

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure for Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Thursday, January 26, 2016, Hearing Room 1,
Toney Anaya Building, 2550 Cerrillos Rd.,
Santa Fe, NM. 87505

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

Others Present- Perry Valdez, BLPEPS, Executive Director
David Montoya, BLPEPS, Licensing Manager
Miranda Baca, BLPEPS, Compliance Officer
Sami Romero, BLPEPS, Executive Assistant
Kara Szkotak, Legal Counsel
Amy Ballard, CNM Associate Dean, Audience
Aneissa Salgado, CNM, Audience
Corina Chavez, CNM, Audience
Ron Forstbauer, CNM, Audience
Chris Pappas, NMPS, Audience
Miguel Echavarria, Audience

1. Convene, Roll Call and Introduction of Audience

Mr. Spirock convened the meeting at 9:03 am, roll call was taken and quorum noted.
Audience introductions made at this time.

2. Meeting Notification

Mr. Valdez informed the committee that 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 amended agenda moving 'Old Business' before
'New Business', **SECOND** by Mr. Cooper, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of November 3, 2016**

MOTION by Ms. Meyers to approve the minutes of November 3, 2016 as presented, **SECOND** by Mr. Cooper, **PASSED** unanimously.

5. **Public Comment/Correspondence**

a. **Forstbauer, R- Related science requirements**

Mr. Forstbauer stated the related science degree pathway for licensure is the reason for his correspondence. He elaborated that students who already have a four-year degree in a related science, which is acceptable by the Board, to obtain certification there is an experience requirement that is burdensome. Mr. Forstbauer indicated there is an inequality between the related science degree path and the surveying degree path, the experience for certification should be two years instead of the four currently required; whereas a four-year surveying degree requires no experience. He requested the approved course listing outlined in the policy advisory opinion to include two additional courses to the mandated four; he also informed the Committee that one of the acceptable courses is not available. Mr. Forstbauer stated that currently he is only aware of two locations in the state these courses are available, NMSU and CNM in Albuquerque, with the addition of the two courses he requested, it would allow the students and State more flexibility. Mr. Spirock stated online courses are available that may qualify for the requirements. Mr. Spirock asked how that will relate to Mr. Forstbauer's plans. Mr. Forstbauer replied that taking online courses creates a disadvantage missing the face to face portions and working with the tools, there is also a large cost difference between the online courses. He continued to state that with taking the courses at a place like CNM or NMSU you see the majority of the courses taken in one place. The courses listed on the advisory opinion in the alternate curriculum, there are 18 courses, and some courses on that list that are only available through NMSU, which could create a hardship for students. Mr. Forstbauer informed the Committee of CNM's plan to initiate an Associates in Applied Science Surveying degree which will concentrate specifically in surveying, while the existing degree concentrates in general education requirements such as math, physics, English, etc. and transfers directly to NMSU where the student will pick up the majority of the surveying courses. Mr. Valdez stated with the new rule changes the course listing now supersedes the policy advisory opinion. Mr. Thurow stated that under the current Administrative Code the surveying measurement analysis and adjustments is not a requirement. Mr. Thurow also stated the policy should then

be withdrawn to eliminate confusion. Mr. Cooper indicated he would like to reiterate what was discussed at a prior meeting that if the course requirements for the degree are unavailable within the state then it would be unreasonable to ask the students to travel out-of-state to obtain them. Mr. Thurow asked Mrs. Ballard if there is a photogrammetry course available, she responded that there is not a specific stand-alone course dedicated to it.

Mr. Echavarria stated he has a related science degree in geography and applied for the Surveyor Intern certification and was not approved. He reported he found some online courses in Wyoming he would like to propose as supplements to fulfill his education requirements. Mr. Spirock asked if the institutions would be acceptable to the Board. Mr. Thurow stated that he would like to clarify, his application was not approved because he lacked some of the core courses that are required, related to the public land survey system and boundary law. Mr. Echavarria will leave a package for the Committee to review.

6. Old Business

a. Status of PS Investigator RFP

Mr. Valdez informed the Committee members of the status of the RFP for the PS investigator. The dates have changed and they will be extended back about 4-5 days. The evaluation will be done and the finalist will be selected, and the contract should be awarded by February 21st. Mr. Cooper asked how many cases are pending, Mr. Valdez responded there are two pending investigation.

b. NMSU Surveying Program Status

Mr. Valdez informed the Committee members he emailed NMSU requesting a timeline and any other information he could receive regarding the surveying program. Since the Senate Faculty has not yet met there was no notification until after that meeting has happened. An invite was extended to the Board to meet with Dr. Reddi, the Dean of Engineering, at the NMPS Conference. Mr. Spirock stated the timing on when a revised program is important. Mr. Pappas stated March 2nd is when the final approval should be completed. Mr. Pappas stated he was told NMSU is accepting students, however he has not seen any specific listed courses or spoken to anyone who has enrolled.

Mr. Thurow requested from Mrs. Ballard information regarding the articulation with NMSU. Mrs. Ballard stated they do not have a whole lot of direction from NMSU currently, regarding the NMSU surveying program. She sent an email to Sonia Cooper who is the Associate Dean at NMSU and Thomas Jenkins. A meeting took place with CNM and NMSU on December 16th, and it was discovered that NMSU is changing the name of the program to geomatics and reducing the number of credits to 120, and an outline of the courses was provided. NMSU does intend to keep the articulation agreement with CNM. Mrs. Ballard stated she is cautiously optimistic for NMSU to offer a curriculum and courses online. NMSU is open to transferring over more of CNM's courses and open to more collaboration. She is looking forward to what the future has for the students and the courses. Mr. Thurow asked how they are advising students at this time. Ms. Ballard stated NMSU is informing students that the courses will be continued but at this time there are still some very large unknowns. She stated the students are handling it as best as possible.

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

Mr. Spirock reported this is committee work that he and Mr. Cooper have been working on. Mr. Spirock stated he would like a change to the Administrative Code, that this will be discussed during a Rules Committee meeting as a discussion item for possible changes to the rules.

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

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

2) **Rule 16.39.5.7 - 16.39.5.8**

Mr. Spirock presented the draft documents to start the proposed rule changes. He requested any rule changes be deferred until after the Legislation session to incorporate any changes adopted and approved to the Engineering and Surveying Practice Act.

MOTION by Ms. Meyers to present the items to the Rules Committee during the Full Board meeting, **SECOND** by Mr. Cooper, **PASSED**.

One vote of 'Nay' from Mr. Thurow.

Mr. Cooper, for discussion, suggested instead of going through the process of a rule hearing the Committee might issue a policy. Mr. Cooper stated when these

proposed changes are codified it does not allow the Board flexibility regarding how curriculum is defined, where a policy would. He stated the statute is very specific as to the requirements. Mr. Cooper said a rule may be a detriment to the Board's flexibility.

e. **State Exam Update on Questions**

Mr. Valdez stated until the Committee votes on a date for the exam to be provided as a take home exam the exam will continue to be administered the way it has been. Mr. Pappas indicated NMPS would like to be involved in reviewing and vetting the exam questions. Mr. Valdez stated until the rules are modified a mail out exam may not be completed. Mr. Thurow requested for Legal Counsel's input. Mrs. Szkotak stated the rules are vague and silent and do not specify if a mail out exam can be completed, however, a specific date needs to be set and not arbitrary as to when the Board is mailing them out. The Board is required to hold at least two exams biannually in person. Mr. Spirock asked if August is a reasonable timeframe. Mr. Valdez responded if the questions were presented and vetted today, August is an acceptable time frame. Mr. Cooper requested for a tentative date to be set for this to happen. It was decided to set the time frame for August 2017.

7. **New Business**

a. **NMPS Conference**

Mr. Pappas informed the Committee the NMPS Conference will be held the 24th and 25th of March at Sandia Resort. There is a portion scheduled for the Board, if any member would like to present. Mr. Spirock stated that there would have to be a limited amount of members to avoid a quorum to adhere to the open meetings resolution. Mr. Pappas stated it would be beneficial to have an informative presentation.

Mr. Cooper responded that a decision should be made to inform Mr. Pappas who would be in attendance. Mr. Thurow asked for notification to be sent that while the Board will not have a meeting, a quorum will be present. He volunteered to speak to the statute changes for the first hour. Mr. Spirock stated that the Board could present for at least one hour of a two hour session. Mr. Valdez will coordinate with Mr. Pappas and the members to solidify their involvement.

b. **PS Licensure Statistical Information**

Mr. Valdez informed the Committee he placed this on the agenda to report on the fiscal year statistical information Ms. Baca and he prepared. He noted the licensing activity for Fiscal Year 2016 shows a decrease in active licenses. Mr. Valdez stated upon further research there were a lot of licensees who retired, failed to renew, or have passed away. Mr. Spirock stated he requested further data from Mr. Valdez on the number of in-state and out-of-state licensees. Mr. Cooper asked if this information could be shared with NMPS and CNM. Mr. Valdez stated this information could be shared. Mr. Forstbauer requested for an age demographic to be considered to be added to that, he stated it would be helpful. Mr. Valdez would look into this request, to verify if age demography data is possible through the database reports.

8. **Application Review- Recommended Approval**

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

PS Endorsement Application (2 Applicants)

MOTION by Mr. Thurow to accept staff recommendations to approve the applications of Mr. Bryant and Mr. Gonzales-Ocasio, **SECOND** by Mr. Cooper, **PASSED** unanimously.

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

- 1) Chato, J.
- 2) Crutchfield, D.
- 3) Helsel, L.

c. **PS Inactive Status Request(s)**

- 1) Green, P.
- 2) Pacheco, R.
- 3) Porter, M.
- 4) Rogers, R.

MOTION by Mr. Thurow to accept the retirement and inactive status requests, **SECOND** by Ms. Meyers, **PASSED** unanimously.

Mr. Cooper requested for the dates of birth be redacted from the reports and in the future since these are public documents. Mr. Valdez responded that he and staff will ensure to remove the date of birth from future lists.

Mr. Spirock requested information on the license renewals. Mr. Valdez stated that as of January 25th there are 20 surveyors and one dual licensee that have yet to renew.

9. Executive Session

MOTION by Ms. Meyers that the Committee enter into a 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'- Ms. Meyers, Mr. Thurow, Mr. Spirock, Mr. Cooper

10. 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) (3)

a. **Disciplinary Cases**

1. 7-PS-11-14-2014

MOTION by Mr. Thurow for a \$5,000 to be paid by March 31, 2017 and two cease and desist orders issued to the individual and corporation, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2. 11-PS-09-14-2012 – Review of corrected boundary survey plat

MOTION by Mr. Thurow to accept the corrected plat and request that the respondent file the corrected plat with the appropriate county authority, **SECOND** by Ms. Meyers, **PASSED**.

Recusal by Mr. Cooper.

3. 3-PS-07-01-2015 – Review of corrected boundary survey plat

MOTION by Ms. Meyers to accept the corrected boundary plat and close the case and request the respondent file the corrected plat with the county authority, **SECOND** by Mr. Cooper, **PASSED** unanimously.

b. **Self-Reporting**

Ms. Miranda Baca stated there were no items to report.

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

Ms. Baca provided a report to the Committee on the status of all pending complaints and NCAs.

d. **Applications for Review**

1) **SI Certification**

a) **Martinez, A. - Reconsideration**

MOTION by Mr. Cooper to not approve due to not meeting the educational requirements, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2) **PS Endorsement**

a) **Crowley, A. – Reconsideration**

MOTION by Mr. Cooper to table indefinitely, **SECOND** by Mr. Thurow, **PASSED** unanimously.

b) **Higgins, S.**

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

11. **Next Scheduled Meeting Date:** April 20, 2017 – Rio Rancho, NM

12. **Adjourn**

Meeting adjourned at 12:25 p.m.

Submitted by:

s/ Brian McBain

Mr. Brian McBain, Team Leader

Approved by:

s/ Cliff Spirock

Mr. Cliff Spirock, Committee Chair

April 20, 2017 Approved Date