

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Thursday, January 17, 2018,
Training Room #2, NM DOT General Office,
1120 Cerrillos Rd., Santa Fe, NM 87505

Members Present- Cliff Spirock, PS
David Cooper, PS
Glen Thurow, PS

Members Absent- Augusta Meyers, Public Member, Committee Chair

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Financial Assistant
Angelica Urioste, BLPEPS, Licensing Administrator
Stephanie Trujillo, BLPEPS, Licensing Administrator
Marylou Poli, Legal Counsel
Chuck Cala, PS, Board Investigator
Scott McCloy
Kyle Brady

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

Mr. Spirock convened the meeting at 9:15 a.m., roll call was taken and a quorum noted.
Mr. Spirock recognized Scott McCloy and Kyle Brady 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. Cooper to approve the Agenda, **SECOND** by Mr. Thurow, **PASSED** unanimously.

Mr. Valdez mentioned an applicant was not placed on the Agenda, Mr. Spirock stated a tentative meeting would take place to review the applicant.

4. **Approval of Minutes**

a. **Minutes of November 8, 2018**

MOTION by Mr. Cooper to approve the Minutes of November 8, 2018,
SECOND by Mr. Thurow, **PASSED** unanimously.

5. Public Comment/Correspondence

a. **Qualifying PDHs – Studying for a State Specific Surveying Exam.**

Mr. Valdez mentioned Mrs. Gonzales received an email regarding this question and brought it to the Committee for a further response. Mr. Valdez stated an individual licensee is asking if studying and passing a State Specific Surveying Exam from another State could count as qualifying PDHs. He mentioned the Rules don't address this question and this is the reason why he placed it on the agenda for discussion. Mr. Spirock stated he checked the Rules as well and found no mention of this type of qualifying course. Mr. Valdez stated staff consulted with Mr. Cooper; who also came to the same conclusion. Mr. Thurow stated the whole concept of Professional Development Hours is to further enhance your understanding and ability and feels taking exams of other jurisdictions does not satisfy that.

Mr. Spirock stated to Mr. Valdez this was not an action item but asked him if he was satisfied with the disposition of the members and able to draft a response accordingly. Mr. Valdez responded with "yes" in regards to Mr. Spirock's question. Mr. Cooper stated it is up to the licensee to determine whether their studying for the exam falls within the Professional Development Hours qualifications.

6. Old Business

a. **Clarification of education requirement: Masters in Surveying with a Bachelors in Related Science degree.**

Mr. Valdez stated this was from a question that was received from Mr. McCloy. Mr. McCloy mentioned his question was regarding the education requirements and how the experience works with in conjunction with education requirements. He stated he has a Bachelors in Engineering, took some classes in surveying, and then applied for the PS exam. Mr. McCloy added he has the eight years of experience in surveying, however he was not approved because the experience was prior to becoming an SI. Mr. McCloy asked the Committee if pursuing a Masters in Surveying, would he be required to work an additional 4-years after the degree, or would his prior experience count, just as someone having a Bachelors in Surveying and not a related science degree.

Mr. Thurow responded his initial thoughts are that a Masters from an accredited institution would qualify under the same auspicious as a Bachelors in Surveying. The experience would count if earned before or after the degree. Mr. Cooper agreed with Mr. Thurow.

7. **New Business**

a. **Status of CNM Surveying Degree Program**

Mr. Thurow reported he spoke with Associate Dean, Dr. Amy Ballard, of CNM. The Board of Governors, of CNM, voted last month to eliminate the AS degree in surveying due to the low number of enrollment. None of the surveying classes are being eliminated, they are still being offered and taught by Mr. Forstbauer. The articulation agreement will be re-negotiated and possibly brought under the Associates in Engineering degree, being part of the requirement. Mr. Thurow further explained that those students already enrolled in the classes will have the opportunity to transfer those classes to NMSU.

Mr. Spirock asked Mr. Thurow if it was mentioned about the accreditation of the program through ABET. Mr. Thurow responded that if the program goes away so does the accreditation process. He further stated that Mr. Forstbauer continues to be an adjunct professor for NMSU. Mr. Spirock requested for Mr. Thurow review the current statutes, rules, and the policy advisories. The idea being to create a report pointing out any items that are either in conflict or if anything needs to be addressed such as ABET accreditation, so as to be added to the Rules Committee bucket list.

8. **Application Review – Recommended Approval**

a. **Recommended for Approval List (Exhibit A)**

PS Exam Application(s)- 1

PS Endorsement Application(s)- 1

PS Reinstatement Application(s)- 1

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

b. **PS Inactive Status Request(s)**

MOTION by Mr. Thurow to approve the requests for PS Inactive Status, **SECOND** by Mr. Cooper, **PASSED** unanimously.

c. **PS Retired Status Request(s)**

MOTION by Mr. Thurow to approve the requests for PS Retired Status, **SECOND** by Mr. Cooper, **PASSED** unanimously.

9. **Executive Session**

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

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

10. Action on Items Discussed During Executive Session

Mr. Spirock 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) Case 5-PS-06-15-2018 – Complaint Manager’s Report

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

2) Case 6-PS-06-25-2018 – Complaint Manager’s Report

***Mr. Cooper and Ms. Poli excused themselves and did not participate in the discussion, Mr. Cooper did not participate in the vote for Case 6-PS-06-25-2018. ***

3) Case 5-PS-09-23-2014 – Settlement Agreement

MOTION by Mr. Thurow to accept the Settlement Agreement, **SECOND** by Mr. Cooper, **PASSED** unanimously.

4) Case 2-PS-05-20-2016

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

b. Licensee Self-Reporting Issues

1) RTL-12-20-2018

MOTION by Mr. Thurow to table until the April meeting, pending documentation from the respondent, **SECOND** by Mr. Cooper, **PASSED** unanimously.

c. Status Review of Complaints and NCAs

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

d. Applications for Reconsideration

1) PS Exam

a. Brady, K.

MOTION by Mr. Thurow to accept for the PS Exam, **SECOND** by Mr. Cooper, **PASSED** unanimously.

b. McCloy, S.

MOTION by Mr. Cooper to add a one-year extension for the applicant's application without an additional fee, **SECOND** by Mr. Thurow, **PASSED** unanimously.

2) PS Endorsement

a. Cummock, R.

MOTION by Mr. Thurow to not accept his application, **SECOND** by Mr. Cooper, **PASSED** unanimously.

b. Thatcher, L.

MOTION by Mr. Thurow to table pending further clarification from the Texas Board of Licensure concerning the number of hours granted for the certificate of completion that was submitted by the applicant, **SECOND** by Mr. Cooper, **PASSED** unanimously.

3) PS Retired Status

a. Green, P.

MOTION by Mr. Thurow to approve the request for Retired Status, waiving the reactivation fee, **SECOND** by Mr. Cooper, **PASSED** unanimously.

b. Van Gulick, P.

MOTION by Mr. Thurow to approve the request for Retired Status, waiving the reactivation fee, **SECOND** by Mr. Cooper, **PASSED** unanimously.

Mr. Cooper exited the meeting at 12:15 p.m.

Mr. Tonander entered the meeting at 12:15 p.m.

a. Disciplinary Cases

2) Case 6-PS-06-25-2018 – Complaint Manager's Report

MOTION by Mr. Thurow to take no action and close the case, **SECOND** by Mr. Tonander, **PASSED** unanimously.

8. Next Scheduled Meeting Date: April 11, 2019 – Las Cruces, NM

A tentative scheduled Special Meeting on January 24, 2019 at 9:30 a.m., it will be advertised on the website, also will be a phone call meeting in regards to two applications.

9. Adjourn

Meeting adjourned at 12:18 p.m.

Submitted by:

s/ Angelica Urioste
Angelica Urioste, Executive Assistant

Approved by:

s/ Clifford Spirock
Clifford Spirock, Committee Chair

April 4, 2019 Approved Date