

## MINUTES

MEETING OF THE PROFESSIONAL SURVEYING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held 9:00 a.m.,  
Thursday, June 7, 2018,  
Toney Anaya Building, Hearing Room 1,  
2500 Cerrillos Rd., Santa Fe, NM 87505

**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  
Benay Ward, BLPEPS, Team Leader  
Angelica Urioste, BLPEPS, Executive Assistant  
Felicia Martinez, BLPEPS, Licensing Administrator  
Miranda Baca, BLPEPS, Compliance Officer  
Marylou Poli, Legal Counsel

#### **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 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 Ms. Meyers to amend the agenda, to change item #8 (a) to PS Exam from  
PS Endorsement, **SECOND** by Mr. Spirock, **PASSED** unanimously.

#### **4. Approval of Minutes**

##### **a. Minutes of April 12, 2018**

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

#### **5. Public Comment/Correspondence**

##### **a. E. Burkholder**

Mr. Thurow stated he reviewed the materials from Mr. Burkholder, one  
document entitled "Proposed agreement dated on April 30, 2018". He noticed an  
error in one of the paragraphs that was stated by Mr. Burkholder, "requiring

elevation to be included in any method for determining the basis of bearing of a line is irrelevant and such inclusion reflects badly on the reputation of the Board of Licensure." Mr. Thurow mentioned that the Board has never required elevations for all methods determining Basis of Bearing, that it only applies to using modified coordinate systems.

Mr. Thurow stated that he suggested to Mr. Burkholder at the April meeting that the Board and himself would be willing to work with him on an Advisory Opinion. He mentioned he acknowledged speaking to Mr. Burkholder at the NMPS Convention meeting on possible language for an Advisory Opinion. With the response that Mr. Burkholder stated in the materials he presented, the Board felt that his response wasn't proactive on proceeding with the offer that was suggested to him. Mr. Spirock suggested the item "Basis of Bearing" should be placed in the bucket of ideas to be discussed in further detail in the future.

**MOTION** by Mr. Thurow to authorize current Chair to compose a letter to Mr. Burkholder stating the Board's final position in his inquiry concerning Basis of Bearing, **SECOND** by Mr. Cooper, **PASSED** unanimously.

## **6. Old Business**

### **a. Right of Entry Flyer**

Mr. Valdez stated he drafted a flyer for the Board to review, it was an initial attempt. Mr. Thurow asked if this flyer was for public consumption or licensee consumption. Mr. Valdez responded that it is for licensee consumption, however the public could ask for the flyer if needed. Ms. Meyers suggested that language be not only for the licensee but for the public as well so there is a clear understanding on what the flyer is portraying. It was stated that Mr. Valdez should contact NMPS to collaborate with the flyer costs to print and add their logo, if they wish. Mr. Thurow asked if this item could be placed on the August meeting agenda to have the time to make any revisions that are needed to the flyer.

### **b. PS Investigator Communication**

Mr. Cala stated his concerns on the communication with the Surveying Committee. He mentioned there was six months without electronic communication due to the FTP site being down and he couldn't access any files or documents. In the meantime, Mr. Valdez and Ms. Baca created a Google Drive account to help resolve this issue. Mr. Valdez stated he has been meeting with RLD IT staff, to try to improve their IT structure with Microsoft. This is in hope to create a method to help upload meeting documents and a way to improve communication. Mr. Cala asked if receiving the draft meeting agendas and final meeting agendas is an acceptable way of communication, to ensure that

all completed cases have been scheduled and that he is prepared for cases that will take place at future meetings. The Board agreed to this idea and find it being a helpful resource.

Mr. Cala brought up a case that took place a couple of years ago in northeastern New Mexico, in the Clayton area, he stated the Professional Surveying Committee had concerns with some supplemental information he presented. The Committee took action on the case and the respondent complied with the action, however the Committee was concerned with another survey in question. The Committee felt the survey contained errors. Mr. Cala stated there was discussion that further investigation was needed for this case but this was never approved. He is uncertain on how to proceed since action was taken two years ago. Mr. Thurow responded if the Committee stated there was a concern and didn't state what we were requiring you to do, then it is warranted for you to bring it up. Because the supplemental information presented never became a formal complaint, because no further investigation was done, and due to the age of the information, the Committee agreed no action could be taken.

## **7. New Business**

### **a. State Plane Coordinate 2022 Information**

Mr. Thurow reported the State Plane Coordinate System will be updated in 2022. This change will require legislative action. He added that when this change is codified the Board needs to revise its statute to match. Mr. Thurow stated this Committee has until the 2021 legislative session. He recommended for the upcoming chair to create a "Geospatial Committee" to deal with the upcoming changes to NAD 83.

### **b. Election of Officers**

#### **1) Committee Chair**

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

#### **2) Vice-Chair**

**MOTION** by Mr. Cooper to nominate Mr. Spirock for Vice - Chair,  
**SECOND** by Mr. Thurow, **PASSED** unanimously.

#### **3) Recommendation for Board Chair 2019**

Mr. Thurow recommended the Committee to support Mr. Cooper in being nominated as Board Chair for 2019. After some discussion the Committee members supported this recommendation.

8. **Application Review – Recommended Approval**

a. Recommended for Approval List (Exhibit A)

PS Exam Application(s) – (1)

1) **Smelker, G.**

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

**Roll call vote taken, voting ‘Yes’:** Mr. Thurow, Mr. Cooper, Mr. Spirock, Ms. 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. **Applications for Review**

1) **PS Exam**

a) **Morgan, D.**

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

2) **PS Endorsement**

a) **Woodin, M. Reconsideration**

**MOTION** by Mr. Cooper to not approve, require 6 hours of additional Surveying Courses, **SECOND** by Ms. Meyers, **PASSED** unanimously.

b. **Disciplinary Cases**

1) **Case 4-PS-07-18-2017 – Complaint Manager’s Report**

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

2) **Case 5-PS-10-18-2017 (B) – Complaint Manager’s Report**

**MOTION** by Ms. Meyers to refer for a Notice of Contemplated Action, **SECOND** by Mr. Spirock, **PASSED** unanimously.

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

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

**4) Case 6-PS-12-13-2017 – Complaint Manager’s Report**

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

**5) Case 7-PS-12-14-2017 – Complaint Manager’s Report**

**MOTION** by Ms. Meyers to refer for a Notice of Contemplated Action, **SECOND** by Mr. Cooper, **PASSED** unanimously.

**6) Case 1-PS-01-08-2018 – Complaint Manager’s Report**

**MOTION** by Mr. Spirock to table until next scheduled meeting, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**7) Case 2-PS-02-12-2018 – Complaint Manager’s Report**

**MOTION** by Mr. Cooper to table until next scheduled meeting, **SECOND** by Mr. Spirock, **PASSED** unanimously.

**8) Case 1-PS-05-11-2016 – Declination of NCA**

**MOTION** by Mr. Cooper to close the case, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**MOTION** by Mr. Thurow that all Pre-NCA settlement agreements can be signed by the Chair without Board review, **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.

**7. Next Scheduled Meeting Date:** August 9, 2018 – Santa Fe, NM

**8. Adjourn**

Meeting adjourned at 12:52 p.m.

Submitted by:

s/ Angelica Urioste  
Angelica Urioste, Executive Assistant

Approved by:

s/ Glen Thurow  
Glen Thurow, Committee Chair

August 9, 2018 Approved Date