

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Thursday, August 9, 2018,
Toney Anaya Building, CID/MHD Conference,
2500 Cerrillos Rd., Santa Fe, NM 87505

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

Members Absent-

Others Present- Annette Thompson-Martinez, BLPEPS, Deputy Director
Benay Ward, BLPEPS, Team Leader
Angelica Urioste, BLPEPS, Executive Assistant
Miranda Baca, BLPEPS, Licensing Administrator
Marylou Poli, Legal Counsel
Chuck Cala, PS, Board Investigator
Earl Burkholder, PE, PS
Antonio Martinez
Allen Grace, PS

1. Convene, Roll Call and Introduction of Audience

Ms. Meyers convened the meeting at 9:00 a.m., roll call was taken and a quorum noted. Ms. Meyers recognized Earl Burkholder, Antonio Martinez, and Allen Grace in attendance of the meeting.

2. Meeting Notification

Mrs. Thompson-Martinez 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. Thurow to approve the Agenda, **SECOND** by Mr. Cooper, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of June 7, 2018

MOTION by Mr. Spirock to approve the Minutes of June 7, 2018, **SECOND** by Mr. Thurow, **PASSED** unanimously.

5. Public Comment/Correspondence

Ms. Poli, Legal Counsel, explained to Mr. Martinez his application for reconsideration would be discussed further during Executive Session and stated this would be his opportunity to discuss his concerns. Ms. Poli mentioned Executive Session is closed to the public.

Mr. Martinez expressed his concerns regarding his application and experience. He informed the Committee he is currently pursuing his bachelor's degree. He asked the Board for reconsideration for approval of his application and to consider his 10 years of experience.

Mr. Thurow asked Mr. Martinez if he is an SI? Mr. Martinez stated he submitted the application, but was not approved under the Administrative Code requirements at the time of application.

Ms. Meyers thanked Mr. Martinez for his explanation on his concerns and informed him the decision will be voted on in open session.

6. Old Business

No discussion.

7. New Business

a. BA requirement 16.39.5.7

Mrs. Thompson-Martinez stated a call was received in regards to this matter and received guidance from Mr. Thurow on how to proceed. The question arose regarding an individual receiving their bachelor's degree in Business Administration and the current Administrative Code allowing to "augment" hours after receiving their degree.

Mr. Thurow stated the discussion revolved around the new Administrative Code and the newly adopted language. It has been modified from the prior understanding. Mr. Thurow mentioned it doesn't specify if the degree has to be in a related science, however it being a 4-year degree that is augmented with the following:

- 1) 18 core credit hours in Surveying
- 2) 12 credit in higher mathematics
- 3) 6 credit hours of basic science

Ms. Poli discussed the old language and compared it to the revised language. She explained the discussions of the Committee and Board to revise the language to accommodate those who do not have a Surveying degree but augment hours to meet the requirements. Mr. Thurow stated that the new language needs to comport with the Practice Act and advised the Committee to do a thorough review to ensure it does not conflict with the Statute requirement.

Mr. Spirock stated this was the language he fought through back in 2016. He mentioned the term “augment” was added to allow for an addition to what was the previous language in the Act to allow for a BS or BA to qualify for a related science degree to be included.

b. T. Willis Email

Mrs. Thompson-Martinez stated an email was sent by Mr. Willis asking for clarification on the related degree since he has a Bachelors in Business Administration. She also reported this question was related to the discussions that previously took place. Ms. Poli mentioned this is not an action item and advised the Committee to have Mr. Willis submit an application to be reviewed. The Committee directed staff to respond to his email based on the current requirements, and suggest to him to apply for the Committee to review his application.

8. Application Review – Recommended Approval

- a. Recommended for Approval List (Exhibit A)
 - PS Exam Application(s)- 2
 - PS Endorsement Application(s)- 4
 - PS Reinstatement Application(s)- 2

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

9. Executive Session

MOTION by Mr. Cooper 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. Thurow, **PASSED** unanimously.

Roll call vote taken, voting ‘Yes’: Ms. Meyers, Mr. Spirock, Mr. Cooper, Mr. Thurow.

10. Action on Items Discussed During Executive Session

Ms. Meyers brought the Committee back into open session and affirmed that while in closed session the Committee 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) 1-PS-01-08-2018 CMR

MOTION by Mr. Thurow to close with no action taken, **SECOND** by Mr. Spirock, **PASSED**.

Mr. Cooper recused himself from any discussion and vote of case 1-PS-01-08-2018.

2) 2-PS-02-12-2018 CMR

MOTION by Mr. Thurow to close case with no action taken, **SECOND** by Mr. Spirock, **PASSED** unanimously.

3) 3-PS-03-13-2018 CMR

MOTION by Mr. Thurow to close case with no action taken, **SECOND** by Mr. Cooper, **PASSED** unanimously.

4) 4-PS-04-05-2018(A) CMR

MOTION by Mr. Thurow to close case with no action taken, **SECOND** by Mr. Spirock, **PASSED** unanimously.

5) 4-PS-04-05-2018(B) CMR

MOTION by Mr. Thurow to close case with no action taken, **SECOND** by Mr. Spirock, **PASSED** unanimously.

6) 1-PS-05-27-2015

MOTION by Mr. Thurow to accept Mr. Chatroop as being an acceptable substitute, **SECOND** by Mr. Cooper, **PASSED** unanimously.

7) 4-PS-07-18-2017

MOTION by Mr. Thurow to direct staff to draft a letter to the complainant stating the Board did not find any violation therefore close the case, **SECOND** by Mr. Spirock, **PASSED** unanimously.

b. 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.

c. Applications for Reconsideration

1. Anderson, M. – PS Comity

MOTION by Mr. Thurow to not accept, direct staff to contact Mr. Anderson stating he is deficient in 6 hours of higher mathematics, **SECOND** by Mr. Spirock, **PASSED** unanimously.

2. Martinez, A. – PS Exam

MOTION by Mr. Thurow to approve pending a new application submitted under the new rules, **SECOND** by Mr. Cooper, **PASSED** unanimously.

d. Applications for Review

1. SI Certification/PS Exam

a. McCloy, S.

MOTION by Mr. Thurow to approve for SI status, **SECOND** by Mr. Spirock, **PASSED** unanimously.

MOTION by Mr. Thurow to not approve for the PS Exam, **SECOND** by Mr. Spirock, **PASSED** unanimously.

2. PS Endorsement

a. Barr, B.

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

8. Next Scheduled Meeting Date: November 8, 2018 – Albuquerque, NM

9. Adjourn

Meeting adjourned at 11:38 a.m.

Submitted by:

s/Angelica Urioste
Angelica Urioste, Executive Assistant

Approved by:

s/ Augusta Meyers
Augusta Meyers, Committee Chair

November 8, 2019 Approved Date