

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 9:00 a.m.,
Thursday, November 5, 2015, Room 114M,
Dona Ana Community College, Espina Campus
Las Cruces, New Mexico

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

Others Present- Perry Valdez, Executive Director, BLPEPS
David Montoya, Licensing Manager, BLPEPS
Rick Word, Legal Counsel, Via Telephone
Chuck Cala, PSC Investigator
James Farren, Audience
Amanda Allred, Audience

1. Convene, Roll Call and Introduction of Audience

The meeting was convened at 9:21. Roll call was taken, a quorum noted. Audience introductions were made: James Farren, Chuck Cala, and Amanda Allred.

2. Meeting Notification

The meeting was noticed in the Albuquerque Journal, as well as, the Board's website.

3. Approval of Agenda

MOTION by Mr. Thurow to move item 7 forward ahead of item 6, **SECOND** by Ms. Meyers, **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of August 14, 2015

MOTION by Mr. Thurow to approve the minutes as presented, **SECOND** by Ms. Meyers, **PASSED** unanimously.

5. Public Comment/Correspondence

a. Consideration for Licensure by Endorsement
1) Christensen, B.

Mr. Valdez informs the committee that Mr. Christensen sent correspondence in regards to his application for licensure through comity.

MOTION by Mr. Thurow that Mr. Christensen's request be moved to executive session for deliberation, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2) Farren, J.

Mr. Valdez informs the committee that Mr. Farren is present to answer any questions that the committee may have to aid in their deliberations. Mr. Thurow asks the applicant if he has a statement that he would like to make. Mr. Farren states that he was permitted to take the exam in 2003, but did not pass. He did not try to take the exam again until he moved to Farmington in 2012. Mr. Thurow states that in reviewing the applicant's information he finds no record of formal education, he asks if there is any formal education from public institutions. Mr. Farren states that he went to junior college for a year as well as conferences. Mr. Farren states he doesn't understand why he was approved in 2003 to take the exam and now he isn't able to take the exam. He indicates that he has researched the rules and they haven't changed. Mr. Spirock would like the committee to look at Mr. Farren's experience.

MOTION by Mr. Thurow to have further discussion in regards to Mr. Farren's case in executive session, **SECOND** by Ms. Meyers, **PASSED** unanimously.

7. Old Business

b. Case 11-10-04 – A. Allred

Mrs. Allred addresses the Committee reminding them of the last time she was in front of them, that they removed the disciplinary action against her regarding Case 11-10-04 and requested she file a corrected plat. She updates the Committee of work that is being done by the New Mexico DOT (Department of Transportation). Mrs. Allred wanted to make the Board aware of the circumstances, regarding the survey plat she was requested to file, but hasn't because of the work that the DOT is doing to acquire the right-of-way. Mr. Thurow states that the Board is asking for a 4th plat to correct some of the

anomalies of the first plat. Mr. Cooper states that this was not a boundary survey, he does not recall why the Board had previously been asked to file the mineral survey and it could cause additional litigation. Mr. Cooper feels that mineral survey should not be recorded. Mr. Valdez states that the initial complaint was seen as a boundary survey and that the resulting action was based upon that. Mr. Valdez further states that the Committee determined that both the mineral and boundary should be in place and that the mineral survey state on the plat that it is a mineral survey.

MOTION by Mr. Thurow to have further discussion regarding Ms. Allred's case in executive session, **SECOND** by Ms. Meyers, **PASSED** with one "Nay" vote from Mr. Spirock

6. New Business

a. PS Investigator - Record Research Policy

Mr. Cala addresses the committee stating that the first 11 cases are backlogged cases that he had concerns with information, that was provided to the Board, that was available was illegible. He asks that further information that is provided to the Board be ensured that it is legible and understandable. He states that he is also open to electronic transfer of information. Ms. Meyers asks Mr. Cala if the illegible information was handwritten. Mr. Cala states that in one case it was an 18 x 24 inch survey plat that had been reduced and copied several times, by the time the compliance officer received the information it was decided that it was incomplete because of the reduction in size and excessive copying. Mr. Spirock states that this is an administrative matter and that Mr. Valdez would be capable of handling this.

b. Status Reports

1) Rules and Regulations Committee (D. Cooper)

Mr. Cooper worked through the Practice Act and it is his understanding that the PEC has not made any comments. Mr. Thurow would like to clear up the language in section 61-23-21 and 61-23-27.9 and is soliciting input from Mr. Word regarding these sections. Mr. Cooper is assigning Mr. Thurow to work with Mr. Word to clean up the surveying section.

2) Computer Based Testing – State Specific Exam for Surveyors (C. Spirock)

Mr. Spirock reports that they are preparing new questions for the exam. It is his recommendation to keep the exam as it is, a paper and pencil test. However, Mr. Spirock continues, that Mr. Valdez is researching computer based testing (CBT). It should be discussed if the exam should be changed to a take home exam. Mr. Cooper asks Mr. Valdez of the possibilities of changing to a CBT exam. Mr. Valdez reports on his research thus far and the cost of such an endeavor.

3) Legal Enforcement Committee (C. Spirock)

Mr. Spirock reports on the violations/fines table. There are some strike-throughs and added missing language. The engineers still have to add any comments or recommendations to the table. The thought is to present this table to the full Board at tomorrow's meeting. The table could be issued as an advisory opinion.

MOTION by Mr. Thurow that, as the Surveying Committee, we adopt the policy recommendations as presented by Mr. Spirock for presentation to the full Board tomorrow, **SECOND** by Ms. Augusta Meyers, **PASSED** unanimously.

4) Proposed Practice Act changes

Mr. Cooper states that this has already been discussed in item 1.

c. Review of Proposed Minimum Standards changes.

Mr. Cooper thanks Mr. Spirock for his work on the proposed changes. He would like to set a date for a rules hearing. Mr. Word recommends that the document is close to final form prior to setting the rules hearing date. Mr. Thurow requests clarification, from Mr. Word, on the process for rule changes. Mr. Word provides an outline as to the process. Mr. Cooper advises that a special meeting will be necessary to go through the document and vote to set up a rules hearing. Mr. Cooper recommends having a special meeting on December 11, 2015 in Albuquerque.

MOTION by Mr. Thurow that a special meeting of the Professional Surveying Committee be held on Friday, December 11th, for the sole purpose of final consideration of language concerning the Minimum Standards for Surveying in New Mexico and if adopted that a rules hearing date be set and the document made

public per the requirements of the State Archives and Records, **SECOND** by Ms. Meyers, **PASSED** unanimously.

7. **Executive Session** –

MOTION by Ms. Meyers that the Board go into closed executive session to discuss the items 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 taken, voting ‘Yes’: Mr. Cooper, Mr. Spirock, Ms. Meyers, and Mr. Thurow.

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

Mr. Cooper states the Board is back in open session and affirms 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-09-24-2013

MOTION by Mr. Thurow to accept the settlement agreement for case 10-PS-09-24-2013, **SECOND** by Ms. Meyers, **PASSED** unanimously.

Mr. Spirock recuses himself from the vote.

2) Case 11-10-04 – A. Allred

MOTION by Mr. Thurow to inform Mrs. Allred that no further action is required and that this case is closed, **SECOND** by Ms. Meyers, **PASSED** unanimously.

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

c. **Applications for Review**

1) PS Exam

a) Ibarra, R.

MOTION by Mr. Thurow to accept the application, **SECOND** by Ms. Meyers, **PASSED** unanimously.

2) PS Endorsement

- a) Christensen, B.
MOTION by Mr. Thurow to not accept Mr. Christensen's application because it doesn't meet the educational requirements, **SECOND** by Ms. Meyers, **PASSED** unanimously

- b) Farren, J.
MOTION by Mr. Thurow to not approve Mr. Farren's application because it doesn't meet the educational requirements, **SECOND** by Ms. Meyers, **PASSED** unanimously

- c) Meinecke, G.
MOTION by Mr. Thurow to approve Mr. Meinecke's application for the State Specific Exam, **SECOND** by Ms. Meyers, **PASSED** unanimously.

- d) Millot, G.
MOTION by Mr. Thurow to not approve Mr. Millot's application because it fails to meet the requirements of the Engineering and Surveying Practice Act, **SECOND** by Ms. Meyers, **PASSED** unanimously.

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

10. **Adjourn**

Submitted by:

Approved by:

s/ Perry Valdez

s/ David Cooper

Mr. Perry Valdez, Executive Director

Mr. David Cooper, Committee Chair

January 14, 2016 Approved Date