

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Thursday, April 12, 2018,
New Mexico Department of Transportation District 3 Building,
7500 Pan American Blvd., Albuquerque, NM 87199

Members Present- Glen Thurow PS, Committee Chair
David Cooper, PS
Cliff Spirock, PS
Augusta Meyers, Public Member

Members Absent-

Others Present- Perry Valdez, BLPEPS, Executive Director
Angelica Urioste, BLPEPS, Executive Assistant
Felicia Martinez, BLPEPS, Licensing Administrator
Miranda Baca, BLPEPS, Compliance Officer
Marylou Poli, Legal Counsel
Earl Burkholder, PE, PS

1. **Convene, Roll Call and Introduction of Audience**

Mr. Thurow convened the meeting at 9:07 a.m., roll call was taken and a quorum noted.
Mr. Thurow recognized Mr. Earl Burkholder in attendance of the meeting.

2. **Meeting Notification**

Mr. Valdez informed the Committee the meeting was noticed in the Albuquerque
Journal as well as the Board's website.

3. **Approval of Agenda**

MOTION by Mr. Spirock to approve the agenda as presented, **SECOND** by Ms.
Meyers, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of January 12, 2018**

MOTION by Ms. Meyers to approve the Minutes of January 12, 2018, **SECOND**
by Mr. Cooper, **PASSED** unanimously.

5. **Public Comment/Correspondence**

No discussion.

6. Old Business

a. **E. Burkholder – “Basis of Bearing”**

Mr. Valdez stated Mr. Burkholder appeared before the Board at the meeting held in November at which time he presented the issue of “Basis of Bearing.” After the presentation, Mr. Tonander suggested this topic be placed on the Agenda for a future meeting. Mr. Thurow asked Mr. Burkholder to clarify what further action he wanted and/or needed from the Board pertaining to this issue. Mr. Burkholder expressed his passion and specialty for this topic and suggested changing the Minimum Standards. Mr. Thurow stated the change could cause confusion to the public or professional community. He also noted since July of 2016 there has not been an inquiry from any other individual regarding the Minimum Standards. Mr. Thurow addressed his concerns of implementing the changes to the Minimum Standards and stated this would not be beneficial to the general public. Mr. Spirock suggested the Committee receive input from the Surveyors and get their feedback on this issue. He also proposed that Mr. Valdez and the staff create a bucket to work on once time permits. Mr. Thurow proposed to work with Mr. Burkholder on an Advisory Opinion and address his concerns regarding “Basis of Bearing.”

b. **Mail – out Exam Status**

Mr. Valdez stated the Mail-out Exam has been extremely successful. He mentioned all applicants who have been approved and are in compliance with fees and returning the examinations within the allotted time. He also reported all applicants have received a passing score for the Mail – out Exam.

1) **Exam Concerns**

Mr. Valdez expressed his concerns on an applicant that failed to answer the majority of the questions and still received a passing score. Mr. Thurow mentioned that the cut score is tremendously low, however he needs a large sample of exam scores to reference. This is an item to review as exam scores increase. Mr. Cooper suggested adding to the Instruction form that all questions must be answered. Mr. Thurow directed Mr. Valdez to implement the change in the instructions stating “all questions must be answered.”

c. **Chairman Review of Policy Advisories and Advisory Opinions**

Mr. Valdez mentioned he placed on this agenda from a previous meeting. He expressed there was a discussion regarding this topic, however there wasn't a formal vote that took place to accept Mr. Spirock's changes to the Advisory Opinions. Mr. Thurow stated that the Chair would entertain a motion. He clarified that a vote took place at the last meeting to modify the Educational requirements but not for the Surveying Advisory Opinions.

MOTION by Mr. Cooper to accept the Advisory Opinion modifications as presented by the Chairman and modified by member Mr. Spirock, **SECOND** by Ms. Meyers, **PASSED** unanimously.

7. New Business

a. 61-23-30 NMSA – Right of Entry

Mr. Valdez mentioned he received a call from a property owner stating their concerns with a Surveyor being on his property and was extremely bothered by the situation. Mr. Valdez stated Surveyors have the “Right of Entry”, however it might be wise to remind Surveyors to notify the owner before entering onto the property. Mr. Thurow mentioned the Board do not have a requirement notifying owners in advance. Mr. Valdez presented some ideas of how this could be done, he disclosed that he reviewed a California pamphlet pertaining to this issue. He indicated a similar document would be drafted and placed on the agenda for the next Board meeting for consideration.

b. Emeritus Members

1) Charles Cala, PS

Mr. Valdez stated he spoke with Mr. Cala, he recalled that he was an Emeritus member. It was validated through research that Mr. Cala was granted the title of Emeritus Member in 2004. According to past minutes, it was reported the Board office was checking the Emeritus Member statuses. A notice from NCEES to all Boards to verify the status their Emeritus Members. It further elaborated a phone call was placed to Mr. Cala if he was still interested in this status. Mr. Cala explained to Mr. Valdez he never received a call regarding his continued interest as an Emeritus Member. Therefore, based on the information provided by staff at that meeting the Board’s decision resulted in Mr. Cala’s Emeritus status being revoked in 2009. Mr. Cala is requesting to become an Emeritus member again. After further discussion, the Board will review this information and may draft a Policy on this issue.

2) Salvador Vigil, PS

Mr. Valdez mentioned that Mr. Vigil is requesting to become an Emeritus Member. The Board will review this information and may draft a Policy on this issue.

8. Application Review – Recommended Approval

a. Recommended for Approval List (Exhibit A)

PS Endorsement Application(s) – (2)

1) Cain, D.

2) Marin, K.

MOTION by Mr. Spirock to approve Exhibit A, the recommended for approval applications, **SECOND** by Mr. Cooper, **PASSED** unanimously.

b. PS Inactive Status Request(s)

1) Logan, C.

MOTION by Mr. Spirock to approve the request for PS inactive status, **SECOND** Mr. Thurow, **PASSED** unanimously.

9. Executive Session

MOTION by Ms. Meyers that the Committee enter into closed Executive Session to discuss the items listed on the agenda pursuant to NMSA 1978, Section 10-15-1 (H) (1), to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and to deliberate on pending cases. **SECOND** by Mr. Spirock, **PASSED** unanimously.

Roll call vote taken, voting 'Yes': Glen Thurow, David Cooper, Cliff Spirock, Augusta Meyers.

10. Action on Items Discussed During Executive Session

Mr. Thurow brought the Committee back into open session and affirmed that while in closed session it discussed only those matters specified in the motion to close the meeting and listed on the agenda under executive session, in accordance with NMSA 1978 Section 10-15-1 (H) (1)

a. Disciplinary Cases

1) Case 3-PS-06-09-2017 – Complaint Manager’s Report

MOTION by Mr. Spirock to close case, **SECOND** by Ms. Meyers, **PASSED** unanimously. Ms. Poli advised the Committee to include language indicating there was no violation.

MOTION by Mr. Thurow to amend the motion as follows, to close the case due to no violation, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2) Case 7-PS-11-14-2014/D-412-CV-2017-00623

Ms. Baca provided a status report to the Committee.

3) Case 5-PS-10-18-2017(A)

Tabled until June meeting.

4) Case 6-PS-11-13-2017

MOTION by Mr. Spirock to close the case due to the statute of limitations having been met per NMSA 61-23-27-11-D. **SECOND** by Mr. Cooper **PASSED** unanimously.

b. Licensee Self-Reporting Issues

1) LES-11-27-2017

MOTION by Mr. Spirock to acknowledge receipt, no action taken,
SECOND by Ms. Meyers, **PASSED** unanimously.

2) MD-02-12-2018

MOTION by Mr. Spirock to acknowledge receipt, no action taken,
SECOND by Ms. Meyers, **PASSED** unanimously.

c. Status Review of Complaints and NCAs

Ms. Baca provided a report to the Committee on the status of pending cases and referrals for Notice of Contemplated Actions.

d. Applications for Review

1) PS Exam

a) Crowley, A. – Reconsideration

MOTION by Ms. Meyers to approve for examination, **SECOND**
by Mr. Cooper, **PASSED** unanimously.

b) Echavarria, M. – Reconsideration

MOTION by Ms. Meyers to approve for examination, **SECOND**
by Mr. Cooper, **PASSED** unanimously.

c) Knox, S. – Reconsideration

MOTION by Ms. Meyers to approve for examination, **SECOND**
by Mr. Cooper, **PASSED** unanimously.

d) McGuinness, M.

MOTION by Ms. Meyers to approve for examination, **SECOND**
by Mr. Cooper, **PASSED** unanimously.

7. Next Scheduled Meeting Date: June 7, 2018 – Santa Fe, NM

8. Adjourn

Meeting adjourned at 12:00 p.m.

Submitted by:

s/ Angelica Urioste
Angelica Urioste, Executive Assistant

Approved by:

s/ Glen Thurow
Glen Thurow, Committee Chair

June 7, 2018 Approved Date