

**MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held
1:00 p.m., Tuesday, January 21, 2020,
Hearing Room 1, Toney Anaya Building
2550 Cerrillos Rd., Santa Fe, NM 87505**

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

Members Absent-

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Administrative Manager
Angelica Urioste, BLPEPS, Licensing Administrator
Chuck Cala, PS, Board Investigator
Miguel Lozano, Legal Counsel
Earl Burkholder, PEPS

1. Convene, Roll Call and Introduction of Audience

Mr. Spirock convened the meeting at 1:03 p.m., roll call was taken and a quorum noted. Audience introductions made at this time, Mr. Burkholder introduced himself.

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 approve the agenda as presented, **SECOND** by Mr. Cooper, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes November 6, 2019

MOTION by Ms. Meyers to approve the Minutes of November 6, 2019 as presented, **SECOND** by Mr. Cooper, **PASSED** unanimously.

5. Public Comment/Correspondence

Mr. Valdez informed the Committee there were no items for discussion.

6. Old Business

a. Letter from Mr. Spirock to NM Counties

Mr. Spirock presented a letter he drafted to the New Mexico Counties. He stated the letter follows an action and some discussion the Committee had in 2019. Mr.

Spirock explained the action and discussion involved a case in late December 2019, where a licensee was barred access to the property, by the owner. He further indicated the Committee discussed what to do, it was agreed upon that a letter be drafted up and addressed to the individual counties advising that the local Sheriff is a resource. Mr. Spirock said as a Committee we were not sure if all the Sheriffs were aware that they should be defending the surveyors' right of access. Mr. Spirock requested the Committee review the letter he drafted and if the members are in agreement then it would be sent to the individual counties.

Mr. Thurow asked if it would be appropriate to send a copy to the Sherriff's Association. Mr. Spirock responded in the affirmative that the letter should be provided to the association.

Mr. Spirock indicated there is a case on the agenda where a licensee has the same issue. Mr. Spirock asked Mr. Lozano if the letter is successful on addressing the issue if it would be wise to send it to the county where the surveyor was barred access, so their legal representative or county manager could be notified that their local sheriff needs to be notified.

Mr. Spirock informed the Committee members the letter also contained information regarding the geospatial data to provide guidance to the counties.

Mr. Thurow asked if the term "authoritative location" is defined in the Statutes or Rules. Mr. Spirock responded it is within the Rules. Mr. Thurow stated he saw Mr. Spirock included the definition within his letter.

b. Report to NCESS Award to "Future City" Participants 01/11/2020 at UNM (C. Spirock, Judge)

Mr. Spirock provided a report of the "Future City" event he participated as a judge. He informed the Committee members of the students who participated and the enthusiasm they had. He advised the other members if they have the opportunity to be judges to please do so, it is a rewarding experience.

Ms. Meyers asked Mr. Spirock which schools were represented. Mr. Spirock responded it covered 6th, 7th, 8th graders. Mr. Spirock described the format and the students who participated. He further explained the questions provided by NCEES to ask the students.

c. Status of "white paper" for NTRF2020, NAPGPD2022 and NMSP2022 initiative by NOAA/NGS (Nov. 8 BOL Working meeting discussion)

Mr. Spirock explained there was an error in his PowerPoint presentation, he was informed about it from Mr. Chris Pappas. Mr. Spirock pointed out that longitude will not change.

Mr. Spirock informed the Committee he has been working closely with NMPS along with the contributors, Mr. William Stone and Mr. Michael Dennis, of the slide show he presented at the November meeting. Mr. Spirock stated he heard a rumor that the NOAA/NGS changes may be delayed, that the gravimetric modeling is delayed due to funding concerns. He indicated he is continuing to ask other states how they will be addressing the changes.

Mr. Spirock continued to provide information regarding the changes and which laws may be affected. He has been researching the legislative strategy in which the last changes were made, but has not found any information as of yet.

7. **New Business**

Mr. Valdez informed the Committee there were no items for discussion.

8. **Application Review – Recommended Approval**

a. **Recommended for Approval List (Exhibit A)
PS Endorsement Application(s)**

MOTION by Mr. Thurow to approve Exhibit A, dated January 21, 2020, the recommended for approval applications, **SECOND** by Mr. Cooper, **PASSED** unanimously.

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

MOTION by Mr. Thurow to approve the three requests for retired status **SECOND** by Mr. Cooper, **PASSED** unanimously.

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

MOTION by Mr. Thurow to approve the three requests for inactive 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) 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. Cooper, **PASSED** unanimously.

Roll call vote taken, voting ‘Yes’: Mr. Spirock, Mrs. Meyers, 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 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-10-18-2017(B) – Hearing Officers Report

MOTION by Mr. Thurow to accept the findings of fact from the Hearing Officer and add all prior disciplinary cases against the respondent, **SECOND** by Ms. Meyers, **PASSED** unanimously.

MOTION by Mr. Thurow to issue a Decision and Order that Mr. Benson be subject to a \$7,500 fine plus hearing and investigation costs, and further a two year suspension of his license effective immediately, or upon notice to the respondent, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2) Case 8-PS-11-01-2018

MOTION by Mr. Cooper to reject the request from the respondent for an extension. The respondent be in full compliance, including the payment of the fine by February 4, 2020, if the respondent fails to comply with the settlement agreement additional fines and disciplinary action may occur as stated in the pre-settlement agreement, which could include an NCA, and a copy of the letter to the Counties be provided to Mora County and the Sheriff over the concern of the surveyor of the right of entry to accomplish his survey, **SECOND** by Ms. Meyers,

Mr. Spirock offered an amendment to the motion, to provide a copy of the letter, which was discussed previously on the agenda, to Mora County and the Sheriff. Mr. Cooper accepts the amendment, Ms. Meyers also accepts the amendment.

Mr. Thurow requested the motion be repeated so the minutes may reflect the correct motion.

b. Status Review of Complaints and NCA Referrals

Mrs. Gonzales, in closed session, provided a report to the Committee on the Status of pending cases and referrals for Notice of Contemplated Actions.

c. Applications for Review

1) PS Exams

a) Favela, J.

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

11. Next Scheduled Meeting Date:

- a. April 16, 2020 – Ruidoso, NM

12. Adjourn

Meeting adjourned at 3:00 p.m.