, I'm looking at the fact that what
3 is proposed only affects ties to easements. It adds
4 another section to existing language that we're not
5 considering.

6 MR. GROMATZKY: Excuse me. I didn't follow
7 that.

8 MR. SPIROCK: Okay. If you look at the
9 draft under "Easement Surveying," things that are
10 crossed out or stricken through are proposed to this
11 Committee to be eliminated. Things that are
12 underlined is the new language.

13 MR. GROMATZKY: Correct.

14 MR. SPIROCK: Under 12.8.2.12, the only
15 thing that's added is Item D.

16 MR. GROMATZKY: Correct. Correct.

17 MR. SPIROCK: Which essentially says,
18 "Unless the easement runs parallel to the boundary of
19 the tract, ties from points on the easement to lot
20 corners shall be shown for every tract the
21 easement" -- it has nothing to do with forcing an
22 easement survey to become a boundary survey.

23 MR. GROMATZKY: Well, I guess the question
24 that I have is the intent, if ties are shown along
25 the boundary lines, and what dictates the retracement

1 of that easement location. Is it the original
2 monuments they're tied to, or if you -- if the
3 boundary was not entirely located, say that you do
4 not find anything and that it was an apparent
5 boundary location. If you provide ties --

6 MR. SPIROCK: Robert, we're not going to
7 get into hypothetical what-ifs.

8 MR. GROMATZKY: Okay.

9 MR. SPIROCK: The question is, did you read
10 boundary surveys into this, or do you object to
11 adding the fact that, if you do an easement survey
12 that does not run parallel, you ought to add ties?

13 MR. GROMATZKY: Well, I think that the
14 current standard shows tie -- 12. -- if you go to
15 Item 3, "shows ties to existing corners of a
16 subdivision in which the easement is located," I
17 think that that adequately addresses the situation
18 without adding Section D.

19 MR. SPIROCK: Okay. Thank you.

20 THE CHAIRMAN: Does anyone have a comment
21 or a question?

22 Yes, sir. Please identify yourself.

23 MR. CALA: Chuck Cala again.

24 Mr. Gromatzky.

25 MR. GROMATZKY: Uh-huh.

1 MR. CALA: Item 3, the concern that I might
2 have is that it says, "shows ties to existing corners
3 of a subdivision in which the easement is located."
4 If the corners don't exist, then there's no real call
5 for you to establish or identify where those corners
6 might relate to the easement right that is being
7 granted. So there's no ability for a subsequent
8 surveyor to be able to retrace the easement corner
9 that's being described by the easement survey.

10 So I think the concern that I have is that
11 it says, "existing corners." What do you do when
12 the corners don't exist?

13 MR. GROMATZKY: That is a good question,
14 and keep in mind, under the definition of "easement
15 surveying" is that, as cited in my -- cited in my
16 document that fell apart, is that the definition of
17 "easement surveying" is "the description, portrayal,
18 or monumentation of easements only." We do the best
19 job that we can in trying to locate the boundary on
20 which the proposed easement is going to be. However,
21 I think that establishing ties over every parcel is
22 beyond the scope of what the intention of the
23 easement surveying is.

24 THE CHAIRMAN: Thank you.

25 Do you have a question or comment on

1 Mr. Gromatzky?

2 MR. PLOTNER: I do.

3 THE CHAIRMAN: Is this for the Board or
4 Mr. Gromatzky?

5 MR. PLOTNER: Both.

6 THE CHAIRMAN: Thank you.

7 MR. PLOTNER: Will Plotner.

8 THE CHAIRMAN: Thank you.

9 MR. PLOTNER: My concern is, is we're
10 creating these easements that affect the property.
11 If we don't know where the corner is, then how do we
12 know it affects that property? You know, if we're
13 going to burden the property with something, to me,
14 it's our due diligence to know where that's at so
15 that we can inform the landowner where that easement
16 is burdening his property. So it's very important,
17 in my eyes.

18 THE CHAIRMAN: Thank you, Mr. Plotner.

19 Yes, sir.

20 MR. CHAVEZ: Chris Chavez. I just have a
21 comment. You know, we have many easement surveys
22 that were done back in the day that the Forest
23 Service acquired or conveyed, and none of them are
24 any good. They were not tied properly, and those
25 easements of yesterday are today's problems. So

1 although we feel a burden sometimes of having to
2 locate the boundary, at the same time, if you don't
3 have access, you know what, your -- your property
4 isn't -- isn't worth -- unless it has good access.

5 So anyway, I understand Robert's comments
6 and concerns, but at the same time, you know, we
7 have many, many problems of easements that aren't
8 identified and surveyed correctly, because we don't
9 want to go to the extent of locating the boundaries.
10 We've experienced many, many problems with that. So
11 I was hoping that that would be even stronger, not
12 weaker, you know, to have those boundaries located.

13 That's all I have.

14 THE CHAIRMAN: So --

15 MR. GROMATZKY: And I'll -- and I'll add
16 that, you know, the easement agreement process is a
17 negotiation between the two private parties: The
18 landowner and the proposed utility company or
19 right-of-way company. And so the lot owner has the
20 ability to negotiate whether a boundary survey or to
21 what level a survey is done for defining the easement
22 across his property. You know, it can be to a great
23 level of detail or it can be to minimum detail, but
24 that's a negotiated process between those two
25 parties.

1 THE CHAIRMAN: Only a higher level of
2 service is negotiable. The minimum is never
3 negotiable.

4 MR. GROMATZKY: As far as the money and the
5 rights that are transacted, it is between two
6 parties, and --

7 THE CHAIRMAN: I -- excuse me.

8 MR. GROMATZKY: And if they want a higher
9 level of survey, they always can.

10 THE CHAIRMAN: Excuse me. I only -- I only
11 speak in regards to the minimum standards.

12 MR. GROMATZKY: Correct.

13 THE CHAIRMAN: The minimum is never
14 negotiable if you want something above and beyond.

15 MR. GROMATZKY: I agree.

16 THE CHAIRMAN: Okay. Are there any other
17 comments? I'm not trying to --

18 MR. GROMATZKY: Sure.

19 THE CHAIRMAN: -- cut you short. I think
20 we --

21 MR. GROMATZKY: Sure.

22 THE CHAIRMAN: -- pretty much have gone
23 through this. Any other questions for this member?
24 Any other questions?

25 (No response.)

1 THE CHAIRMAN: Are there any other comments
2 or questions on Section 12, "Easement Surveying"?

3 (No response.)

4 THE CHAIRMAN: No further questions or
5 comments. Moving on to 12.8.2.13, "Right of Way
6 Surveying." This deals a lot with the Highway
7 Department, the DOT, and their work, but also in our
8 retracement, a little bit of language cleanup,
9 removing a few sections; in particular, tagging
10 monuments and things like that. Are there any
11 comments or questions in regards to this section?

12 Yes, sir.

13 MR. GROMATZKY: My comments regarding
14 12.8 --

15 THE CHAIRMAN: Oh, sir --

16 MR. GROMATZKY: My name is Robert
17 Gromatzky.

18 THE CHAIRMAN: Thank you, sir.

19 MR. GROMATZKY: My comments regarding
20 12.8.2.13 are as follows, specifically two sections,
21 12.8.2.13, Sections A and B: Reword to remove the
22 instances of the word "all." The reason being that
23 the word "all" may have unintended consequences. A
24 reasonable search for documents, plats, and maps
25 should be made, though the word "all" is beyond the

1 intention of establishing a minimum standard.

2 And that concludes my comments for this
3 section.

4 THE CHAIRMAN: Do we have any questions of
5 Mr. Gromatzky?

6 (No response.)

7 THE CHAIRMAN: Board members, any
8 questions?

9 (No response.)

10 THE CHAIRMAN: Okay. To clarify this
11 rule-making process, I have a question for our
12 counsel, Mr. Word. In regard to your question, would
13 "all" be considered a major change, or could we
14 remove that?

15 (Conferring.)

16 THE CHAIRMAN: He wants to strike the word
17 "all."

18 MR. SPIROCK: When we get to the regular
19 session, we have some grammatical scribbling of
20 words.

21 (Conferring.)

22 THE CHAIRMAN: Okay. So just to follow
23 up --

24 MR. WORD: You can only consider --
25 Mr. Chair, members of the Committee, you are here

1 today to consider the proposed changes. You're not
2 here today to consider changes to the existing rules
3 that are not noticed, that are not part of this Rule
4 Hearing.

5 MR. GROMATZKY: I believe, in this
6 instance, there was one section -- it was either A or
7 B -- where there was one instance where "all" was
8 interjected into the changes and one instance where
9 "all" was already a part of the minimum standard, if
10 I'm correct.

11 THE CHAIRMAN: So what Mr. Word is saying
12 is there can be no changes to the published document
13 at this meeting, proposed at this meeting or ruled on
14 at the hearing right after this.

15 MR. GROMATZKY: Outside of the scope of the
16 proposed changes, correct.

17 THE CHAIRMAN: Exactly. This document
18 stands as published. If it is not accepted as
19 published, then we have to move on. There can be no
20 changes.

21 MR. GROMATZKY: Okay. Sure. Thank you.

22 THE CHAIRMAN: Is that correct?

23 MR. WORD: Mr. Chairman, just to clarify, I
24 mean, you can correct typographical errors.

25 Nonsubstantive changes can be made, but what I was

1 trying to clarify was I perceived that the commenter
2 was suggesting a change that was not a part of the
3 proposed changes that we're here to discuss today.
4 And I'm reminding the Committee and members of the
5 public that you can only discuss -- should only be
6 discussing the proposed changes, not other changes
7 that members of the public or members of the
8 Committee may favor at some point down the road that
9 would require a new rule.

10 THE CHAIRMAN: Okay.

11 MR. GROMATZKY: Thank you for that
12 clarification.

13 THE CHAIRMAN: Everybody good on that?

14 MR. PLOTNER: I would like to mention --

15 THE CHAIRMAN: Yes, sir.

16 MR. PLOTNER: -- that I believe that that
17 was intended, and I think there were some drafts
18 where that was removed. I'm not sure what happened
19 to it since, but I don't know if that makes a
20 difference.

21 THE CHAIRMAN: Thank you, Mr. -- that was
22 Mr. Plotner, Will Plotner. Thank you.

23 Any other comments on this section, "Right
24 of Way Surveying," 12.8.2.13?

25 (No response.)

1 THE CHAIRMAN: Board members? No comments?
2 (No response.)

3 THE CHAIRMAN: We are moving on to Part 2,
4 Section 12.8.2.14, entitled, "Control Surveying
5 Reporting." Do we have any comments or questions
6 from the audience?

7 Yes, sir.

8 MR. GROMATZKY: Bohannan Huston, Robert
9 Gromatzky -- or Robert Gromatzky, Bohannan Huston.
10 My comments regarding 12.8.2.14, the section
11 entitled, "Control Surveying Reporting," is to remove
12 the proposed changes, "and to any other person who
13 makes a written submittal," for requesting control
14 reports.

15 The reason is that the ability to make
16 control information available to third parties may
17 be defined by the terms of the contract between the
18 prime client and surveyor. Making a requirement to
19 share this information with undisclosed and
20 limitless third parties at their request is
21 unreasonable. Control surveys are contracted
22 between the client and surveyor and should not be
23 considered a public service or a public document.

24 And that concludes my comments for
25 12.8.2.14.

1 THE CHAIRMAN: So if you believe that they
2 are not a public document or a public service, why do
3 we need to do that?

4 MR. GROMATZKY: They are a service to the
5 client, and as to members of the public, they are
6 necessary for establishing control for further
7 projects. If you do a topographic survey, you set
8 control, and that should be used for the --

9 THE CHAIRMAN: Correct. So you -- so you
10 provide that document to your client.

11 MR. GROMATZKY: And it's the client's
12 responsibility to ensure that --

13 THE CHAIRMAN: And it's his product and he
14 paid for it, but what if he chooses to pass that
15 document downstream?

16 MR. GROMATZKY: That's his purview. It is.

17 THE CHAIRMAN: So he should --

18 MR. GROMATZKY: But making a requirement
19 that I share it, as a licensed surveyor, with anybody
20 who makes the request, I think, is inappropriate and
21 may violate the terms of the contract agreement
22 between the surveyor and the prime client.

23 THE CHAIRMAN: Where did you read that?

24 MR. GROMATZKY: Excuse me?

25 THE CHAIRMAN: Where did you read that?

1 MR. GROMATZKY: No, if it's going to be
2 made a minimum standard requirement that we share a
3 control report with anybody who requests it other
4 than the prime client, it may violate the terms of
5 the contract agreement between the prime client and
6 the surveyor.

7 THE CHAIRMAN: Where did you read that in
8 the minimum standards, that I had to share my
9 document with you? I apologize if I missed it.

10 MR. THUROW: It's there.

11 MR. GROMATZKY: Oh, no. "And to any other
12 person who makes a written submittal."

13 MR. THUROW: So if I could, Mr. Chairman.

14 Mr. Gromatzky, if it were to say, "unless
15 prohibited by contract," then you would have no
16 problem with that. Your primary concern is that you
17 might have contractual obligations which would
18 conflict with these requirements or these standards?

19 MR. GROMATZKY: Well, my obligation should
20 be to the client, and this is a document between the
21 client and my company, myself, whatever the case may
22 be. And I think that, you know, whatever changes are
23 considered, that it needs to respect that client
24 relationship and recognize that this is not a
25 document for public consumption by the public at

1 large. This --

2 THE CHAIRMAN: My apologies, Mr. Gromatzky.
3 I missed that.

4 MR. GROMATZKY: Oh, okay.

5 THE CHAIRMAN: I read through that
6 sentence, and I guess it didn't sink in. Thank you
7 for that.

8 MR. THUROW: Mr. Gromatzky, just to follow
9 up on that, would the filing of your survey as a
10 public document, the Recordation Act itself,
11 sometimes violate confidentiality agreements with
12 your client?

13 MR. GROMATZKY: No, I think it's understood
14 by the client/surveyor interaction that, for certain
15 types of surveys, specifically boundary surveys,
16 subdivision plat surveys, those elements that are
17 required to be recorded are going to be a public
18 document. However, a control report is not one of
19 those public documents.

20 MR. THUROW: Thank you.

21 THE CHAIRMAN: Thank you.

22 Any other comments for this?

23 Yes, sir.

24 MR. CHAVEZ: Chris Chavez here. Just to
25 comment on what he just stated. You know that

1 sometimes, if you're doing a control survey, it's
2 regarding a topographic or maybe there's going to be
3 an engineering design that might affect the public
4 somehow. Maybe they would be interested in that
5 document, but I could see how it would affect his
6 contractual -- that's all I had.

7 THE CHAIRMAN: I think part of the concern
8 from the members -- excuse me, Mr. Cala. Let me --
9 I'll pick up with you after this: Is that some of
10 the concerns was these control reports were being
11 produced and not being shared in a professional
12 manner downstream to clients that needed the -- got
13 during the house staking, the guy laying out the
14 subdivision, and things like that, I think.

15 Is that right, Mr. Plotner?

16 MR. PLOTNER: That is correct.

17 THE CHAIRMAN: This is where this came
18 from, is that that document that was being produced
19 was not being shared in a professional way with other
20 people that required it.

21 I understand your concern about the
22 contractual matters and things like that, but I
23 believe that that's where that came from.

24 Yes, sir. You had a comment?

25 MR. CALA: Yes. It's a comment not

1 directed toward Mr. Gromatzky. Chuck Cala. I
2 believe it's my responsibility as a surveyor to
3 provide information that allows another surveyor to
4 be able to retrace my work. If control surveying is
5 not clearly identified and disclosed on my survey, on
6 the face of the survey, I believe I should be
7 required to provide that information to other
8 surveyors and other people that have an interest.

9 Because the purpose of that is to allow
10 them to be able to retrace the boundaries, to
11 retrace other pertinent things that appear. And it
12 would be -- it would not be in the interest of the
13 public for me to prohibit or to hold that
14 information closely only to my firm if it would
15 benefit the public or other surveyors.

16 THE CHAIRMAN: Mr. Spirock.

17 MR. SPIROCK: Mr. Chairman, an observation
18 to the audience. Just as I had mentioned, this
19 testimony has to pertain to the entirety of the state
20 and not just local conventional practice.

21 We also have to be aware that the Board
22 has tried, the best our limited minds can hold
23 together doing this, with new innovations, new
24 technology, GIS, LIS, scan stations, UAVs, UASs, and
25 a whole bunch of other things. And we tried to

1 limit ourselves to what's pertinent today and what
2 may come in the future, including changing things
3 like eliminating ACSF and replacing it with ASPRS
4 and tried to include some definitions for digital
5 geospatial data.

6 So in that context, if you do the control
7 for a UAS system that's going to take care of a
8 significant project and you're controlling that with
9 a control survey report and I request it, I would
10 like you to provide it.

11 Thank you.

12 THE CHAIRMAN: Thank you.

13 Any other questions, comments?

14 Mr. Plotner, do you have a question for
15 Mr. Gromatzky?

16 MR. PLOTNER: No, just a statement.

17 THE CHAIRMAN: Statement? Please step to
18 the podium, please.

19 MR. PLOTNER: Will Plotner. I would just
20 like to state that it is in the public's best
21 interest that this information is shared, and
22 unfortunately, there were professionals who held this
23 close to them and used the contractual obligation as
24 a barrier for us to be able to get that information.
25 And we just felt like it was the public's best

1 interest that we shared that information with other
2 professionals.

3 THE CHAIRMAN: Thank you.

4 Any other comments, questions in regards
5 to control surveying reporting?

6 (No response.)

7 THE CHAIRMAN: No other comments being
8 heard, let's take a five- to ten-minute break here.
9 It's a good stopping point, and we'll pick up with
10 12.8.2.16 after the break. Thank you.

11 (Recess from 11:55 a.m. to 12:18 p.m.)

12 THE CHAIRMAN: I believe that there was no
13 further comments on 12.8.2.14, "Control Surveying
14 Reporting"; is that correct?

15 (No response.)

16 THE CHAIRMAN: Moving on to Part 2,
17 Section 12.8.2.16, entitled, "Accuracy." Are there
18 any comments from the audience?

19 (No response.)

20 THE CHAIRMAN: No comments from the
21 audience. Are there any comments or questions from
22 the Board?

23 (No response.)

24 THE CHAIRMAN: There are no comments on
25 this section.

1 Moving on to Part 2, Section 12.8.2.17,
2 entitled, "Monuments." Are there any questions or
3 comments from the audience?

4 Yes, sir.

5 MR. GROMATZKY: Robert Gromatzky, Bohannan
6 Huston. My one comment on 12.8.2.17 deals with
7 Article B, and I would like to see that we keep the
8 phrase, "which fall upon a hard surface shall be
9 monumented with a chiseled cross or a nail in a disk
10 tag bearing the surveyor's registration number," and
11 remove the proposed language.

12 The reason for that is it should be at the
13 surveyor's discretion which monument type will
14 adequately hold a position and will be sufficient
15 for retracement by another surveyor or identifiable
16 as a corner. For many corners, a chiseled cross is
17 better suited than a nail and washer that will
18 eventually become dislodged, and it would be easier
19 to look for a chiseled cross than it would be nail
20 holes.

21 That concludes my comments for that
22 section.

23 MR. SPIROCK: Mr. Chairman --

24 MR. THUROW: Mr. Gromatzky, how would you
25 put your surveyor number on a chiseled cross?

1 MR. GROMATZKY: You wouldn't be able to.

2 MR. THUROW: Do you think it's important?

3 MR. GROMATZKY: You do the best job that
4 you can. It is important, but it's not always
5 practical to be able to tag every monument. You
6 can't tag a chiseled X, and there's plenty of
7 chiseled Xs out there, and I guess, how would we go
8 about addressing those existing conditions? A
9 monument is a monument regardless of what it may be.

10 THE CHAIRMAN: Mr. Thurow.

11 MR. SPIROCK: Mr. Chairman.

12 THE CHAIRMAN: Mr. Spirock.

13 MR. SPIROCK: I do have a question, and
14 this is a question for our staff and the Committee
15 when it adopted to go to public hearing. But I have
16 different language than what I recall from the last
17 submitted public hearing, than what appears in the
18 handout today. Because if you read what was handed
19 out today, there's no reference to a prior existing
20 language of a chiseled cross.

21 The prior existing language is to say,
22 "Corners which fall upon a hard surface shall be
23 monumented with a chiseled cross or a nail in a disk
24 or tag bearing the surveyor's registration number."
25 That's the existing language.

1 THE CHAIRMAN: Correct.

2 MR. SPIROCK: Am I reading 12.8.2.17
3 incorrectly, Item B?

4 THE CHAIRMAN: All it's stating is that
5 there's no choice. You cannot use a chiseled X at
6 all.

7 MR. SPIROCK: Shouldn't we show a
8 strike-through language, the existing language?

9 MR. THUROW: There is strike-through.

10 THE CHAIRMAN: I believe it's there, isn't
11 it?

12 MR. SPIROCK: No, it is not. Should be
13 monumented, and right here, the existing language is,
14 "with a chiseled cross or nail in a disk."

15 THE CHAIRMAN: I think we're right here.

16 MR. SPIROCK: How in the world --

17 THE CHAIRMAN: I'm not sure which copy
18 you're looking at.

19 MR. GROMATZKY: So if I may, please, I
20 tried getting onto the NMPS website and getting the
21 proposed changes to the minimum standards, and I know
22 that the proposed changes were e-mailed. And I
23 briefly glanced over what was available on the NMPS
24 website, and I wasn't entirely comfortable that those
25 two documents were the same document, so --

1 MR. SPIROCK: We had this a year ago when
2 we went through a public hearing.

3 Just a minute.

4 THE CHAIRMAN: So Mr. Gromatzky, you're
5 recommending that there be no changes to Section B;
6 is that correct?

7 MR. GROMATZKY: Correct.

8 THE CHAIRMAN: I would ask you a question.
9 What if you don't agree with the existing chiseled X
10 that is there? Which one are you -- and you decide
11 to set a new one. What now?

12 MR. GROMATZKY: Well, it's the surveyor's
13 purview to accept or reject that monument. If you
14 choose to reject that monument, you can choose to set
15 a new monument or a key reference to an existing one.

16 THE CHAIRMAN: So I come back, and there's
17 three or four chiseled Xs there with all different
18 kinds of references on it, and I'm going to set a new
19 chiseled X?

20 MR. GROMATZKY: That's up to the surveyor's
21 discretion to accept or reject those monuments.

22 THE CHAIRMAN: Thank you.

23 Any questions for this gentleman?

24 MR. CALA: Yes, sir. I'm Chuck Cala.

25 MR. WORD: Would you yield the podium so

1 the --

2 MR. CALA: The concern I have about these
3 multiple chiseled Xs that might exist --

4 MR. WORD: State your name, sir.

5 MR. CALA: I already did, sir, Chuck Cala.

6 MR. WORD: That's why I asked you to come
7 to the podium.

8 MR. CALA: If Mr. Solomon sets a chiseled X
9 and then another surveyor comes along and sets a
10 chiseled X and I'm the third surveyor through, how do
11 I know which chiseled X is which and which surveyor
12 set it if there is no license identified with each of
13 these monuments?

14 If it's impractical to set the corner,
15 then a reference monument can be set, and at least
16 that reference monument can have the identification
17 of the surveyor so that I, as a licensee, can find
18 out the origin of that monument. So I believe that
19 identifying the property corner, whether it be on a
20 hard surface or not, with a license number is very
21 important to protect the interest of the public.

22 THE CHAIRMAN: Thank you, sir.

23 Any other questions or comments? Any
24 question or comments for Mr. Cala?

25 Yes, sir.

1 MR. WAGENER: Todd Wagener. It's the
2 monuments that -- the requirement that it be 16
3 inches long, as in my statement earlier, I really
4 object to that. I can't buy 20-foot pieces of
5 material and haul it to -- in my truck. And when you
6 take a 10-foot-long piece that I can buy and you cut
7 that down, 120 inches divided by eight is 15. It's
8 either that or throw away material all the time, and
9 I don't see a need for the 15 inches long.

10 The other item is the color of the cap. I
11 think the way that that is written right now is that
12 you describe the monument that you find, and I think
13 that's fine. If somebody wants to include the color
14 of it or they didn't find a number on it but they
15 believe it's XYZ surveyor and they say, "I believe
16 that that is the monument that XYZ surveyor set. I
17 found evidence of a yellow cap," that's fine. But
18 let that discretion -- let's make it a minimum, not
19 a maximum.

20 THE CHAIRMAN: So you're relating this to
21 the other section?

22 MR. WAGENER: Whatever section it is, and
23 it's in under "Monuments."

24 THE CHAIRMAN: That we addressed earlier;
25 is that correct?

1 MR. WAGENER: There's two different
2 paragraphs.

3 THE CHAIRMAN: Yeah, there's two different
4 places.

5 MR. WAGENER: Two different paragraphs.

6 THE CHAIRMAN: So you're connecting these
7 two together; is that correct?

8 MR. WAGENER: And they're in my -- they're
9 in my comments.

10 THE CHAIRMAN: Right. Thank you.

11 Do we have any questions or comments for
12 Mr. Wagener?

13 (No response.)

14 THE CHAIRMAN: There being none, we'll move
15 on to Exhibit 14, public comments on proposed
16 amendments from Todd Wagener. Has everyone had the
17 opportunity to review those, that document submitted
18 by Mr. Wagener?

19 MR. THUROW: I do not believe I have a copy
20 of that document, Mr. Chairman.

21 THE CHAIRMAN: Mr. Valdez, could you get a
22 copy of that document for Mr. Thurow?

23 Did you have additional copies,
24 Mr. Wagener?

25 MR. WAGENER: Pardon?

1 THE CHAIRMAN: Did you submit 15 copies to
2 this Board?

3 MR. WAGENER: I submitted it online and --

4 THE CHAIRMAN: Online.

5 MR. WAGENER: -- and several -- many, many
6 days ago.

7 THE CHAIRMAN: Thank you.

8 MR. WAGENER: Mr. Valdez said it would be
9 available to you.

10 THE CHAIRMAN: Thank you.

11 Mr. Thurow has Exhibit 14, the comments
12 from Mr. Wagener.

13 MR. THUROW: I have it now, sir.

14 THE CHAIRMAN: You have it. Thank you.
15 Give us a moment. We'd like to review
16 this document very quickly but thoroughly,
17 Mr. Wagener.

18 MR. WAGENER: Pardon?

19 THE CHAIRMAN: I said we're going to review
20 it quickly but thoroughly.

21 MR. WAGENER: Todd Wagener. I had made my
22 comments, so I wasn't going to take up a whole lot of
23 your time on these individuals. But I would say that
24 you should look at them and deliberate on those.

25 Thank you.

1 THE CHAIRMAN: Thank you, sir.

2 Has everyone had the opportunity to review
3 Exhibit 14, the submission by Mr. Wagener?

4 Does anyone have any comments on any of
5 these issues and concerns that Mr. Wagener brought
6 up?

7 MR. THUROW: I have one question.

8 THE CHAIRMAN: Yes, sir. Mr. Thurow.

9 MR. THUROW: Mr. Chairman.

10 Mr. Wagener, in your submittal, I see
11 those sections where you ask that they be left
12 unchanged, and I see general comments on some
13 specific items. But I do not see anything as far as
14 what should be stricken and any verbiage that should
15 be specifically added. So should we just take these
16 as just general comments on some of this without
17 specific recommendations?

18 THE CHAIRMAN: I apologize, Mr. Wagener,
19 for formality. I know it can be --

20 MR. WAGENER: I think that you will find
21 that, under the different sections, say,
22 "Definitions," 12.8.2.7 "Definitions" A, I am sub --
23 when I do that, I am submitting that you strike the
24 whole --

25 MR. THUROW: Right.

1 MR. WAGENER: -- sentence and you rewrite
2 it in that manner. And then there might be a comment
3 that is the reason for that. But when the section
4 has a number, a numeral, and whatever, that is the
5 language that I am proposing. Other than that, there
6 can be general comments in amongst it, but mostly,
7 it's specific language that I am proposing.

8 THE CHAIRMAN: Are there any other comments
9 to Exhibit 15, the submission by Mr. Wagener?

10 Yes, sir.

11 (Conferring.)

12 THE CHAIRMAN: Perry, was this Exhibit 15?

13 MR. VALDEZ: Yes.

14 THE CHAIRMAN: Moving on to Exhibit 15,
15 this --

16 (Conferring.)

17 THE CHAIRMAN: Moving on to Exhibit No. 15,
18 a submittal by Mr. Christopher Croshaw. Has everyone
19 had an opportunity to review this document?

20 MR. CHAVEZ: Can I get a copy of that?

21 THE CHAIRMAN: Yes, sir. You have not
22 received a copy?

23 Do we have a copy of this document for
24 Mr. Chavez?

25 I'll give Mr. Chavez a few moments to

1 review this document. If you wouldn't mind, to
2 expedite the process, if we could move on if there's
3 any other questions or comments on Mr. Croshaw's
4 submittal here.

5 Were you raising any?

6 MS. ANNETTE THOMPSON-MARTINEZ: No, no.

7 THE CHAIRMAN: Board members, are there any
8 questions or comments on this document from
9 Mr. Croshaw?

10 MR. CHAVEZ: I'm okay.

11 THE CHAIRMAN: For the record, Mr. Croshaw
12 is not here today. This was submitted via e-mail to
13 the Board.

14 Mr. Chavez, are you comfortable in your
15 review?

16 MR. CHAVEZ: Yes.

17 THE CHAIRMAN: Thank you.

18 Moving on to Exhibit 16.

19 MR. SPIROCK: Thank you, sir.

20 THE CHAIRMAN: This document was sent in.
21 That's signed by Robert Gromatzky, Alan Benham, and
22 Tim Solinski from Bohannan Huston. Are there -- has
23 everybody had the opportunity to review this document
24 submitted by Robert, Mr. Gromatzky?

25 Does the audience or any of the Board

1 members have any question or comments to Robert on
2 this document?

3 (No response.)

4 THE CHAIRMAN: There being no comment,
5 moving on.

6 Has everyone present signed the Attendance
7 Sheet?

8 Thank you for that. At this time, the
9 Attendance Sheet shall be marked as an exhibit and
10 entered into the record, and it will be Exhibit
11 No. 17.

12 MR. VALDEZ: The Attendance Sheet has been
13 entered as Exhibit 17.

14 (Exhibit 17 admitted.)

15 THE CHAIRMAN: Thank you.

16 Did the Board members have any questions?

17 (No response.)

18 THE CHAIRMAN: Any more questions from the
19 audience?

20 (No response.)

21 THE CHAIRMAN: I'd like to inform the
22 public of the remainder of the process. The comments
23 submitted and discussion heard during the Rules
24 Hearing will be considered and may be discussed
25 further by the Board during the Regular Meeting

1 following -- the Regular Meeting following the Rules
2 Hearing. The Board will vote on the proposed rules
3 at that time.

4 Any rules adopted by the Board will be
5 filed at the state Records and Archives in
6 accordance with the State Rules Act and the New
7 Mexico Register publication deadlines. The adopted
8 rules will become effective 30 days after they are
9 filed at the Records and Archives Center unless
10 otherwise noted at the end of a section. Any rules
11 not adopted may be postponed for further discussion
12 for a definite time in the future or may be
13 postponed indefinitely.

14 I would like to thank all Board members
15 and everyone present for their participation and
16 attendance today. It was very greatly appreciated.

17 We're going to take a 20-minute break
18 here. Let me see, it's 12:35; is that correct?

19 MR. VALDEZ: It's actually --

20 THE CHAIRMAN: Since I can't seem to read
21 time on a clock that's not correct.

22 MR. SPIROCK: Twenty to 1:00.

23 THE CHAIRMAN: Twenty to 1:00. I would
24 ask, if you are planning on attending the hearing, we
25 can -- I can decide, not "we." I can decide whether

1 to break for lunch or take a 20-minute break to allow
2 staff to set up for the next hearing.

3 Board members?

4 MR. THUROW: I'm hungry.

5 THE CHAIRMAN: Mr. Thurow is hungry.

6 Mr. Spirock?

7 MR. SPIROCK: I move we adjourn this public
8 hearing.

9 MR. THUROW: Well, can we decide whether
10 we're going to reconvene a Board meeting in 20
11 minutes or in one hour?

12 MR. SPIROCK: Isn't that another matter?
13 Sure, 1:00.

14 (Conferring.)

15 THE CHAIRMAN: We are going to adjourn this
16 meeting and -- the public hearing. Excuse me. We
17 will have the hearing, regular public hearing,
18 commencing at 1:30.

19 Is that correct, Mr. Spirock?

20 MR. SPIROCK: That's what you said.

21 THE CHAIRMAN: At 1:30. If you'd like to
22 attend, that's when we will reconvene in this room.
23 Thank you.

24 One more thing. The record is now closed
25 on any input for the Rules Hearing. Thank you.

(Proceedings adjourned at 12:41 p.m.)

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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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