

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held 9:00 a.m.,  
Thursday, November 3, 2016, Executive Board Room,  
Science & Technology Park, UNM  
851 University Blvd., Albuquerque, New Mexico

**Members present-** Cliff Spirock, PS, Committee Chair  
Glen Thurow, PS  
Augusta Meyers, Public Member

**Members Absent-** David Cooper, PS

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Brian McBain, BLPEPS, Team Leader  
Sami Romero, BLPEPS, Executive Assistant  
Miranda Baca, BLPEPS, Compliance Officer  
Naomi Velasquez, BLPEPS, Licensing Manager  
Kara Szkotak, Legal Counsel  
Ron Forstbauer, CNM, Audience  
Amy Ballard, CNM, Audience  
Corina Chavez, Audience  
Antonio Martinez, Audience  
John Bronisz, Audience  
Matt Smith, Audience  
Brian Martinez, Audience  
Michael Wiegel, Audience  
Anaissa Salgado, Audience  
Will Plotner, NMPS, Audience  
Chris Medina, NMPS, Audience  
Chris Pappas, NMPS, Audience  
Kalsey Chavez, Audience  
Charles Cala, Audience

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

Mr. Spirock convened the meeting at 9:16 am, roll call was taken and a quorum noted.  
Audience introductions made at this time.

2. **Meeting Notification**

Mr. Valdez informed the Board that the meeting was noticed in the Albuquerque Journal as well as the Board's website.

3. **Approval of Agenda**

**MOTION** by Mr. Thurow to move item number 9-c to follow after item number 5-c, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**MOTION** by Mr. Thurow to approve the agenda, **SECOND** Ms. Meyers, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of August 11, 2016**

**MOTION** by Mr. Thurow to accept the minutes as presented, **SECOND** by Ms. Meyers, **PASSED** unanimously.

5. **New Business**

a. **A. Martinez – Reconsideration for PS Exam**

Mr. Martinez addressed the Board inquiring about his application for the PS exam not being approved. In the letter addressed to him from the board it stated that he was not approved per 16.39.5.8. Mr. Valdez stated that he also has a bachelor's degree from Highlands University. The Board's decision was based on his experience. Mr. Spirock informed Mr. Martinez of the normal protocol for applications. Mr. Thurow asked Mr. Martinez if he is a certified Surveyor Intern, Mr. Martinez stated that under the advice of his supervisor he did not turn in a SI application and went straight for the PS exam. Mr. Martinez stated that he has now submitted a SI application. Mr. Martinez informed the Board that he has already taken the Fundamentals of Surveying Exam.

b. **C. Chavez – Related Science Experience Requirements**

Mr. Valdez informed the Board that Mrs. Chavez believes that the related science degree requirements are too strict. The requirements for licensure with the related science degree are 8 years of field experience, 4 years for certification and 4 years for licensure.

Mrs. Chavez stated in the last board meeting that with reviewing the related science degree she doesn't believe that someone should have to dedicate 13 years of experience. Mr. Spirock stated that on a personal level he is concerned about the

amount of surveyors coming into the profession. He reiterates that there are 3 items that are considered when an applicant applies, the statute, the administrative code, and policy advisories. Mr. Spirock states that later on in the agenda there is an option for their input on possible changes for the rules.

Mr. Plotner asked Mr. Thurow that to be considered an intern you have to have 4 years of experience and passed the test, it doesn't matter the order. Mr. Thurow states that the exam itself is open, however there are other requirements to becoming a SI. After the SI you need 4 years of additional of progressive experience after the FS exam. Mr. Valdez states that this requirement has been in effect since 1999.

Mr. Martinez asks why he was not approved, Mr. Thurow explains it is required to have 4 years of experience subsequent to the SI certification. Mr. Thurow asked Mr. Martinez if he submitted his business degree as a related science degree, Mr. Martinez responded with 'Yes'.

Mr. Ron Forstbauer stated for the related science degree, that one of the required courses is only obtainable at New Mexico State University, he asked if there will be a separate consideration for this. Mr. Spirock stated that item is on the agenda for today, but fears that it may be withheld until the January meeting for Mr. Cooper's attendance. Ms. Meyers thanks the audience for their diligence and concerns.

c. **Arizona Board Invitation as Observer for State Specific Exam Questions.**

Mr. Spirock informed the Committee that he went to Arizona to review their state specific exam requirements. Mr. Spirock stated New Mexico will most likely go the route of a mail out exam and the additional questions that were requested are currently being vetted. Mr. Spirock commented that in Arizona he went through the drill that one would for creating questions. Mr. Spirock also said that he hopes for this to be implemented later on in the year. Mr. Plotner stated his concern for a take home test that is multiple choice.

a. **NMSU Surveying Program Status**

Mr. Thurow stated that he and Mr. Valdez met with Dr. Reddi to gain a clearer insight as to what was happening. The information they received is that the structure of the program is what needs to change. It is Mr. Thurow's understanding that NMPS and New Mexico State University are working closely together to create a new curriculum. At this time they are still accepting transfer students into the program and are looking to unveiling the new curriculum in the

summer of 2017. Mr. Thurow stated that he met with legislators to see if the amount that was taken from our Fund Balance could be used towards the curriculum update and funding of a professor for UNM. Mr. Spirock asked if Mr. Thurow was suggesting that the Board's reserves be used for the program at New Mexico State University. Mr. Thurow stated that was the sentiment of the Full Board during the August meetings. His separate question was if it is feasible to earmark the funds for New Mexico State University. Mr. Thurow asked for a quick update from Mr. Plotner and from Mr. Pappas. Mr. Valdez informed the Board that the idea of the new program would have to be presented and approved by the senate faculty, which has yet to happen. Mr. Pappas stated that NMPS has been working closely with New Mexico State University. He would like something to show the Board that they are looking into doing a redesigned program to allow new students to start in the spring semester. He states that New Mexico State University did ask NMPS to assist with the funds for facility to teach the new program, Mr. Pappas is optimistic about this program. He states that in a meeting today they will write a detailed letter of what they expect to happen. Mr. Spirock asked Mr. Pappas if the curriculum will be outlined by January. Mr. Pappas stated that it is currently outlined and needs to be approved before going public. Mr. Spirock asks Ms. Ballard if the current CNM courses that will be accepted by New Mexico State University, under the new Surveying program, she stated that with the curriculum change the articulation agreement will need to be revisited to ensure that everything will be retained.

Mr. Chris Medina asked for clarification from Mr. Spirock on his comment about the Board being "Held hostage by New Mexico State University" Mr. Spirock stated that he would like to have clear language for any school to step in instead of language for just one school.

Mr. Plotner asked Mr. Spirock if members of the public or NMPS could be a part of the subcommittees. Mrs. Szkotak states that it would be inappropriate to invite a single member of the public into subcommittees.

6. **Executive Session** –

**MOTION** by Ms. Meyers 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. Thurow, **PASSED** unanimously.

Roll call vote, voting 'Yes' - Mr. Spirock, Mr. Thurow, Ms. Meyers

7. **Action on Items Discussed During Executive Session**

Mr. Spirock brought the Committee back into open session and affirmed that it only discussed 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.

a. **Disciplinary Cases**

1) **Case 11-PS-09-14-2012 – Default Order**

MOTION by Mr. Thurow to approve the default order, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2) **Case 3-PS-07-01-2015 – Settlement Agreement**

MOTION by Ms. Meyers to approve the settlement agreement, **SECOND** by Mr. Thurow, **PASSED** unanimously.

3) **Case 11-PS-09-25-2013 (Regensburg vs Lawler)– Fulfilled Default Order**

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

4) **Case 08-08-30 (BLPEPS vs Clower) – For Closure**

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

5) **Case 06-05-44**

MOTION by Mr. Thurow directing staff to respond to the respondent's attorney, **SECOND** by Ms. Meyers, **PASSED** unanimously.

b. **Self-Reporting**

None to discuss

c. **Status Review of Complaints and NCAs**

d. **Applications for Review**

6) **SI Certification**

a) **Echavarria, M.**

MOTION by Mr. Thurow to not approve for not meeting the educational requirement, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**b) Martinez, A.**

**MOTION** by Mr. Thurow to not approve for not meeting the educational requirement, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**7) PS Exam**

**a) Martinez, A. – Reconsideration**

**MOTION** by Mr. Thurow to not approve for not meeting the educational requirement, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**8) PS Reinstatement**

**a) Sisneros, J.**

**MOTION** by Mr. Thurow to approve, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**8. Public Comment/Correspondence**

**a. E. Burkholder – NM Minimum Standards**

Mr. Valdez stated that he received an e-mail from Mr. Burkholder addressing the Minimum Standards. Mr. Spirock stated that he has a comment responding to Mr. Burkholder. The issue Mr. Burkholder has is with the definition of 'Basis of bearing' that has been presented to the Board in the past. Mr. Thurow stated that the intent is to simply obtain sufficient data to recalculate how the individual came up with the coordinates on the plat. Mr. Spirock asked Mr. Valdez to respond to Mr. Burkholder informing him that this matter has already been addressed by the Board.

**9. Old Business**

**a. Status of PS Investigator RFP**

Mr. Valdez informed the Board that the RFP process for the investigator has been finalized and sent to General Services Division (GSD), to decide if it is a professional service RFP or general service RFP. Mr. Valdez stated that he is in contact with RLD to understand what the status is concerning the RFP and was just told that it is with GSD. Mr. Thurow inquired if the engineering RFP contract went through GSD as well, and if so what was the time frame. Mr. Valdez stated that it did go through GSD and the timeframe was about a week.

b. **S. Lingo – Questions regarding Case 6-PS-11-10-2015**

Mr. Cala informed the Board that he is here for any questions that the Board may have in regards to a report that the Board had acted on this past summer. Mr. Valdez stated that the letter that was sent, by Ms. Lingo to the Board, is available for review in the FTP stating that new evidence had been discovered and would like the Board to review it. Mr. Thurow stated that the case was closed in June and that the Board has no further action to address. If Ms. Lingo chooses she can pursue this in civil court.

**MOTION** by Mr. Thurow to send a letter to Ms. Lingo informing her that the Board has no further action to address, if she chooses she may pursue this as a civil matter in court, **SECOND** by Ms. Meyers, **PASSED** unanimously.

c. **PSC Sub-Committee Reports on Pathways to Licensure Issues**

**1) Process and Qualifications to Licensure (C. Spirock and D. Cooper)**

Mr. Spirock stated that he and Mr. Cooper meet twice and that the current statute does not need to be amended. Changes to the Administrative Code should be deferred until there is clear language submitted.

**2) Language and Definitions Relating to Licensure (G. Thurow and A. Meyers)**

Mr. Thurow stated that he and Ms. Meyers have not met, however he believes that the Board already has a clear and concise definition that's contained within the Administrative Code and the Practice Act. Mr. Thurow stated that he is not prepared to make any changes until the situation at NMSU is solidified and any changes discussed now would be premature. Mr. Spirock stated that there should now be no subcommittees for the next meeting.

d. **A discussion item for possible changes to the Statute and Rules.**

**1) Language Changes Corresponding to "Curriculum"**

**2) Statutes 61-23-27-.3 and 61-23-27.4**

**3) Rule 16.39.5.8**

**MOTION** by Mr. Thurow that items for possible changes to the Statute and Rules be tabled until the January meetings, **SECOND** by Ms. Meyers, **PASSED** unanimously.

10. **Next Scheduled Meeting Date:** January 26, 2017 – Santa Fe, NM

11. **Adjourn**

Mr. Spirock adjourned the meeting at 12:13 pm.

Submitted by:

Approved by:

s/ Sami Romero

s/ Cliff Spirock

Ms. Sami Romero, Executive Assistant

Mr. Cliff Spirock, Committee Chair

January 26, 2017 Approved Date