

## MINUTES

**MEETING OF THE PROFESSIONAL SURVEYING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held 9:00 a.m.,  
Thursday, August 11, 2016 Hearing Room 2, Toney Anaya Bldg.  
2550 Cerrillos Rd., Santa Fe, New Mexico**

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

**Others Present-** Perry Valdez, BLPEPS Executive Director  
Sami Romero, BLPEPS, Executive Assistant  
David Montoya, BLPEPS Licensing Manager  
Naomi Velasquez, BLPEPS Compliance/Licensing  
Miranda Baca, BLPEPS Compliance  
Kara Szkotak, Attorney General's Office, Legal Counsel  
Dylan K. Lange, Office of the Attorney General  
James Rivera, NMPS, Audience  
David Acosta, NMPS, Audience  
Lyle A. Kretz, NMDOT, Audience  
Amy Ballard, CNM, Audience  
Mark Marrueo, NMPS/NMDOT, Audience  
Ron Forstbauer, CNM, Audience  
Jason Smith, NMDOT, Audience  
Conrad Roybal, NMPS/NMDOT, Audience  
Chris Pappas, NMPS/NMDOT, Audience  
Tres Hicks, NMPS, Audience  
Corina Chavez, CNM, Audience  
Michael Wiegel, CNM, Audience

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

**a. Timothy Williams, AAG**

Mr. Spirock convened the meeting at 9:01 am, roll call was taken, a quorum noted. Audience and introductions were made at this time. The introduction of Mr. Timothy Williams from the AG's office as the Board's new prosecuting attorney was made at this time.

**2. Meeting Notification**

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

Enter Ms. Meyers 9:05 am

**3. Approval of Agenda**

Mr. Spirock asked the Board to consider changes to the agenda: moving 'New Business' before item 5. 'Public Comments and Correspondence', D) striking after last decimal and left as part 5, D) discussion of the Board policies, E) licensing statistics follow up of Mr. Crowley and Mr. Vigil with Mr. Cooper.

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

**4. Approval of Minutes****a. Minutes of June 2, 2016**

**MOTION** by Mr. Thurow as presented, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**5. Public Comment/Correspondence****a. NMPS Support of the Surveying Degree Requirement - D. Acosta and C. Medina**

Mr. Acosta addressed the Board stating that he's drafted a letter from NMPS to reflect their opinions. With learning that NMSU may no longer offer their surveying program it is critical for the public welfare that the degree requirement is kept, otherwise it would set forth a subpar standard and a diminished quality in work will take place. Their purpose is to ensure those that are interested in the surveying field are educated properly to ensure the surveying work done within the State is completed correctly. NMPS and the Board are here to preserve the profession and their professional standard.

Mr. Thurow comments that he's sympathetic for their standpoint, however if there is no school in the State offering a 4 year degree in surveying, he asked how that could be a requirement.

Mr. Acosta states that he would like to maintain the 4 year degree requirement to protect the public as well as the profession, and would like to see another University pick up a similar education requirement.

Mr. Marrueo stated that a related science degree at CNM would still be offered.

Mr. Plotner asked how is that going to effect the licensure program. There won't be any change in licensing for a few years because of the 'teach out' program.

Mr. Cooper asks if anyone would be compelled to venture out of state to complete the education requirement because of the chance that the surveying program at NMSU is discontinued. Mr. Cooper feels that it would be an unfair requirement, if the program is cancelled at NMSU, to ask for a 4 year degree and ask any professionals looking to be licensed in New Mexico to venture out of state for schooling. The Board needs to ensure that there is more than one venue to gain licensure in the state of New Mexico.

Mr. Medina addressed the Board, as a profession the Board is looking to protect the welfare of the public, he understands that there is a reduction in the applications for tests nationwide. Mr. Medina feels that the bar is lowered by creating alternate paths to licensure. He believes something needs to be done to bring surveyors back to the profession. He states he is prepared to do what it takes to keep the 4 year degree, looking at other schools and other programs that are offered.

Mr. Pappas stated that he comes from a state that does not offer a 4 year degree program and requires a 4 year degree for licensure. Mr. Spirock asks for a subcommittee of Mr. Thurow and Ms. Meyers to look at other states alternative paths of licensure. Another subcommittee of Mr. Cooper and himself will review other states and their procedures for licensure. Mr. Spirock stated that he will create a guideline for the subcommittees. Mr. Medina asks if a member from the public can be added to the subcommittee that the Chair has created. Mr. Spirock stated no, it's only for the Board and Board members, Mr. Medina can place his input at a later time.

Mr. Spirock asks for a motion for a special meeting in September. Mr. Thurow asks to delay until the regular scheduled meeting, or delay until after the Regents of NMSU meet.

**MOTION** by Mr. Thurow to have a Special Meeting after the Board of Regents for NMSU has met, by no later than October 15, 2016, **SECOND** by Ms. Meyers, **MOTION PASSED**. Nay vote by Cliff Spirock

## **6. New Business**

### **a. CNM Surveying Program – Possibility of a 2 year Associate Degree – R.**

#### **Forstbauer**

Ron Forstbauer- Surveying instructor at CNM he states currently they have 2 degree programs. 2 year degree associates at CNM and then transfer to NMSU. The other is a certificate program, which is heavily reliant on courses. He states

that CNM is prepared to create an additional pathway if NMSU discontinues is surveying and engineering program. It's understood that NMSU will teach out the remaining students that they have in the program. Mr. Cooper asked if there is a timeframe that could be expected of the programing continue for 3 years. Mr. Thurow stated that because of the fluctuating state of the information it's best to keep this in the back of everyone's mind until something is stated.

Mr. Thurow states that his understanding is that the courses offered in the program would be changed significantly.

Mr. Spirock asks what the cost per credit hour is an estimated \$32 per credit hour, if NM residents were to go to CNM for a surveying program.

**b. NMSU Surveying Program Status**

Mr. Spirock stated that in a newspaper it was mentioned that NMSU will stop providing the Engineering and Surveying program at their university. Mr. Spirock informed the Board and the public that he's created a timeline, He continues saying it's a limited timeline between now and December that something can be done, acted on or discuss changes to the engineering and practice act.

Mr. Throw states that he would like to disclose that the opinions made are not to be reflected of the full Board and simply the individual. Mr. Thurow stated from what he's learned, the decision to cut the program is not yet completed. At this time they are not currently accepting new students. Mr. Thurow stated that he's met with CNM for surveying engineering program, as a possible option, if the 4 year degree is canceled at NMSU that the licensing laws be amended. He continues that he's met with NM PS and they have a more aggressive approach to attempt to retain the program. He states he's also met with the dean of engineering at NMTECH, but they are very interested in starting a program if the program at NMSU is cancelled. Mr. Thurow stated that he's been a long supporter of the Engineering and Surveying degree program at NMSU.

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

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

No discussion held

**2) Rule 16.39.5.8**

No discussion held

**MOTION** by Mr. Thurow to move item 6. e. to the end of the agenda after item 10., **SECOND** by Mr. Cooper, **PASSED** unanimously.

**7. Old Business**

a. **Sal Vigil**

Mr. Cooper stated that there was no update. This item has been tabled until the next meeting

b. **Crowley**

Mr. Valdez informed the Committee that correspondence has not yet been sent. This item is tabled until the next meeting.

8. **Application Review – Recommended Approval**

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

PS Exam Application(s) (*1 Applicant*)

PS Endorsement Applications (*4 Applicants*)

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

1) Visage, R.

**MOTION** by Mr. Cooper to approve Exhibit A as well as Mr. Visage's retirement status, **SECOND** by Ms. Meyers, **PASSED** unanimously.

9. **Executive Session**

**MOTION** by Mr. Thurow that the Board go into closed executive session to discuss only those matters listed on the agenda under executive session, pursuant to NMSA 1978 section 10-15-1 (H) (1), **SECOND** by Ms. Meyers, **PASSED** unanimously.

**Roll call vote taken, voting 'Yes':** Mr. Spirock, Mr. Cooper, Mr. Thurow, Ms. Meyers.

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

a. **Disciplinary Cases**

1) **Case 1-PS-05-11-2016 Complaint Manager's Report**

**MOTION** by Mr. Thurow that an NCA be issued against the respondent with a \$500.00 fine as well as a letter of reprimand, **SECOND** by Ms. Meyers, **PASSED**.

**Recused** vote by Mr. Cooper.

2) **Case 1-PS-01-30-2014 (Hubert vs Keen) - Fulfilled Settlement Agreement**

**MOTION** by Mr. Thurow that the Board close the case, **SECOND** by Mr. Cooper, **PASSED** unanimously.

3) **Case 11-PS-09-14-2012 Proposed Default Order**

**MOTION** by Mr. Thurow to table for further information **SECOND** By Ms. Meyers, **PASSED** unanimously.

4) **Case 11-PS-09-25-2013(B) (BLPEPS v Benson) Decision and Order**  
**MOTION** by Ms. Meyers to accept the Decision and Order, **SECOND** by Mr. Cooper, **PASSED** unanimously.

b. **Self Reporting**

5) **TWP-07-08-2016**

**MOTION** by Mr. Thurow that no action be taken, **SECOND** by Mr. Cooper, **PASSED**.

**Abstained** vote by Mr. Spirock

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

Discussed, no action taken

d. **Applications for Review**

6) **PS Exam**

a) **Martinez, A.**

**MOTION** by Mr. Thurow to not accept, he does not meet the requirements in the Engineering and Surveying Practice Act 61.23.7.4 as well as the Administrative Code 16.39.8.G. **SECOND** Ms. Meyers, **PASSED** unanimously.

6. e. **PS Investigator New Contract**

Tabled until the end of the meeting or further tabled for tomorrow's meeting  
Mr. Spirock suggests an RFQ (Request for Qualifications) instead of an RFP for the contract. Mr. Thurow suggests to keep the RFP process, and defers to Legal Counsel.

**MOTION** by Mr. Thurow that the Board direct the Executive Director to articulate an RFQ and work with Legal Counsel to determine whether the document is ethical and if it's within The State Procurement Code to issue the RFQ. **SECOND** by Ms. Meyers, **PASSED** unanimously.

Exit Mr. Cooper 12:21

11. **Next Scheduled Meeting Date:** November 3, 2016 – Albuquerque, NM

12. **Adjourn**

**MOTION** by Mr. Thurow to adjourn the meeting, **SECOND** by Ms. Meyers, **PASSED** unanimously.

Meeting adjourned at 12:30 pm.

Submitted by:

Approved by:

s/ Sami Romero  
Ms. Sami Romero, Executive Assistant

s/ Cliff Spirock  
Mr. Cliff Spirock, Committee Chair

November 3, 2016 Approved Date