

MINUTES

SPECIAL MEETING OF THE PROFESSIONAL SURVEYING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held at 10:00 a.m.  
Friday, December 11, 2015, Main Conference Room  
Souder Miller & Associates, 3451 Candelaria Rd. NE, Ste. D  
Albuquerque, NM

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

**Members Absent-** Clifford Spirock, PS

**Others Present-** Perry Valdez, BLPEPS Executive Director  
Sami Romero, BLPEPS Executive Assistant  
Charles Cala, PS  
William Plotner, PS  
Christopher Medina, PS  
Joe Solomon, PS  
Allen Grace, PS

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

Mr. Cooper convened the meeting at 10:08am. Roll call was taken and a quorum noted. Audience introductions were made at this time.

**2. Meeting Notification**

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 is, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**4. Public Comment/Correspondence**

Mr. Valdez informs the Committee that Mr. Plotner addressed the Committee at their January 2015 meeting requesting a policy advisory. His concerns are addressing the shape of the stakes for monuments and the sheet size for plats stated in the Minimum Standards. Mr. Cooper believes that Mr. Plotner's concerns regarding the sheet size

were addressed in the proposed changes, as for the monuments, these warrant further discussion.

**5. Old Business**

a. Discussion of Proposed Changes to 12.8.2 NMAC (Minimum Standards for Surveying in New Mexico)

**1) 12.8.2.1 – Issuing Agency**

No comments made regarding the changes.

**2) 12.8.2.2 – Scope**

No changes.

**3) 12.8.2.3 – Statutory Authority**

No changes.

**4) 12.8.2.4 – Duration**

No changes.

**5) 12.8.2.5 – Effective Date**

Mr. Valdez informs the committee that State Records and Archives places this date within the document after all changes are approved and decided on.

**6) 12.8.2.6 – Objective**

Mr. Thurow states that Mr. Spirock expressed his concern for the language “Standard of Care” and what it could imply from a legal standpoint. Mr. Spirock suggested the language of “professional competency and performance”. Mr. Thurow asks if professional competency and performance could be perceived differently from a legal standpoint and expresses concern for its change. Mr. Thurow asks Ms. Meyers how she perceives the language professional care and competency. Ms. Meyers expresses her concern for the additional language, she asks to ensure that the excess language is necessary to avoid conflict and misunderstanding from the public. Mr. Thurow states that he would not like to state exactly what the position of a surveyor might do so as not to limit the practice of surveying, but to create a general understanding that provides the freedom needed for the licensee, but have the same understanding for all what is

expected of them. Mr. Cooper asks if you can gauge performance. Mr. Cooper solicits response from Mr. Plotner and Mr. Grace from NMPS. Mr. Plotner states that he believes either language is acceptable. Mr. Grace states that he feels the additional language would be good. Mr. Cala states that he feels this is a good change to update the administrative code and what it's related to.

#### **7) 12.8.2.7 – Definitions – Types of Surveying**

**1. Boundary surveying** - Mr. Thurow states that he feels it is very reasonable, and requests further review for the definitions for boundary surveys to ensure that they would be all inclusive as well. Mr. Thurow feels that the sentence "Other types of surveying, except as indicated," should either be clarified or removed. Mr. Cala asks what the benefit of the sentence is. Mr. Cooper asks for the sentence to be removed. Mr. Plotner states that he's just thinking of other types of surveys that are not included in boundary surveys. Mr. Plotner states that he is nervous for the easement surveys and right of way surveying Mr. Cala addresses Mr. Plotner and states that as surveyor should know what is required of the surveyor when doing these surveys, he expresses concern that surveyors might be unaware of what is required of the for the surveyor for these instances. It would go back to showing the professional care and competency of the licensee. Mr. Thurow states that we will keep this conversation for further addressing later on without the document. Easement and right of way surveys. Striking additional language for boundary surveying.

**2. Improvement location reporting** - No changes.

**3. Topographic surveying** - Mr. Thurow makes small grammatical changes to the proposed language. Mr. Cooper adds "right-of-way maps".

**4. Easement surveying** - Mr. Cooper states that he is uncomfortable with stating that easement surveying is boundary surveying. Mr. Cala addresses Mr. Cooper explaining why he feels that easement surveying is boundary surveying. Mr. Plotner states you could add that this is not a boundary survey. Mr. Cala adds that if a surveyor has to survey an easement corridor across a site that starts on the south end and traverses across to a public right of way, the surveyor should know the boundary of

the property. Mr. Thurow states that this would then change the cost of the survey and how it effects the public. Mr. Plotner states that he feels that easement surveys should be stated that they are not a boundary surveying. Mr. Grace states that he is in agreement with the definition of monumentation on easement surveys. Mr. Cooper states that this a review of the definition of easement surveys. Mr. Plotner states that he disagrees with the monumentation and the boundary.

**5. Right of way surveying** - Mr. Thurow suggests removing “the” before Boundary Surveying.

**6. Condominium surveying** - No changes.

**7. Preparation of legal description** - No changes.

**8. ALTA/ACSM** – Mr. Thurow states that there are cases where the client asks for no monumentation be made, yet the Minimum Standards states that monumentation must be made; in which directly effects the public because of the cost of the survey that is completed. Ms. Meyers feels that the public needs to be educated as to what is required in a survey. Mr. Cooper states that this concern is addressed in the definition of the “Professional competency and performance” where it states that the surveyor needs to advise the client of what is required of them. Mr. Cala states that he agrees with the addition of “A plat of survey must be recorded”, however he advises the committee that he feels there is going to be a lot of objection and comment because of its addition. Mr. Thurow states that this should be flagged for further review because of the comment, possible objections and the direct effect that it has on the public. Approved ALTA surveys definition as written.

**9. Control surveying** - No comments made regarding the changes.

**10. Unclassified surveying** - No changes.

**Sections C., D., and E.** – No changes, except for adjusting the assigned section letters.

**Section F.** - becomes section G - Track or lot – No changes.

**Section H.** - becomes section I. - GPS – No comments made regarding the additional language.

**Section I.** - becomes section J – Classes of surveys – number 4 Positional error now becomes Section K.

**Section L.** – Positional accuracy – No comments made regarding the changes.

**Section J.** - becomes section M. - GNSS – No comments made regarding the additional language.

**Section K.** - becomes section N. - Geospatial – No comments made regarding the additional language.

**Section O.** - OPUS – No comments made regarding the additional language.

**Section P.** – Digital Geospatial Data – No comments made regarding the additional language.

**8) 12.8.2.8 – Requirements**

No changes.

**9) 12.8.2.9 – Boundary Surveying**

**Section A.** - No comments made regarding the changes.

**Section E.** - No comments made regarding the changes.

**Section G.** - Mr. Cooper states that he is uncomfortable with the language of “current Manual of Survey” due to certain circumstances that may arise. Mr. Grace suggests that they remove the word, “current”. Mr. Thurow and Mr. Cala suggest the replacement of “current” with “applicable”.

**Section J. – “Plat of the survey...”** – No comments made regarding the changes.

**5. “a description of all monuments...”** – Additional language added, “(Of the equivalent if other than round)”.

**6. Basis of bearings** - Mr. Cooper asks for “assumed bearings” be removed from its suggested location in part (d) and adds “Assumed bearings are prohibited” to the end of the part.

**10., 14., 17., 18., and 19.** – No comments made regarding the changes.

**Section K.** – The added language of “Except for extraordinary circumstances...”, Mr. Plotner states that he believes this would bog down the board. Mr. Grace feels that it would give licensees a loop hole to not record a plat. Mr. Medina states that in writing these, the main focal point was protecting the public. He also feels that this would bog down the board with circumstances that would require review. After a lengthy discussion, Mr. Cooper states that he would like to remove “Except for extraordinary circumstances specifically approved by the Board” and during the rule hearing Mr. Spirock can dispute his case during the rule hearing and possibly proceed with an advisory opinion.

**10) 12.8.2.10 – Improvement Location Report**

No comments made regarding the changes.

**11) 12.8.2.11 – Topographic Surveying**

Striking the added language “(control surveying)...”.

**12) 12.8.2.12 – Easement Surveying**

Mr. Plotner states that he would like it to be stated if it is a boundary survey or not, he states that in the previous discussion of easement surveys that the language was removed “Other types of surveying, except as indicated, are not boundary surveying”. Mr. Cooper states that nowhere is it specified that an easement survey is not in a boundary survey. Mr. Plotner states it would need to be removed in section 12.8.2.7. Mr. Cooper agrees and asks that the additional language in that section be removed.

Section D. – Additional language of “Unless the easement runs parallel to the boundary of the tract,”

**13) 12.8.2.13 – Right of Way Surveying**

**Section B** - Addition of “available, relevant” and remove “known to be available to the surveyor” for readability and to coincide with previous language addition.

No further changes to the proposed language.

**14) 12.8.2.14 – Control Surveying Reporting**

No comments made regarding the proposed language.

**15) 12.8.2.15 – Unclassified Surveying**

Mr. Cooper, Mr. Thurow, Mr. Plotner, Mr. Medina, And Mr. Grace express great concern for the additional language from Mr. Spirock. Mr. Cooper asks for the additional language to be removed.

**16) 12.8.2.16 – Accuracy**

Striking proposed additional language from Mr. Spirock, regarding digital geospatial data.

**17) 12.8.2.17 – Monuments**

No comments made regarding proposed changes.

**18) 12.8.2.18 – General**

No changes made.

**MOTION** by Mr. Thurow to approve the minimum standards as addressed and edited today (December 11, 2015) and be sent to the State Records and Archives for publication for a rules hearing. **SECOND** by Ms. Meyers **PASSED** unanimously.

**b. CBT Committee Status Update**

Tabled by Mr. Cooper

**6. New Business**

a. **Determination on Whether to Proceed to Rule Hearing on Proposed Changes to 12.8.2 NMAC**

Mr. Cooper tables this item until the January 14, 2015 meeting due to the circumstance that State Records and Archives needs to edit and approve the documents before proceeding.

7. **Next Scheduled Meeting Date:** January 14, 2016 – Santa Fe, NM

8. **Adjourn**

**MOTION** by Mr. Thurow to adjourn **SECOND** by Mr. Cooper **PASSED** unanimously.  
Meeting adjourned at 1:12 pm.

Submitted by:

Approved by:

s/ Sami Romero

s/ David Cooper

Ms. Sami Romero, Executive Assistant

Mr. David Cooper, Committee Chair

January 14, 2016 Approved Date