

## MINUTES

**MEETING OF THE PROFESSIONAL SURVEYING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held 9:00 a.m.,  
Thursday, June 2, 2016, Auditorium, NM DOT District 3  
7500 Pan American, NE, Albuquerque, New Mexico**

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

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
David Montoya, BLPEPS, Licensing Manager  
Naomi Velasquez, BLPEPS, Compliance Officer  
Jennifer Salazar, Office of the Attorney General  
Ravi Sham, Office of the Attorney General  
Charles Cala, PS, Investigator  
Anthony Crowley, Audience  
Jesus Favela Jr., Audience

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

Mr. Cooper convened the meeting at 9:16 am, roll call was taken and a quorum noted. Audience introductions were made at this time.

**2. Meeting Notification**

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

**3. Approval of Agenda**

**MOTION** by Mr. Valdez to amend the agenda for Mr. Crowley, moving item 8. d. 2. a) to 8. d. 1. c), **SECOND** Mr. Thurow, **PASSED** unanimously.

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

Mrs. Salazar introduces Mr. Ravi Sham from the Attorney General's Office.

**4. Approval of Minutes****a. Minutes of April 14, 2016**

**MOTION** by Mr. Spirock to approve the minutes of April 14, 2016 as is,  
**SECOND** by Mr. Thurow, **PASSED** unanimously.

**5. Public Comment/Correspondence****a. A. Crowley – Reconsideration for Licensure**

Mr. Crowley addressed the Board and stated that when he transferred his transcripts from Oklahoma State University and the University of Wyoming to the University of North Texas the transcripts did not merge correctly because the University of North Texas did not have similar courses. He stated that he's provided a spreadsheet of the courses and how he believes they apply to section 16.39.5.7. Mr. Thurow verified that there are 3 educational institutes and inquired why the hours from the University of Wyoming and the transcripts from Oklahoma State University were not correctly quantified in his University of North Texas transcripts. Mr. Crowley replied by stating that the courses were credited, however the system was not able to find a similar course at University of North Texas to place them under. His geography degree was received from University of North Texas. He stated that he also has a certificate in GIS. In his letter from the Board about his rejections, there are 12 categories of classes, 4 of which are core curriculum classes needed for licensure, he stated that there is a discrepancy in the occupations for professional licensing 16.39.5.7. Section c16.a-b between the two stating that the 4. He stated that going by that section he has 11 hours, if going by the PS advisory he would need to take an advance surveying class. Mr. Thurow asked Mr. Crowley if his petition is to take the PS exam, Mr. Crowley replied "Yes".

**b. S. Vigil – Advisory Opinion on extracting a small parcel from a larger parcel.**

Mr. Valdez informed the Board that there is correspondence available to them from Mr. Vigil asking for guidance on extracting a smaller parcel from a larger parcel for surveying a plot of land. Mr. Spirock stated that he's not quite sure how to clarify the position. It would depend on the work that you're contracted to do. Mr. Thurow stated that in the 2000 Minimum Standards there was a section addressing this, he believes it was removed because it was an unnecessary burden on the public. Mr. Cooper stated that an advisory opinion was requested, and asked if there is a need for an advisory opinion when this is stated in the law. Mr. Cooper continued, stating that he's been asked this

question a minimum of 3 times recently. Mr. Thurow responded stating that he believes this request should be taken and weighed against the documents sighted for assistance in this matter if the Minimum Standards are silent. Mr. Spirock stated that he feels this is a matter that will be difficult to formulate a clear advisory opinion. Mr. Cooper stated that one of the key issues he relays to the individuals is that it is paramount that whatever you do when you're going to portray the larger parcel that you do not imply to the public that you did survey it. Exclusionary language is prohibited by the Board, you need to clearly and adequately inform the public that a boundary survey was not performed. Mr. Thurow asked if it is in their purview to advise Mr. Vigil the portion of the law where his question is answered. Mr. Cooper stated that he feels the committee should make an advisory opinion for the sole purpose to depict that the larger parcel carries responsibilities to the public.

**MOTION** by Mr. Spirock to table this item until Mr. Cooper has the opportunity to draft an advisory opinion, **SECOND** by Ms. Meyers, **PASSED** unanimously.

## 6. New Business

### a. Election of Officers

#### 1) Chair

**MOTION** by Mr. Thurow to nominate Mr. Spirock, **SECOND** by Ms. Meyers, **PASSED** unanimously.

#### 2) Vice-Chair

**MOTION** by Mr. Thurow to nominate Ms. Meyers, **SECOND** by Mr. Spirock, **PASSED** unanimously.

## 7. Old Business

### a. CFedS Continuing Education as Renewal PDHs

Mr. Valdez informed the committee that this was a discussion that he and Mr. Thurow had back in August of 2013. The PS Committee voted and decided that they would accept CFedS training towards PDHs. Mr. Valdez continued stating that CFedS requires additional courses to maintain their certification as well. He questioned how many hours the Surveying Committee would allow with the CFedS continuing education. Ms. Meyers asked for an explanation of CFedS. Mr. Thurow explained that CFedS stands for Certified Federal Surveyor, a special program that is propagated by the Bureau of Land Management to perform surveys on certain federal lands such as Indian Trust Lands. It's a very extensive

course that requires several exams, once completed you're issued a license from the federal government that allows you to perform federal surveys in the area that you are licensed in. Mr. Thurow continued stating that his question to the Board is since CFedS requires 6 continuing education hours to maintain CFedS certification, how many of those credits would the Board accept for their State license renewal. Mr. Thurow states that because of his involvement with CFedS he abstains from further discussion on this topic. Mr. Spirock stated that he feels an hour for hour credit would be best because of the extensive work that is involved. Mr. Spirock asked Mr. Thurow, based on his experiences what he feels would be the best correlation between the two. Mr. Thurow states that although he does not feel comfortable adding to the conversation because of his CFedS status that 10 PDHs to 1 hour of CFedS training would be appropriate. Mr. Cooper stated that he does not believe that this is incumbent upon the Board, it would be up to the individual to review the course work and decide for themselves.

Requested for this item to be placed on the August agenda

**b. Status of NM Minimum Standards of Surveying**

Mr. Valdez stated that the minimum standards are with State Records and Archives. Mr. Valdez continues stating that State Records and archives had informed him that a repeal and replace should have been done due to the amount of changes being made in the Minimum Standards. Mr. Valdez informed them that we will have to keep the changes under amendments because of how the changes were advertised, however for future changes that will be kept in mind. The changes should be filed by next week, which is when an effective date will be established.

**c. Disciplinary Fines Table – Procedures Section**

Mr. Valdez stated this was placed on the agenda to inform the Board that the fines table has been updated and is available on the FTP site for use as a resource. He continues stating that the only portion that was not included was the language regarding consent orders and procedures. Mr. Valdez stated that Mr. Word expressed concern for the language within that portion and asked that Mr. Valdez hold off on placing that language within the document. Mr. Spirock stated that he believes less is more with this document and asked for additional consolidation with the violations.

**8. Executive Session**

**MOTION** by Ms. Meyers 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 and 3) **SECOND** by Mr. Spirock.

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

**9. Action on Items Discussed During Executive Session****a. Disciplinary Cases****1) Case 4-PS-08-08-2014 (Bryson vs Andrae) - Fulfilled Settlement Agreement**

**MOTION** by Mr. Spirock to close the case, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**2) Case 1-PS-05-27-2015 Complaint Manager's Report**

**MOTION** by Mr. Spirock to request an NCA with no option for early settlement, **SECOND** by Mr. Thurow, **PASSED** unanimously.

**3) Case 1-PS-05-27-2015(B) Complaint Manager's Report**

**MOTION** by Mr. Thurow to issue an NCA along with a court junction for cease and desist, **SECOND** by Mr. Spirock, **PASSED** unanimously.

**4) Case 3-PS-07-01-2015 Complaint Manager's Report**

**MOTION** by Mr. Thurow issue an NCA with an early settlement agreement option of \$500.00 with a corrected and reviewed plat, **SECOND** Ms. Meyers, **PASSED** unanimously.

**5) Case 6-PS-11-10-2015 Complaint Manager's Report**

**MOTION** by Mr. Spirock to dismiss, **SECOND** by Mr. Thurow, **PASSED**.  
**Recusal by Mr. Cooper**

**b. Self Reporting**

No action taken

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

No action taken

**d. Applications for Review****1) PS Exam**

- a) Favela Jr., J.
- b) Thomas, T.

MOTION by Mr. Cooper to approve both PS Exam applications, SECOND Mr. Thurow, **PASSED** unanimously.

**2) PS Endorsement****a) Crowley, A. – Reconsideration**

MOTION by Mr. Thurow for his application to be taken under further revision. Staff will communicate with Mr. Crowley if there are any additional courses required. Item tabled until August meeting, SECOND Mr. Spirock, **PASSED** unanimously.

- b) Barela, L.
- c) Baxley, C.
- d) Bryant, M.
- e) Buchele, P.
- f) Faulkner, M.
- g) Lipscomb, B.
- h) Neer, D.
- i) Orris, D.
- j) Ozment, S.

MOTION by Mr. Thurow that PS endorsement applications b) through j) be accepted, SECOND Ms. Meyers, **PASSED** unanimously.

**3) PS Reinstatement****a) Valdez, G.**

MOTION by Mr. Thurow that Mr. Valdez be reinstated, SECOND by Ms. Meyers, **PASSED**

**Recusal by Mr. Cooper**

**10. Next Scheduled Meeting Date: August 11, 2016 – Santa Fe, NM**

**11. Adjourn**

Meeting adjourned at 12:17 pm

Submitted by:

Approved by:

s/ Sami Romero  
Ms. Sami Romero, Executive Assistant

s/ David Cooper  
Mr. David Cooper, Committee Chair

August 11, 2016 Approved Date