

## **Minutes of**

Meeting of the Professional Surveyors Committee  
of the Board of Licensure for Professional  
Engineers and Professional Surveyors held 10:00  
a.m. November 13, 2014, Board Office, Hearing  
Room 2, Santa Fe, NM

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

**Others Present** Perry Valdez, Acting Executive Director, BLPEPS  
Ericca Lopez, Licensing Manager, BLPEPS  
David Montoya, Licensing Manager, BLPEPS  
Naomi Velasquez, Compliance Officer, BLPEPS  
Rick Word, Board Attorney  
Amanda Allred, PS  
Pete Dominici

### **1. Convene, Roll Call and Introductions of Audience**

Ms. Meyers convened the meeting at 10:04 a.m. Roll call was taken and it was noted that a quorum of the Committee was present.

Ms. Amanda Allred and her attorney Mr. Pete Dominici presented themselves as guests to the committee.

### **2. Meeting Notification**

The meeting was noticed in the Albuquerque Journal and the board's website.

### **3. Approval of Agenda**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Thurow, **PASSED** unanimously  
**VOTED:** To approve the agenda as presented.

### **4. Approval of Minutes**

#### **a. Minutes of August 14, 2014**

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Cooper and **PASSED** unanimously  
**VOTED:** To approve the minutes of August 14, 2014 as presented.

**5. Public Comment/ Correspondence**

None at this time.

**6. New Business**

**a. A. Allred- Case 11-10-04**

Ms. Allred and her attorney gave a brief synopsis of the case that was brought against her and asked that the board reconsider the matter in light of evidence that wasn't previously presented. The evidence provided by Ms. Allred and Mr. Dominici showed that the survey Ms. Allred initially performed was a mineral survey and not a boundary survey as was previously thought was performed when the case was decided on. After some discussion it was noted that there were areas of misconception that were cleared up. One area of confusion stemmed from the plat not having the description of what type of survey was done, a mineral survey. Based upon the evidence, mineral surveys do not follow the same minimum standards, it is considered an unclassified survey.

Mr. Word also informed the committee about a meeting, regarding this evidence, which was previously had with Ms. Allred, Mr. Dominici, Mr. David Cooper, Mr. Perry Valdez and Ms. Naomi Velasquez.

Mr. Cooper stated he would not be involved in any actions or discussions regarding a decision on this matter as he was the investigator in the matter.

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Chavez, **PASSED** unanimously **VOTED**: To rescind the order approving the settlement agreement and to dismiss the underlying complaint upon which the agreement was based, this decision is based on additional information provided to the Board. We further move that the record related to this matter shall be modified as appropriate to reflect this decision.

Mr. Cooper recused himself from this matter.

Mr. Thurow stated the Committee is redefining this under an unclassified survey for a mineral survey instead of a property boundary survey and therefore a different set of criteria are applied.

**b. Statutes 61-23-21 and 61-23-27.9- Registration of Firms**

This item was tabled.

**c. Proposed Statute Change 61-23-27.1 D**

This item was tabled.

**d. Discussion on Amendment to Statute Chapter 37-1-27**

This item was tabled.

**7. Old Business**

None at this time.

**8. Executive Session**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Cooper,  
**VOTED:** To enter into executive session to discuss items listed on the agenda pursuant to NMSA 1978, Sections 10-15-1(H)(1) and (3) to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license; to deliberate on pending cases; and to discuss pending litigation.

**Roll Call- Voting Yes:** Mr. Cooper, Mr. Chavez, Ms. Meyers and Mr. Thurow.

**8a. Actions on Items Discussed During Executive Session**

Ms. Meyers brought the committee back into open session by affirming 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).

**a. Disciplinary Cases**

**1. Case 10-PS-8-2-2012**

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To issue a default order based on failure to respond. Respondent ordered to pay \$1000 fine and ordered to correct the plat.

Mr. Cooper recused himself from this matter and did not participate in the discussion leading up to the decision.

**2. Case 11-PS-9-14-2012**

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To issue a default order to correct the plat and pay \$100 fine.

**3. Case 12-PS-10-8-2013**

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Chavez and **PASSED** unanimously  
**VOTED:** To rescind the previous motion to issue an NCA and that this case be dismissed because of a lack of enforceable violations.

Mr. Cooper recused himself from this matter and did not participate in the discussion leading up to the decision.

## **b. Status Review of Complaints and NCAs-**

The committee was given a report on the status of all pending complaints and NCAs.

## **c. Applications for Review**

### **1. PS Exam**

- a) Andress, R.**
- b) Clark, C.**
- c) Coleman, S.**
- d) Curtis, C.**
- e) Elaksher, A.**
- f) Reyes, A.**

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Cooper, **PASSED** unanimously  
**VOTED:** To approve all applications to take the PS Exam.

### **2. PS Endorsement**

- a) Gustafson, J.**
- c) Pringle, C.**
- d) Ruckman, D.**

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Chavez, **PASSED** unanimously  
**VOTED:** To approve the applications for PS Endorsement.

### **b) McDaniel, S.**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Thurow, **PASSED** unanimously  
**VOTED:** To not approve Mr. McDaniel's application for endorsement due to a lack of 18 semester hours in surveying.

### **3. PS Reinstatement**

- a) Dalager, B.**
- b) Edwards, J.**

**MOTION** by Mr. Chavez, **SECONDED** by Mr. Cooper, **PASSED** unanimously

**VOTED:** To approve the applications for PS Reinstatement.

**4. PS Applicants for Retired Status**

- a) **McNees, J.**
- b) **Perce, G.**

**MOTION** by Mr. Thurow, **SECONDED** by Mr. Cooper, **PASSED** unanimously  
**VOTED:** To approve the applicants for PS Retired Status

**9. Next Scheduled Meeting Date** – February 5, 2015- Santa Fe

**10. Adjourn**

Ms. Meyers adjourned the meeting at 1:46 p.m.

Submitted By:

s/ Ericca Lopez  
Ms. Ericca Lopez, Executive Secretary

Approved By:

s/ Augusta Meyers  
Ms. Augusta Meyers, Committee Chair

January 22, 2015 Approved Date