



State of New Mexico

Board of Licensure for Professional Engineers and Professional Surveyors

Office of Compliance and Enforcement

Mailing: PO Box 1967 Santa Fe, New Mexico 87504 • Toney Anaya Bldg. • 2550 Cerrillos Rd.
(505) 476-4565 Office • www.sblpes.state.nm.us

COMPLAINT PACKET

I. General Information

The New Mexico Legislature created the Board of Licensure for Professional Engineers and Professional Surveyors (“Board”) for the purpose of regulating the engineering and surveying professions in order to maintain high standards and protect the public from incompetent, unethical, and/or unqualified practitioners. Anyone advertising to and/or practicing engineering or surveying must be licensed by the Board.

The Compliance Office of the Board receives, tracks, and investigates complaints and presents findings to the Professional Engineering Committee and/or the Professional Surveying Committee of the Board. Please be aware that the Board’s jurisdiction is limited. It cannot guarantee a refund of monies paid nor necessarily obtain the services and/or outcome that you desire. It can only impose disciplinary measures against an individual found to have violated the New Mexico Engineering and Surveying Practice Act, related sections of the New Mexico Administrative Code, which includes the Rules of Professional Conduct, and/or the Minimum Standards for Surveying in New Mexico. The Board does not represent the complainant, as in an attorney client relationship, but the public welfare as a whole. Finally, please be aware that the investigative process can be lengthy. While the majority of cases are resolved within six months, some cases can exceed a year or longer, depending on the circumstances.

II. Complaint Process

Investigations are confidential. Neither Board members nor staff may discuss on-going investigations. After the Board reaches a decision and the respondent has been notified of the decision, the majority of the documents and/or the entire file will be available for public inspection under the New Mexico Inspection of Public Records Act (“Inspection Act”). In some cases, certain documents may not be available for public inspection, as provided for in the Inspection Act.

Once a complaint is filed, it is entered into our case management system, issued a case number, and is assigned to an investigator. The investigator acts as an impartial, fact-finding third party and does not “represent” you, the Board, or the respondent. You will be notified of the initiation of the investigation and of any action taken. A copy of the complaint will be sent to the licensee with a request to respond to the allegations.

When the investigation is complete, the investigator prepares a written report, which is presented to either the Professional Engineering Committee or the Professional Surveying Committee of the Board during a regular scheduled meeting. The Committees usually meet in conjunction with the entire board in accordance to a set schedule, usually on a quarterly basis.

The appropriate committee will review the facts of the complaint and make a determination. They have several options open to them, including determining that the case needs more information and refer the matter back to the investigator, deferring it until the next scheduled meeting, stating that the respondent has rectified the matter and close the case, and/or find that the charges unfounded, trivial, or outside the Board’s jurisdiction, in which case they are dismissed.

If a case is not resolved or the allegations are of a grave nature, the committee may request that staff refer the matter to the New Mexico Office of the Attorney General, Litigation Division for the issuance of a Notice of Contemplated Action (“NCA”). If there is sufficient evidence of a violation, an NCA will be issued; if not, it will be returned to the Board. The NCA notifies the respondent of the state’s evidence regarding infractions and advises of the right to request a hearing. Hearings are scheduled before a Committee or a Hearing Officer. All hearings are conducted in accordance with the provisions of the New Mexico Uniform Licensing Act. In certain cases, a Stipulated Order may be proposed. If accepted by the Board, the need for a hearing may be eliminated.

After the Board considers the proceedings, a discipline action will be determined. If an individual is found to have violated the New Mexico Engineering and Surveying Practice Act, related sections of the New Mexico Administrative Code, Rules of Professional Conduct, and/or the Minimum Standards for Surveying in New Mexico, they may be issued a reprimand, assessed a fine of up to seven thousand five hundred dollars (\$7,500) per violation, placed on probation subject to specific conditions, suspended, revoked, and/or refuse to renew a certificate of licensure.



COMPLAINT FORM

III. Other Alternatives

A number of other resources are available to the complainant. The agencies and organizations listed below may be helpful if the Board does not have jurisdiction or if a refund is desired:

1. Better Business Bureau of New Mexico
2. District Attorney Office – Consumer Affairs Office
3. Legal Aid Centers
4. New Mexico Office of the Attorney General – Consumer Protection Division
5. New Mexico Professional Surveyors (Association)
6. New Mexico Society of Professional Engineers
7. Small Claims Court

Links to some of the above entities are listed on the Board's website at www.state.nm.us/pepsboard

Additionally, there are a number of mediation services around the state that provide their services at little or no cost. In some cases, legal action may be your only recourse to resolve the matter. Please be aware that the Board cannot provide legal advice.

IV. Complaint Form Instructions

Instructions:

1. Forms must be typed or must be legibly printed using black ink or they will be returned to you.
2. Complete the complaint form providing as much information as possible about the matter. Include as many specific details as possible, such as dates, names of persons involved, etc. Use the attached Statement Continuation form as necessary. Make copies of the form as necessary.
3. Send copies of any documents in support of the complaint, such as checks, contracts, correspondences, drawings, estimates, invoices, photographs, plat of survey, receipts, warrant deeds, etc. List all included documents on the attached Complainant's Exhibit form. Make copies of the form as necessary. Do **NOT** send originals as they cannot be returned.
4. List any witnesses, including address and telephone number. Have each witness complete an attached Affidavit of Witness form. Make copies of the form as necessary.
5. Swear to the truthfulness of the complaint and sign the complaint form in the presence of a Notary Public and have it notarized. Unsigned/Un-Notarized forms will be returned to you.
6. Submit the complaint form and all additional documents to:

Mailing Address: NMBLPEPS
Compliance Office
PO Box 1967
Santa Fe, New Mexico 87504

Physical Address: NMBLPEPS – Compliance Office
Toney Anaya Bldg., 3rd Floor
2550 Cerrillos Rd.
Santa Fe, New Mexico 87505
Office Hours: 8:00 a.m. – 5:00 p.m.
Monday through Friday.

General Notes:

1. Complainant's may not be able to withdraw a complaint once filed without the approval of the Board.
 2. The Office is closed in accordance with the State of New Mexico Holiday Schedule. It can be found on the state's website at www.state.nm.us or by calling the State's General Information line at (800) 825-6639.
 3. The Board considers all complaints important. The processing of the complaint will be conducted in as timely a manner as possible. Some complaints, however, present an immediate threat to the public welfare and will be given priority.
- Thank you for your patience during the complaint process.

V. Additional Information

If you have any comments, concerns, questions, or need additional information, please contact a member of the compliance staff at the following:

Mailing Address: New Mexico Board of Licensure for Professional Engineers & Professional Surveyors
PO Box 1967, Santa Fe, NM 87504
Physical Address: Toney Anaya Bldg., 3rd Floor, 2550 Cerrillos Rd. Santa Fe, New Mexico 87505
Phone No.: (505) 476-4565