

MINUTES

**MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure of Professional
Engineers and Professional Surveyors held 10:00 a.m.,
Thursday, April 9, 2015, Toney Anaya Bldg.,
2550 Cerrillos Rd., Hearing Room 2, Santa Fe, New Mexico**

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

Others Present- Perry Valdez, Acting Executive Director, BLPEPS
Sami Romero, Executive Assistant, BLPEPS
Naomi Velasquez, Compliance Officer, BLPEPS
Ericca Lopez, Licensing Manager, BLPEPS
Sal Vigil, PS, Complaint Manager
Rick Word, Legal Counsel
Michael Daly, Audience member

1. Convene, Roll Call and Introduction of Audience

Ms. Meyers convened the meeting at 10:05 am, roll call was taken, a quorum was noted.
Mr. Daly introduced himself as an audience member.

2. Meeting Notification

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

3. Approval of Agenda

Mr. Spirock asks to add the NM PS Conference under 6. New Business as item b.

MOTION by Mr. Spirock to approve the agenda with the 6. b. item addition, **SECOND**
by Mr. Copper **PASSED** unanimously.

4. Approval of Minutes

a. Minutes of January 22, 2015

MOTION by Mr. Spirock to approve the minutes of January 22, 2015 as is,
SECOND Mr. Cooper **PASSED** with one abstention.

Abstained vote – Mr. Thurow was not present at the meeting.

5. Public Comment/Correspondence

- a. Michael Daly – Proposed Rule Changes to the Minimum Standards of Surveying. Mr. Daly addressed the committee about geospatial data and about the possibilities of removing it from the standards in the context of control surveying. The suggestion is to have defined in the control surveying requirements is a standard with a bench mark, horizontal and vertical markers; where geospatial data is not required. Mr. Daly asks to have no surveying analysis. Asks to place the entire report on the work product so a separate report is not required. Mr. Cooper relates the history of this definition that Mr. Steve Toller and a group of people drafted up a definition but as a result of a lot of discussion, NMPS committee came up with this definition as solution to this problem.

Mr. Daly presents updated language for Control Surveying Reporting, specifically regarding geospatial data.

The committee plans on reviewing Mr. Daly's correspondence further with the possibility of amending the Professional Surveying Minimum Standards. Mr. Cooper asks that in an informal basis to begin soliciting comments/correspondence from licensees and businesses. Mr. Thurow suggests having the rules committee begin undertaking making any changes to the Minimum Standards, taking into consideration Mr. Daly's suggestions. There was a discussion regarding the timeframe of holding a rules hearing. Mr. Thurow suggests soliciting public comment on the changes. Mr. Thurow requests staff to have a document ready for the meeting in August 2015, to begin setting a rules hearing. Mr. Cooper requests that this be an item for the August 2015 meeting.

6. New Business

a. Disciplinary Page

- 1) Website
- 2) Newsletter

Mr. Valdez asks if a disciplinary actions are acceptable to place on the newsletter. He points out a template that Ms. Velasquez has created. Mr. Thurow states that a policy needs to be enacted in regards to the time period of disciplinary actions on the website and if placed on the newsletter, there as well.

MOTION by Mr. Thurow to accept the recommendation to how names appear on the newsletter/website, **SECOND** by Mr. Spirock

After a lengthy discussion regarding what type of information is to be posted/advertised, the motion and second are withdrawn, this item has been remanded to the legal enforcement committee for their review and direction.

b. NM PS conference

Mr. Spirock reports that he, Mr. Cooper, and Mr. Tonander attended the conference and provided an ethics round table at the conference, the PS ethics portions discussed were received well. Mr. Spirock asks what constitutes a quorum, in absentia of the meeting, for conferences such as this. If a quorum is present accidentally what enforcement needs to be taken? Mr. Word advises that if it accidentally happens that you do not discuss Board business. He advises that for conferences such as this not to have a quorum of this committee, or of the full Board. It was decided, based upon what had been done in the past, to contact Mr. Valdez to coordinate board member attendees.

7. Old Business

None to report

8. Executive Session

Motion by Mr. Thurow 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). **SECOND** by Mr. Spirock.

Roll Call was taken, voting 'Yes': Mr. Cooper, Mr. Thurow, Ms. Meyers, and Mr. Spirock.

Exit Mr. Cooper – 12:32 p.m.

Exit Mr. Vigil – 12:32 p.m.

Ms. Meyers 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) (1).

RECESSED - Ms. Meyers is recessing the meeting and at the conclusion of tomorrow's Full Board meeting this meeting will resume into Executive Session.

MEETING RECONVENED – Ms. Meyers reconvenes the Professional Surveying Committee Meeting at 11:54 a.m. on Friday, April 10, 2015.

Motion by Mr. Thurow 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), in particular we only going to consider item c. under Applications for Review, 2) under PS Endorsements, e) Mr. Gustin **SECOND** by Mr. Spirock.

Roll Call was taken, voting 'Yes': Ms. Meyers, Mr. Thurow, Mr. Cooper, and Mr. Spirock.

8a. Action on Items Discussed During Executive Session

Ms. Meyers states the Committee 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) (1).

a. Disciplinary Cases

1) Case 1-PS-01-30-2014 – Complaint Manager's Report

MOTION by Mr. Thurow to issue NCA because offering surveying services on an expired license **SECOND** by Mr. Spirock **PASSED** unanimously
RECUSED vote by Mr. Cooper

2) Case 2-PS-04-17-2014

MOTION by Mr. Thurow to table item until the next meeting, pending legal documents **SECOND** Mr. Spirock **PASSED** unanimously

3) Case 5-PS-05-31-2013 – Update on NCA

MOTION by Mr. Thurow to issue an NCA and ask our prosecutor Ms. Jeffers to issue it based upon failure to respond **SECOND** by Mr. Cooper **PASSED** unanimously

4) Case 11-PS-9-25-2013 – Requesting Board Directive

MOTION by Mr. Thurow to issue a default order against the licensee. Mr. Word requested that Ms. Velasquez provide a summary of the case. Ms. Velasquez informs the Committee it voted for an NCA on 4/24/2014 finding violations of the Engineering and Surveying Practice Act, 61-23-

27.1.5 and 61-23-27-9.c. An NCA was issued on 3/12/2015 and mailed to the address listed on file. The NCA was received via certified mail on 3/17/2015. A request for hearing was not received in the office by 4/6/2015. Requesting a default order. Also staff initiates a complaint against the licensed professional surveyor.

SECOND by Mr. Cooper **PASSED** unanimously

- 5) **Case 12-PS-10-25-2012 – Settlement Agreement Plats for Review**
MOTION by Mr. Thurow to table item until the investigator has reviewed the corrected plats **SECOND** by Mr. Cooper **PASSED** unanimously

b. Status Review of Complaints and NCAs

Ms. Velasquez reports cases are up to date and provides a status of NCAs.

c. Applications for Review

1) **PS Exam**

- a) Brown, C.
Requesting elaboration on courses
- b) De Hoyos, A.
- c) Lane, K.
- d) Laws, R.

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

2) **PS Endorsement**

- a) Backowski, J.
- b) Bunch, B.
- c) Drannon, S.
- d) Dunham, P.
- e) Gustin, M. - Reconsideration
- f) Lastrapes, R.
- g) Levanen, J.

MOTION by Mr. Thurow to accept all applications for endorsement **SECOND** by Mr. Spirock **PASSED** with one abstention.

ABSTAINED vote by Mr. Cooper, was not involved in the discussions.

3) PS Reinstatement

a) Andrews, J.

MOTION by Mr. Thurow to approve application for reinstatement **SECOND** by Mr. Spirock **PASSED** with one abstention.

ABSTAINED vote by Mr. Cooper, was not involved in the discussion.

4) PS Retirement Request(s)

a) Vick, A.

b) Kosanovich, J.

c) Williams, D.

d) Burkstaller, J.

e) Bell Jr, D.

f) Jordan, R.

g) Oxford, R.

MOTION by Mr. Thurow to approve the PS Retirement Requests **SECOND** by Mr. Spirock **PASSED** unanimously

9. **Next Scheduled Meeting Date:** June 11, 2015, Ruidoso

10. **Adjourn**

MOTION by Mr. Cooper to adjourn the meeting **SECOND** by Mr. Thurow **PASSED** unanimously. Meeting was adjourned at 12:24 p.m.

Submitted By:

Approved By:

s/Sami Romero _____
Ms. Sami Romero, Executive Assistant

s/Augusta Meyers _____
Ms. Augusta Meyers, Committee Chair

June 11, 2015 Approved Date