

MINUTES OF

Meeting of the Professional Surveyors Committee of the Board of Licensure for Professional Surveyors held 9:00 a.m., May 12, 2011 at 1931 2nd St., Albuquerque, NM

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

Others Present Liz Z. Montoya, Acting Executive Director, BLPEPS
 Perry Valdez, Licensing Manager
 David Cooper, PS, Case Manager
 Mary Smith, AAG, Board Counsel

1. CONVENE/ROLL CALL/INTRODUCTION OF GUESTS

Mr. Sanchez convened the meeting at 9:00 a.m. Roll call was taken and it was noted that a quorum of the committee was present.

2. APPROVAL OF THE AGENDA

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

VOTED: To approve the agenda as presented.

3. APPROVAL OF THE MINUTES

3.1 January 26, 2011 Meeting Minutes

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

VOTED: To approve the minutes of January 26, 2011 as amended.

4. CORRESPONDENCE

4.1 ILR Seal Requirements – Staff advised the Committee of a public inquiry regarding specifics on whether or not it is a requirement for a Surveyor to place a seal on ILR. The Committee had a lengthy discussion informing Ms. Montoya of the history of the use and definition of the ILR and concluded by directing staff to as follows:

The Committee directed Ms. Montoya to refer this issue to the Legislation/Rules Committee for proposal of language to exempt the ILR. When the public calls in with this inquiry the correct answer is “yes” ILR must be sealed in accordance with the statutes.

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

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

VOTED: To convene in closed session pursuant to NMSA 1978, Section 10-15-1 (H)(1) to discuss only the cases listed as 5.1 to 5.8. A roll call vote was taken as follows:

Voting Yes: Vigil, Sanchez, Meyers and Chavez

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

OPEN SESSION

MOTION by Mr. Vigil to go back into open session and further noted that during closed session only cases listed as items 5.1 to 5.8 were discussed and the McDonald request, **SECONDED** by Mr. Chavez.

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

5.1 10-10-50

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

VOTED: To DISMISS due to no jurisdiction pursuant to statute of limitations running of more than ten years in accordance with 61-23-27.11.(D).

5.2 11-10-20

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

VOTED: To Issue an NCA to Revoke with NO Possibility of Early Resolution- \$5,000 fine against the licensee and \$5,000 against the firm, passing 2 hour NM Practice Exam, 15 hour evidence prod course approved before signing up and must be fulfilled within one year.

5.3 10-10-51

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

VOTED: To Issue an NCA for violation of 61-23-27.15 of the statutes; 16.39.5.10 of the rules and with the possibility of Early Resolution- \$1,000 fine, passing 2 hour NM Practice Exam or 15 hour continuing education course in boundaries evidence and procedures course in addition to the required hours for renewal and the course must be approved by the board before signing up and must be fulfilled within one year.

5.4 11-10-19

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

VOTED: To DISMISS due to no jurisdiction pursuant to statute of limitations running of more than ten years in accordance with 61-23-27.11.(D)

5.5 11-11-35

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

VOTED: To dismiss due to two year statute of limitations running. **MOTION** by Mr. Vigil, **SECONDED** by Ms. Meyers and unanimously

5.6 10-10-52 A & B – These cases were voted on at the January meeting however the Investigator claimed votes were incorrect. After careful review by the committee it was determined the votes were CORRECT and the board voted the same as follows for clarification:

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

VOTED:

In case 10-10-52A – This is a civil matter between the owner and the developer.

In case 10-10-52B- To issue an NCA- Possibility of Early Resolution- To correct the plat within sixty days and a \$500 fine.

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

For Case 11-10-20-Mr. Vigil will be the hearing officer with Ms. Meyers as the alternate.

For Case 10-10-51 Mr. Chavez will be the hearing officer with Mr. Sanchez as the alternate.

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

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

6. NEW BUSINESS

6.1 Director's Complaint Report – Ms. Montoya advised the Board of the back log in compliance and the need to change the process for uniformity and streamlining. The Board was in agreement and directed Ms. Montoya to propose a new process to include numbering and tracking for review and consideration of approval.

7. OLD BUSINESS

7.1 Dugan McDonald Application - This item was reviewed at the last meeting and the Committee requested additional information.

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

VOTED: To accept the information submitted.

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

- 7.2 Rule Clarification of Inactive Status Request Deadline** – This item was brought back to the Board to clarify the correct interpretation of the late fee being assessed for requests for Inactive Status during the grace period. The correct interpretation is that a licensee may request Inactive Status during the grace period without being assessed the late fee.

8. REVIEW OF APPLICATIONS

- 8.1 Inactive Status** – One application was presented.

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

VOTED: To approve the inactive status application as presented.

- 8.2 New PS Licensees and Certified Surveyor Interns**

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

VOTED: To approve the new licensees and interns as presented.

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

- 9. ADJOURNMENT-** Mr. Sanchez adjourned the meeting at 12:00 p.m.

Submitted by:

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

Approved by:

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

August 11, 2011 Approved Date