

Meeting Minutes

**MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure for Professional
Engineers and Professional Surveyors held at
9:00 a.m., Thursday, June 8, 2023,
Toney Anaya Building, Rio Grande Conference Room
2nd Floor, 2550 Cerrillos Rd. Santa Fe, NM 87505
& Virtual**

Members Present- Robert Gromatzky, PS, Committee Chair
Maxine McReynolds, Esq., Public Member
John Wayne, PS
Benjamin Aragon, PS

Others Present- Perry Valdez, BLPEPS, Executive Director
Crystal Herrera, BLPEPS, Administrative Operations Manager
Miranda Gonzales, BLPEPS, Administrative Manager
Dominique Trujillo, BLPEPS, Licensing Administrator
Isaac Maes, BLPEPS, Executive Assistant
Chuck Cala, PS Investigator
Clay Wygant, PS Investigator
Joseph Dworak, AAG, Legal Counsel
Joan Woodward
Oscar Torres

1. Convene, Roll Call and Introduction of Audience

Mr. Maes read the meeting script regarding the virtual meeting protocols. Mr. Gromatzky convened the meeting at 9:02 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

Mr. Gromatzky requested that the agenda be amended in order for the Committee to enter into Executive Session after the approval of the agenda.

MOTION by Ms. McReynolds to approve the agenda as amended, **SECONDED** by Mr. Wayne, **PASSED Unanimously**.

9. Executive Session

MOTION by Mr. Gromatzky 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. Gromatzky, Ms. McReynolds, Mr. Wayne, Mr. Aragon

10. Action on Items Discussed During Executive Session

Mr. Gromatzky 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).

a. Disciplinary Cases

1) Case 2-PS-11-30-2021 – Investigator's Report

MOTION by Mr. Gromatzky to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, and if the respondents license is reinstated, he will correct the plat, **SECONDED** by Ms. McReynolds, **PASSED Unanimously.**

2) Case 6-PS-07-26-2021– Investigator's Report

MOTION by Mr. Gromatzky to dismiss the case and take no further action, **SECONDED** by Ms. McReynolds, **PASSED Unanimously.**

3) Case 8-PS-10-07-2021 – Supplemental Investigator's Report

MOTION by Mr. Gromatzky to attempt to enter into a pre-NCA settlement agreement and that if no agreement is executed within 30 days, the matter will be automatically referred to the Attorney General's Office for the issuance of an NCA, **SECONDED** by Ms. McReynolds, **PASSED Unanimously.**

4) Case 1-PS-03-28-2022 – Investigator's Report

MOTION by Mr. Gromatzky to dismiss the case and take no further action, **SECONDED** by Ms. McReynolds, **PASSED Unanimously.**

5) Case 1-PS-01-25-2021

MOTION by Mr. Gromatzky to close the case and take no further action, **SECONDED** by Ms. McReynolds, **PASSED Unanimously**.

6) Case 2-PS-01-25-2021

MOTION by Mr. Gromatzky to close the case and take no further action, **SECONDED** by Ms. McReynolds, **PASSED Unanimously**.

7) Case 4-PS-02-05-2021

MOTION by Ms. McReynolds to close the case and take no further action, **SECONDED** by Mr. Aragon, **Passed with one recusal**.

Mr. Gromatzky exited the meeting at 10:57am and returned at 11:02 am.

Mr. Gromatzky recused himself from the discussion of the case and the vote.

8) Case 7-PS-05-20-2019

MOTION by Ms. McReynolds to proceed with setting a hearing, noting that the Board remains open to settling with Respondent should the Respondent agree to pay a civil penalty consistent with violations identified in the previous NCA, **SECONDED** by Mr. Wayne, **PASSED Unanimously**.

9) Case 7-PS-10-05-2020

MOTION by Ms. Gromatzky to direct staff to attempt redelivery of NCA for the next 60 days, and if unsuccessful, this matter will be brought back to the Committee to issue a default order, **SECONDED** by Ms. McReynolds, **PASSED Unanimously**.

b. Status Review of Complaints and NCAs

A report was reviewed on the status of pending cases and referrals for Notice of Contemplated Actions.

c. Applications for Review

1) SI Certification

a) Torres, O.

Mr. Gromatzky tabled this item and directed Board Staff to gather more information.

2) PS Exam

a) Pinedo, A. – Reconsideration

MOTION by Mr. Gromatzky to approve applicant to sit for the PS Exam. **SECONDED** by Ms. McReynolds, **PASSED Unanimously**.

1) PS Endorsement

a) Quinn, W.

MOTION by Mr. Gromatzky to not approve applicant for PS Endorsement, **SECONDED** by Ms. McReynolds, **PASSED Unanimously**.

4. Approval of Minutes

b. Minutes of April 20, 2023

MOTION by Ms. McReynolds to approve the Minutes of April 20, 2023 as amended on section 9.10 c to include the names Greenwald and Montgomery, **SECONDED** by Mr. Wayne, **PASSED Unanimously**.

5. Public Comment/Correspondence

Joan Woodward requested the motion for item 8) Case 7-PS-05-20-2019 be repeated.

6. Old Business

a. Expedited Licensure Application Approval Process

Mr. Gromatzky said that during the April 20, 2023 meeting, it was discussed to delegate the approval for expired license to Mr. Valdez. He also added that contingent if Mr. Valdez were to vacate the Executive Director position, the approval privilege for the next Executive Director would be revoked from his replacement.

MOTION by Ms. McReynolds to approve the expedited licensure application approval process as described in the April 20, 2023 Minutes and that approval be granted to Mr. Valdez in his role as Executive Director and the authority be nontransferable, **SECONDED** by Mr. Aragon, **PASSED unanimously**.

b. Survey Penalty Schedule

Mr. Gromatzky gave a brief presentation on the status of the survey penalty table and noted this will be an ad-hoc document for repeat offenders and offenses.

c. SPCS 2022 Update

Mr. Gromatzky informed the Committee that he reached out to the New Mexico Professional Surveyor association and the State Geodic advisor to discuss the updated State Plane Coordinate System of 2022. He indicated the Committee may need to provide language to the State Legislation for the State Plane Coordinates

System of 2022. He noted he has not received a response from either party and was unable to find any information on the NGS website.

7. New Business

a. Election of Officers

1) Committee Chair

2) Vice Chair

MOTION by Ms. McReynolds to nominate Mr. Gromatzky for PSC Committee Chair, **SECONDED** by Mr. Wayne,

Mr. Gromatzky denied the nomination.

MOTION by Mr. Gromatzky to elect Mr. Wayne for Chair, and Ms. McReynolds as Vice Chair, **SECONDED** by Mr. Aragon, **PASSED Unanimously.**

b. ASPIRE Services

After discussion at length as to where the University of New Mexico's Center for Advancement of Spatial Informatics Research & Education (ASPIRE) services relate to terms of surveying, Mr. Gromatzky said he will gather more information and bring this item back to the Committee at the next PSC meeting.

8. Application Review – Recommended Approval

a. Recommended for Approval List (Exhibit A)

MOTION by Mr. Gromatzky to approve recommended for approval List (Exhibit A), **SECONDED** by Ms. McReynolds, **PASSED Unanimously.**

11. Next Scheduled Meeting Date: August 10, 2023 – Albuquerque/Virtual

12. Adjourn

Meeting adjourned at 12:34 p.m.

Submitted by:

s/Isaac Maes

Isaac Maes, Executive Assistant

Approved by:

s/John Wayne

John Wayne, Committee Chair

August 10, 2023 Approved Date