

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 9:00a.m.,
Thursday, November 2, 2017,
New Mexico Workers' Compensation Administration Building,
2410 Centre Ave SE, Albuquerque, NM

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

Members Absent-

Others Present- Perry Valdez, BLPEPS, Executive Director
Angelica Urioste, BLPEPS, Executive Assistant
Felicia Martinez, BLPEPS, Licensing Administrator
Miranda Baca, BLPEPS, Compliance Officer
Marylou Poli, Legal Counsel
Chuck Cala, Investigator

Ms. Meyers arrived at 9:10a.m.

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

Mr. Thurow convened the meeting at 9:05a.m., roll call was taken and a quorum noted.

2. **Meeting Notification**

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

3. **Approval of Agenda**

MOTION by Mr. Cooper to remove item 9., d. Applications for Review, 1) PS Endorsements, a) Carlson, C. and to approve the agenda with the modification, **SECOND** by Mr. Spirock, **PASSED** unanimously.

4. **Approval of Minutes**

a. **Minutes of August 10, 2017**

MOTION by Ms. Meyers to amend the Minutes of August 10, 2017 with the following language: Mr. Cooper went into detail on the Basis of Bearing as to why it is effective, as written in the Minimum Standards, and do not need to be changed, **SECOND** by Mr. Spirock, **PASSED** unanimously.

5. **Public Comment/Correspondence**

No items discussed.

6. **Old Business**

a. **Mail-out Exam Status**

Mr. Valdez stated that he was pleased to announce the first Mail-out Exam was sent out on October 26th. He indicated there was an issue with the exam database but the problem has been resolved. Mr. Valdez mentioned a challenge sheet has also been sent with the exams. Mr. Valdez reported three questions were allowed to be challenged on each Mail-out Exam, fifteen exams were mailed out and should be receiving them back before the 30 day deadline.

b. **NMSU Surveying Program Update**

Mr. Thurow stated Central New Mexico (CNM) and New Mexico State University (NMSU) are now working closely together to proceed with offering Online Courses. Mr. Thurow mentioned Professor Ron Forstbauer is advocating for Online Courses and has requested a letter of support from the Professional Surveying Committee for the CNM Program. He will present letters to the Governing Board.

MOTION by Mr. Spirock to issue a letter to the Governing Board of the CNM Program in support of the Surveying Program and the Chair will author the Letter of approval VIA email, **SECOND** by Ms. Meyers, **PASSED** unanimously.

c. **Proposed Change to the Engineering and Surveying Practice Act**

Mr. Spirock stated last year during the legislative session, Mr. Forstbauer and Ms. Ballard from CNM spoke before the Committee about the current requirements for those applicants with related science degrees. Mr. Forstbauer stated how these applicants require four- years of work experience to qualify for Intern Certification and how this is a disadvantage for Surveyors. Mr. Spirock mentioned proposed language was approved at the June 2017 Full Board meeting to amend the language of the Engineering and Surveying Practice Act from four years to two years. It was suggested by Mr. Spirock that this item be entertained for minor amendment changes to the Surveying and Engineering Practice Act and would like to resubmit this matter. Mr. Thurow objected to this, he expressed his reservations about opening the Act again.

MOTION by Mr. Spirock to find a sponsor for the amended language, shortening the requirement from 4 years to 2 years, **SECOND** by Ms. Meyers, **PASSED**, with one Nay from Mr. Thurow.

7. **New Business**

a. **Chairman Review of Policy Advisories and Advisory Opinions**

Mr. Thurow stated it was suggested by Mr. Spirock to review the Policy Advisories and Advisory Opinions. He mentioned he wanted to make the change on Geodesy, the asterisk from number 8 to number 9 to meet Mr. Forstbaur's concerns. Also, he mentioned it would be best to do an internal archive and remove all information from main website due to the many changes that have been done. It was discussed by Board to place item on next scheduled meeting for further discussion.

MOTION by Ms. Meyers to make the change to the Policy Advisory regarding Academic Qualifications, **SECOND** Mr. Cooper, **PASSED** unanimously.

8. **Application Review – Recommended Approval**

No items discussed.

9. **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. Spirock, **PASSED** unanimously.

Roll call vote taken, voting 'Yes': Cliff Spirock, David Cooper, Augusta Meyers, Glen Thurow.

Ms. Meyers left at 12:08p.m.

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

Mr. Thurow 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).

a. **Disciplinary Cases**

1) **Case 7-PS-11-14-2014**

No further action, advisory update.

2) **Case 1-PS-03-30-2017**

MOTION by Mr. Spirock to close due to the 10 year statute of limitation, **SECOND** by Mr. Cooper, **PASSED** unanimously.

3) Case 2-PS-04-07-2017

MOTION by Mr. Spirock to refer for an NCA to pursuant to Rules 12.8.2.9 (7) and (15), **SECOND** by Mr. Cooper, **PASSED** unanimously.

4) Case 1-PS-05-27-2015-Hearing Officer's Report

MOTION by Mr. Cooper to accept the Hearing Officer's report and one-year suspension of the respondent's license to include a \$5,000 fine in addition all associated costs of the Hearing and investigation, **SECOND** by Mr. Thurow. The motion failed: One vote Aye, one vote Nay from Mr. Spirock, and one abstention from Mr. Thurow.

Mr. Thurow abstained from voting since he was the Hearing Officer.

MOTION by Mr. Spirock to accept the Hearing Officer's report and one-year suspension of the respondent's license to include a \$3,000 fine in addition all associated costs of the Hearing and investigation, **SECOND** by Mr. Cooper, **PASSED** with one abstention.

Mr. Thurow abstained from voting since he was the Hearing Officer.

MOTION by Mr. Spirock to recommend the Chair direct the Executive Director to issue a letter of concern to the State of NM Taxation and Revenue Department concerning the respondent in the above case 1-PS-05-27-2015. The letter will advise the Taxation and Revenue Department there may be a possibility of non-compliance of Taxation and Revenue regulations, **SECOND** by Mr. Cooper, **PASSED** with one abstention.

Mr. Thurow abstained from voting since he was the Hearing Officer.

5) PS Investigator- Interactions with AG's Office

No action taken, discussion only.

b. Self-Reporting

No items discussed.

c. Status Review of Complaints and NCAs

Ms. Baca provided a report to the Committee on the Status of pending cases and referrals for NCAs.

d. Applications for Review

1) PS Endorsements

a) Carlson, C.

Item removed from Agenda.

b) Dorf, A.- Reconsideration

This item was discussed, no further action taken. The Committee's decision from the previous review remains the same.

11. Next Scheduled Meeting Date: January 12, 2018 – Santa Fe, NM

12. Adjourn

The meeting adjourned at 12:30 p.m.

Submitted by:

s/ Angelica Urioste
Mrs. Angelica Urioste, Executive Assistant

Approved by:

s/ Glen Thurow
Mr. Glen Thurow, Committee Chair

January 12, 2018 Approved Date