

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Thursday, May 30, 2019,
Rio Grande Room, Toney Anaya Building,
2500 Cerrillos Rd., Santa Fe, NM 87504

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

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Baca, BLPEPS, Financial Assistant
Stephanie Trujillo, BLPEPS, Licensing Administrator
Gabrielle Schultz, BLPEPS, Executive Assistant
Miguel Lozano, Legal Counsel
Sally Malavé, Assistant Attorney General
Chuck Cala, PS, Board Investigator

1. Convene, Roll Call and Introduction of Audience

Mr. Spirock convened the meeting at 9:05 a.m., roll call was taken and a quorum noted. Mr. David Burdeaux was in the audience regarding the reconsideration of his application.

At this time, Mr. Spirock informed Mr. Burdeaux of the process of entering into executive session and that he would be asked to leave the room during that conversation.

2. Meeting Notification

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

3. Approval of Agenda

MOTION by Mr. Thurow to approve the agenda as written, **SECOND** by Mr. Cooper, **PASSED** unanimously.

MOTION by Mr. Cooper to suspend the agenda to allow Ms. Meyers sufficient time to arrive, **SECOND** BY Mr. Spirock, **PASSED** with one nay vote from Mr. Thurow.

4. Approval of Minutes

a. **Minutes of April 4, 2019**

MOTION by Mr. Thurow to approve the Minutes of April 4, 2019, **SECOND** by Mr. Cooper, **PASSED** unanimously.

POINT OF ORDER by Mr. Thurow that Mr. Spirock had made a motion to suspend the meeting after item #4. Mr. Spirock acknowledged the point of order and the meeting was suspended.

Ms. Meyers arrived at 9:13 a.m.

5. Public Comment/Correspondence

a. **Burdeaux, D. – Reconsideration of Application**

Mr. Valdez introduced Mr. Burdeaux and his request for the Committee to reconsider his application for licensure. Mr. Burdeaux was asked for verification and further explanation of his educational experience. He made himself available to the Committee for questions and provided evidence that his lack of education may be supplemented by extensive work experience. Mr. Burdeaux stated he has been licensed since 1994 and has been licensed in Arkansas, Alabama, Louisiana, Texas, and Mississippi. He has experience working with hydrographic work, public land surveying, French and Spanish land grants and off-shored oil and gas work. After further explaining his work experience in the related surveying fields he explained his reasoning for applying for a New Mexico License.

Ms. Meyers asked him to clarify when he was originally licensed and the states in which he holds a license. Mr. Burdeaux responded that he is currently licensed in Arkansas, Alabama, Louisiana, Texas, and Mississippi, and that he was originally licensed in 1994.

Mr. Spirock informed Mr. Burdeaux that their discussion in executive session will focus on the pre-1995 requirements for licensure and was confident he qualified on those grounds. Mr. Spirock asked about what continuing education requirements he had fulfilled in his many years of surveying. Mr. Burdeaux responded that he has completed over 500 hours of continuing education related to surveying. He further went on to describe the types of courses he had taken in fulfilling his professional development hours.

6. Old Business

a. **NMPS Letter Regarding the Basis of Bearings in Reference to NM Minimum Standards of Surveying 12.8.2.9.J (6)**

Mr. Spirock informed the board that he was planning on discussing this topic under “New Business” during the Rules Committee Report. Ms. Meyers asked if the Committee was okay with this and it was accepted.

7. New Business

a. **Rules Committee Report and Recommendation of Changes to the NM Administrative Code**

Mr. Spirock informed the Committee that the Rules committee met informally and briefly discussed the NMPS letter, the Burkholder presentations, and changes that may be effected by the modified Engineering and Surveying Practice Act from the 2019 Legislative Session. He then referred to two documents that were on the tablet desktops available for the Committee members. One was an excel spreadsheet that he referred to as a "bucket list," which catalogues changes that should be considered at the time of a public rules hearing.

The Rules Committee report stated there needs to be a public rules hearing together with public notice, public input, and a court reporter. The Committee identified and considered the NMPS letter, Burkholder drafts, a draft that Mr. Tonander recommended for PE via Comity, changes regarding the SI process for a related science degree, changes that may be forthcoming regarding the use of electronic seals, and changes regarding the scholarship initiative.

Mr. Spirock suggested that the new chair or current chair of the Full Board get the language together for all the suggested rule changes, work with Mr. Valdez, and get a public hearing organized.

Mr. Cooper responded that the Board should not put out an interim advisory statement or formal response in regard to the NMPS letter. Ms. Meyers stated that it would be appropriate to get a response back to Mr. Marrujo about them not issuing an advisory opinion.

Mr. Valdez clarified the Committee's decision that there will not be an advisory opinion issued but that it will be added to the Minimum Standards at the appropriate time.

Mr. Cooper responded that it was his own personal belief that the basis of bearing only needs two sentences: "The basis of bearing shall be stated on the plat," and "Assumed bearings are prohibited."

Mr. Cooper inquired if the staff had updates regarding the Scholarship program. Mr. Valdez noted that he and Ms. Thompson-Martinez had met with the Board's DFA analyst and planned on talking about that meeting at the Full Board Meeting on May 31st and doing further work at the working meeting in September. Mr. Valdez did confirm that the bill has been signed and will be in effect as of July 1st.

b. Election of Officers

1) Committee Chair

MOTION by Mr. Cooper to nominate Mr. Spirock as Committee Chair, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2) Vice-Chair

MOTION by Mr. Spirock to nominate Mr. Thurow as Committee Vice-Chair. Mr. Thurow politely declined the nomination. **MOTION** by Mr. Thurow to nominate Mr. Cooper as Committee Vice-Chair, **SECOND** by Mr. Spirock, **PASSED** unanimously.

8. 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) and (3) 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': Mr. Thurow, Ms. Meyers, Mr. Cooper, Mr. Spirock.

9. Action on Items Discussed During Executive Session

Ms. Meyers 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) and (3).

a. Disciplinary Cases

1) Case 5-PS-04-02-2019– Complaint Manger’s Report

MOTION by Mr. Thurow to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General’s office for the issuance of an NCA, **SECOND** by Mr. Cooper, **PASSED** unanimously.

2) Case 1-PS-01-17-2019

MOTION by Mr. Spirock to direct Mr. Valdez to procure a new investigator for the case, **SECOND** by Mr. Cooper, **PASSED** unanimously.

3) Case 5-PS-09-23-2014

MOTION by Mr. Spirock to extend the settlement agreement based on the letter sent by the application for a period of three months after the conclusion of the civil action, or six months from April 1, 2019, whichever is first, **SECOND** by Mr. Cooper, **PASSED**.

Mr. Thurow abstained from the vote.

4) Case 1-PS-05-27-2015

MOTION by Mr. Cooper to close the case and activate the license,
SECOND by Mr. Spirock, **PASSED** unanimously.

5) Case 2-PS-04-07-2017

MOTION by Mr. Spirock to accept the settlement agreement, **SECOND**
by Mr. Cooper, **PASSED** unanimously.

b. Status Review of Complaints and NCAs

c. Applications for Review

1) SI Certification

a) Wiegel, M.

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

Mr. Cooper recused himself from the vote.

2) PS Endorsement

a) Boyett, D.

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

b) Burdeaux, D. - Reconsideration

MOTION by Mr. Thurow to approve for PS Endorsement, **SECOND** by
Mr. Cooper, **PASSED** unanimously.

c) Hull, C.

MOTION by Mr. Thurow to not approve for PS Endorsement, **SECOND**
by Mr. Cooper, **PASSED** unanimously.

d) Janisse, J.

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

e) Markle, G.

MOTION by Mr. Thurow to approve for PS Endorsement, **SECOND** by
Mr. Cooper, **PASSED** unanimously.

f) **Patterson, B.**

MOTION by Mr. Thurow to reconsider the PS application after applicant takes National and the New Mexico State-Specific PS Exams, **SECOND** by Mr. Spirock, **PASSED** unanimously.

10. **Next Scheduled Meeting Date:** August 8, 2018 – Albuquerque, NM

11. **Adjourn**

Meeting adjourned at 11:34 a.m.

Submitted by:

s/ Gabrielle Schultz

Gabrielle Schultz, Executive Assistant

Approved by:

s/ Augusta Meyers

Augusta Meyers, Committee Chair

August 8, 2019 **Approved Date**