

Draft Minutes of

Meeting of the Professional Surveyors Committee
of the Board of Licensure for Professional
Engineers and Professional Surveyors held 10:00
a.m. November 7, 2013, NMSU, Goddard Hall, Las
Cruces, NM,

Members Present Glen Thurow PS, PSC Chair
Salvador Vigil, PS
Gilbert Chavez, PS

Members Absent Augusta Meyers, Public Member

Others Present Perry Valdez, Acting Executive Director, BLPEPS
Robert Garcia, Compliance Officer, BLPEPS
David Cooper, PS, Board Investigator
Rick Word, Board Attorney, via phone

1. Convene, Roll Call and Introductions of Audience

Mr. Thurow convened the meeting at 10:00 a.m. Roll call was taken and it was noted that a quorum of the Committee was present.

2. Meeting Notification

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

3. Approval of Agenda

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously
VOTED: To approve the agenda as presented.

4. Approval of Minutes

a. Minutes of August 8, 2013

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, and **PASSED** unanimously
VOTED: To approve the minutes of August 8, 2013 presented.

5. Public Comment/ Correspondence

None at this time.

6. New Business

a. Complaint Manager compliance process- failure to respond

Mr. Thurow stated the board currently doesn't have anything in place regarding when a respondent does not reply or ignores when items are sent to them regarding a case matter.

Mr. Word stated the committee could put a directive in place as to what the staff is to do when a respondent does not reply to the notices that are sent out and consider a rule change later on regarding this matter. Mr. Word stated he would look further into this matter and see how other boards handle these matters and bring it back to the board at their next meeting.

Mr. Valdez also stated he would also pose the question to other boards through the administrator's forum through NCEES

7. Old Business

a. Certificates of Authorization- language

Mr. Thurow states this item has been brought back because he is aware of several companies that are currently doing business in New Mexico as a brokerage firm and do not have a surveyor that is licensed in New Mexico to bind the firm. of authorization and they are also required to pay a fee and renew it on an annual basis.

Mr. Thurow would like to see this become a part of the law in the near future.

Mr. Word suggests that the two committees join forces to create a subcommittee and look further into this matter. The charge to the committee would be to look at the definition of practice of surveying and engineering, certificates of authorizations and looking in to how these brokerage companies work.

b. Travel Reimbursement

Mr. Thurow mentioned that he still had not been reimbursed for a meeting he had attended in April.

Board members are very upset because these items are taking so long and is no fault of the staff.

Mr. Valdez also mentioned that he and Dr. Idriss had also not been reimbursed for the meeting they also attended in August.

8. Executive Session

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez,

VOTED: To enter into executive session to discuss items listed on the agenda pursuant to NMSA 1978, Sections 10-15-1(H)(1) and (3) to discuss matters pertaining to the issuance, suspension renewal or revocation of a license; to deliberate on pending cases; and to discuss pending litigation.

Roll Call Vote

Voting Yes: Mr. Vigil, Mr. Chavez and Mr. Thurow.

a. Disciplinary Cases

1. Case 2-PS-4-9-2013

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously

VOTED: To dismiss this matter due to the statute of limitations running.

2. Case 3-PS-4-17-2013

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, unanimously

VOTED: To close this issue due to the parties settling the matter.

3. Case 4-PS-4-26-2013

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, unanimously

VOTED: To dismiss as unfounded.

4. Case 11-17-10B- Settlement Agreement

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, Unanimously

VOTED: To accept the settlement agreement as presented.

5. Case 4-PS-03-08-2012- Cholla Khoury Request Letter

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, unanimously

VOTED: To close this matter because the matter had been addressed on November 13, 2009.

6. Case 11-11-41

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously

VOTED: To close due to the statute of limitations running.

7. Case 3-PS-8-8-2011

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, unanimously

VOTED: To close this case.

b. Status Review of Complaints and NCAs

c. Applications for Review

1. PS Exam

a) Jurica, C.

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, unanimously
VOTED: Not to approve this application.

b) Kretz, L.

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously
VOTED: To approve this application.

c) Loessin, M.

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously
VOTED: To approve this application.

2. PS Endorsement

a) Braun, B.

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously
VOTED : To approve this application.

b) Karacic, N.

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously
VOTED : To approve this application.

c) Nicholls, D.

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, unanimously
VOTED : Not to approve this application.

d) Ray, T.

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously
VOTED : To approve this application.

e) Sowers, P.

MOTION by Mr. Chavez, **SECONDED** by Mr. Vigil, unanimously
VOTED : Not to approve this application.

3. PS Reinstatement

a) Blake, K.

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously
VOTED : To approve this application.

b) Flack, J.

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, unanimously
VOTED : To approve this application.

8a. Actions on Items Discussed During Executive Session

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously
VOTED: To go back into open session and only the items listed on the agenda under closed session were discussed.

9 Next Scheduled Meeting Date – January 23, 2014

10. Adjourn

MOTION by Mr. Vigil, **SECONDED** by Mr. Chavez, **PASSED** unanimously
VOTED: To adjourn the meeting.

Mr. Thurow adjourned the meeting at 12:33 p.m.

Submitted By:

Approved By:

Ms. Ericca Lopez, Executive Secretary

Mr. Glen Thurow, Committee Chair

Approved Date