

**Meeting Minutes**

**SPECIAL MEETING OF THE PROFESSIONAL SURVEYING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held at  
9:00 a.m., Friday, February 11, 2022,  
Virtual/Telephonic Meeting**

**Members Present-** David Cooper, PS, Committee Chair  
Karl Tonander, PE  
Maxine McReynolds, Esq., Public Member

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Crystal Herrera, BLPEPS Administrative Operations Manager  
Angelica Urioste, BLPEPS, Compliance Officer  
Isaac Maes, BLPEPS, Executive Assistant  
Valerie Joe, Legal Counsel  
Christopher Moander, Legal Counsel  
Dennis Romero Esq., Legal Counsel for Robert Watt  
Chuck Cala, PS Board Investigator  
Earl Burkholder, PEPS  
Nick Cova

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

Mr. Cooper convened the meeting at 9:08 a.m. Roll call was taken and a quorum was noted. Audience introductions made at this time.

**2. Meeting Notification**

Mr. Valdez informed the Committee the meeting was noticed on the Board's website and at the Board Office.

**3. Approval of Agenda**

**MOTION** by Ms. McReynolds to approve the agenda as presented, **SECONDED** by Mr. Tonander,

**Roll Call Vote:**

**Voting 'Aye':** Mr. Cooper, Mr. Tonander, Ms. McReynolds

The motion **PASSED unanimously.**

#### **4. Approval of Minutes**

##### **a. Minutes of January 13, 2022**

**MOTION** by Mr. Tonander to approve the Minutes of January 13, 2022 as presented, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

**Voting 'Aye':** Mr. Cooper, Mr. Tonander, Ms. McReynolds

The motion **PASSED unanimously**

#### **5. Public Comment/Correspondence**

Mr. Valdez informed the Committee that a motion request was received from Mr. Romero via email and the request was provided to the Committee for their consideration.

Mr. Moander said this is case specific and did not qualify as a public comment and suggested that this should fall under the disciplinary case that would be addressed later in this meeting.

Mr. Cooper asked if the Committee should enter closed session at this time. Mr. Moander responded that this would appear to be proper.

Mr. Cooper asked Mr. Moander how the Committee would receive public comment if they were in closed session. Mr. Moander replied from his understanding there was a motion filed by the Respondent to essentially re-open the evidentiary record in this case, and his suggestion to the Committee that they should allow the Respondent's counsel to present the motion.

Mr. Cooper allowed Mr. Romero to present his motion.

Mr. Romero said that this is simply asking the Committee to consider the additional exhibit that he offered identified as Exhibit F. He added that this is a letter dated February 3<sup>rd</sup> from the Taos County Planning Director, Mr. Edward Vigil, who specifically addressed some of the issues raised at the Order to Show Cause hearing.

Mr. Romero went on to say that he and his client did not have the benefit of possessing the letter prior to the hearing. He stated the letter received was relevant to a specific

consideration and aspect of this case. He said he wasn't going to argue the merits of the letter but wanted to ask the Committee to consider this exhibit and add this to its list of exhibits for review. Mr. Romero said this is the nature of his motion and asked the Committee to review the exhibit and take it into consideration as part of the evidence in this matter.

Ms. Joe responded by saying since the hearing was closed, she did feel that on behalf of the State, it was not appropriate to insert additional evidence at this time. She said if it was presented during the hearing, it would have been accepted and considered.

Ms. Joe further stated she would leave this decision to the hearing officer to consider if whether this exhibit should be submitted, but the State does oppose the submission of this document since it was not timely.

Mr. Cooper asked if there were any more closing arguments.

Mr. Romero said there was nothing further.

#### **6. Executive Session**

**MOTION** by Mr. Cooper that the Committee enter into closed Executive Session to discuss the items listed on the agenda pursuant to NMSA 1978, Section 10-15-1 (H) (1) and (3) to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license and to deliberate on pending cases. **SECONDED** by Ms. McReynolds,

**Roll call vote taken, voting 'Yes':** Mr. Cooper, Mr. Tonander, Ms. McReynolds

#### **7. Action on Items Discussed During Executive Session**

Mr. Cooper brought the Committee back into open session and affirmed 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) and (3).

##### **1) 5-PS-09-23-2014 Order to Show Cause**

**MOTION** by Mr. Cooper to accept the additional evidence by the Respondent's attorney, Mr. Romero. The Respondent has complied with section 2.A of the settlement agreement, and that the case be closed, **SECONDED** by Ms. McReynolds,

**Discussion:** Mr. Tonander noted that regardless of the resolution of this specific case, issues such as those investigated and reviewed during this case erode the public confidence in the profession and need to be diligently avoided at all times by registrants.

**Roll Call Vote:**

**Voting 'Aye':** Mr. Cooper, Mr. Tonander, Ms. McReynolds

The motion **PASSED unanimously.**

8. **Next Scheduled Meeting Date:** April 7, 2022 – Ruidoso/Virtual

9. **Adjourn**

Meeting adjourned at 10:13 a.m.

**Submitted by:**

s/Isaac Maes

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Isaac Maes, Executive Assistant

**Approved by:**

s/ David Cooper

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David Cooper, Committee Chair

June 9, 2022

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**Approval Date**