

**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, Administrative Manager  
Miguel Lozano, Legal Counsel  
Liz Compton, Executive Director, Florida Surveyors & Mappers Board  
Earl Burkholder, PEPS  
Thomas Dunn, PS (Texas)

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

Prior to convening the meeting Mr. Spirock read the meeting script regarding the virtual meeting protocols.

Mr. Spirock convened the meeting at 9:07 a.m., roll call was taken and a quorum noted. Audience introductions made at this time, in the audience were Ms. Compton, Mr. Burkholder, and Mr. Dunn.

**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. Thurow to approve the agenda as presented, **SECOND** by Mr. Cooper,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Ms. Meyers, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes April 15, 2020**

**MOTION** by Mr. Cooper to approve the Minutes of April 15, 2020 as presented/amended, **SECOND** by Mr. Thurow,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Ms. Meyers, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

5. **New Business**

a. **Request of Reduction of PDH Requirement for the 2020 and 2021 Renewal Cycles**

Mr. Spirock introduced the item by providing a brief history of the discussion and vote, which failed, from the April Full Board meeting. He reminded the Committee of the NMPS request to reduce the required 30 PDHs to 15 PDHs. Mr. Spirock requested this be placed on the agenda for the Surveying Committee consideration. He explained if this item passes then to present it at the Full Board meeting. Mr. Spirock asked Mr. Valdez what the complications may be.

Mr. Valdez directed the Committee to a report he generated based on the responses from other jurisdictions. He informed the members a similar question was posted to the NCEES Member Board Administrator (MBA) forum. Mr. Valdez shared his screen showing the report of 23 other jurisdictions responding. He reported there were 19 jurisdictions which were not offering a reduction of hours, of those four would consider it on a case-by-case request. He explained there were four states providing a waiver or reduction of hours: Idaho, Nebraska, Nevada, and Puerto Rico. Mr. Valdez informed the Committee the rationale of those jurisdictions not offering a waiver or reduction, they each stated the licensees have two years to earn hours, therefore they have had sufficient time to earn their hours, in addition, the licensees have virtual options to earn hours without having to attend live sessions.

Ms. Compton spoke on what the Florida Board of Surveyors and Mappers decided not to provide a waiver or reduction of hours. She said the decision was based on that the licensees have the time and resources to get their required hours. Ms. Compton stated

Mr. Spirock asked Mr. Valdez of the impact of the required ethics and regular hours if the hours were reduced. Mr. Valdez stated he has not looked at this issue. He further said if the reduction passed it would have to be examined on how to accommodate the carryover.

Mr. Valdez informed the Committee of the discussion and conclusion the Engineering Committee had during their meeting, the day before. He asked if Mr. Lozano had additional comments on the matter.

Mr. Lozano stated the advice was made to the Engineering Committee and would be provided to the Surveying Committee that the PDH requirements apply equally to both the engineers and surveyors and should be a decision of the Full Board. He explained the Engineering Committee took no action on the matter and thought it should be taken to the Full Board for consideration.

Mr. Spirock expressed that the surveyors are unusual in New Mexico and historically majority of them obtain their hours at the spring NMPS conference which was cancelled due to the Corona virus. Mr. Spirock directed a question to Mr. Thurow, who introduced the motion at the April Full Board meeting, if he had additional thoughts based on what was presented.

Mr. Thurow responded that when he introduced his motion he included the engineers and surveyors. He agreed that they could not be separated and recommended the Surveying Committee reach a consensus and not take separate action. Mr. Thurow said it would need a Full Board vote.

Mr. Spirock recommended that the Professional Surveying Committee recommend to the Full Board, at the June 5, 2020 meeting, to accept the request of the NMPS to reduce the PDH requirements for the renewal years 2020 and 2021.

Mr. Cooper disagreed with Mr. Lozano and Mr. Thurow. He explained that there is a distinct separation between the engineers and surveyors, and has always been followed. He elaborated surveying issues are handled by the surveyors and engineering issues are handled by the engineers. He expressed his opinion that if the Engineering Committee wish to have their licensees obtain the required hours then that's fine, but the Surveying Committee can decide if the continuing education hours are required and necessary.

Mr. Spirock agreed with Mr. Cooper and asked if someone wishes to make a motion on the matter.

Ms. Meyers agreed with the idea of autonomy of the decision of the Surveying Committee.

Mr. Lozano stated he did not want to disparage the Surveying Committee's autonomy. He further explained that there are specific rules and specific cases that distinctly distinguish between the surveyors and the engineers, in those

instances the surveyors have the autonomy to make those decisions under the Act. Mr. Lozano indicated in regards to the PDH requirement there isn't a reference between surveyors and engineers, but a requirement for the 30 PDHs. He added the Full Board could agree to separate the requirement with a Full Board vote.

**MOTION** by Mr. Spirock that the Professional Surveying Committee accept 15 PDHs for the renewal cycle 2020 and 2021, as requested by New Mexico Professional Surveyors association, **SECOND** by Mr. Cooper,

**DISCUSSION** on the motion:

Mr. Valdez asked for clarification regarding the vote, if a licensee has 15 PDH carryover will that suffice for renewal or will the licensee be required to earn the 15 PDHs within the renewal year.

Mr. Cooper answered that it wasn't necessary to discuss the details of this because it may not pass at tomorrow's Full Board meeting. Mr. Cooper directed the Committee to the rules, 16.39.2.3, and requested Mr. Valdez to place on the rule on the screen. He asked Mr. Lozano if he based his opinion on this section? Mr. Lozano responded the renewal requirement was applied across the board and there was no distinction between the requirement for engineers and surveyors. Mr. Lozano said he had not considered section 16.39.2.3 in his conclusion and it may support his conclusion. Mr. Cooper asked that if the law is silent on the matter one way or the other, it is subject to interpretation? Mr. Lozano replied that was true and his interpretation arises not just from the PDH law but also from the law regarding other aspects including applications. He continued stating there are other instances where there is a clear distinction between the surveyors and engineers but with the PDH requirement there was not a clear distinction.

Mr. Cooper responded that the carryover should be counted towards the renewal of the license.

Mr. Thurow provided a brief history of the language in the Act, under section 61-23-9.C. He informed the members that prior to the language being adopted there was a problem with some matters being addressed by the Full Board which should have been brought to the Surveying Committee. Mr. Thurow read the section. He continued explaining the PDH requirement is not exclusive to the Surveying Committee or the Engineering Committee, therefore, the action should be done by the Full Board. Mr. Thurow explained that if the Full Board allowed the surveyors to reduce the requirement then it could be done.

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Ms. Meyers, Mr. Cooper

**Voting 'Nay':** Mr. Thurow

**PASSED.**

**b. Recommendation to Full Board regarding Rules Committee language for Basis of Bearing.**

Mr. Spirock presented the item of the proposed language change for the Minimum Standards of Surveying regarding basis of bearing. He stated the members should have the draft language of two options in their packets which the Rules Committee is considering as their final recommendations.

Mr. Spirock noted one of the options is to adopt the language recommended by NMPS, which includes Mr. Burkholder's recommended changes applying to boundaries only. He explained that the other optional proposed language was authored by himself, after consideration and discussion in the Rules Committee. This language changes the definition of basis of bearing to where it would apply to all types of surveys, with the exception of Improvement Location Reports (ILR). Mr. Spirock requested the Professional Surveying Committee make a recommendation as to which language be presented to the Full Board for their consideration.

Mr. Thurow asked if the Rules Committee took into consideration the letter from the past president of NMPS, Mark Marrujo? Mr. Spirock responded in the affirmative that it was taken into consideration.

Mr. Spirock explained that if the language was taken literally we would only change the basis of bearing as it applies to boundary surveys. He explained that at first it began as innocuous removing the word 'elevation' from the requirement to post the basis of bearing. Mr. Spirock said the Rules Committee looked at that language and asked if it would apply to photogrammetric surveys, control surveys, etc. He noted that was how the second optional language was authored, which is to define what a basis of bearing is. He further noted that later in the language it applies to all classifications of surveys, except for ILRs. Mr. Spirock added that language from NCEES was also included.

Mr. Thurow stated he had no objection for both options to be presented at a rules hearing for further discussion.

Mr. Spirock concluded this item proceeds with no recommendation and proceeds as normal to the Full Board.

**c. Election of Officers**

Mr. Spirock asked Mr. Valdez if any nominations had been received from the Committee members. Mr. Valdez responded that he had not received any. He informed the Members of the decision and vote the Professional Engineering Committee took regarding their officers.

**1) Committee Chair**

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

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Ms. Meyers, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

**2) Vice Chair**

**MOTION** by Mr. Thurow to nominate Mr. Spirock for Committee Vice Chair, **SECOND** by Mr. Cooper,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Ms. Meyers, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

**6. Application Review – Recommended Approval**

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

**MOTION** by Mr. Cooper to approve Exhibit A, dated June 4, 2020, the recommended for approval applications, **SECOND** by Mr. Spirock,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Ms. Meyers, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

**7. Executive Session**

**MOTION** by Mr. Spirock 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

**8. 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)

*\*\*\*Ms. Meyers left the meeting at 11:30 a.m.\*\*\**

**a. Disciplinary Cases**

**1) Case 7-PS-11-14-2014**

**MOTION** by Mr. Spirock to close the case, **SECOND** by Mr. Thurow,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

**b. Applications for Review**

**1) PS Exam**

**a) Landaverde, L.**

**MOTION** by Mr. Thurow to approve for the PS Exam, **SECOND** by Mr. Cooper,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

**2) PS Endorsement**

**a) Nolte, M.**

**MOTION** by Mr. Thurow to approve for PS endorsement, **SECOND** by Mr. Cooper,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

b) **Phillips, D.**

**MOTION** by Mr. Thurow to approve for PS endorsement,  
**SECOND** by Mr. Cooper,

**Roll call vote taken:**

**Voting 'Aye':** Mr. Spirock, Mr. Cooper, Mr. Thurow

**PASSED** unanimously.

9. **Next Scheduled Meeting Date:** August 6, 2020 – Albuquerque or Virtual

10. **Adjourn**

Meeting adjourned at 11:53 a.m.