

**BEFORE THE BOARD OF LICENSURE FOR  
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS  
FOR THE STATE OF NEW MEXICO**

**IN THE MATTER OF:**

**Case No. 10-PS-09-25-2019**

**Mitchel K. Noonan,  
License No. 6998,**

**Respondent.**

**DEFAULT ORDER**

**THIS MATTER** came before a quorum of Professional Surveying Committee (“Committee”) of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors (“Board”) in a hybrid meeting held at 5454 Venice Avenue NE, Suite D, Albuquerque, New Mexico and via the Zoom webinar platform on August 11, 2022 for a decision on Case No. 10-PS-09-25-2019. The Committee reviewed and considered the administrative file in this matter, with a quorum present and a majority voting in the affirmative, the Board makes the following findings of facts, conclusion of law, and enters the following order:

**Findings of Fact**

1. Respondent was, at all relevant times, licensed by the Board to practice as a Professional Surveyor, License No. 6998, pursuant to the Engineering and Surveying Practice Act, Sections 61-23-1 NMSA 1978 et seq. and subject to the jurisdiction of the Board.
2. A Notice of Contemplated Action (“NCA”) was issued by the Board on September 7, 2021, in accordance with the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 et seq. (1957, as amended through 2022).

3. The NCA provided Respondent with notice that the Committee had sufficient evidence of violations of the Act or its rules that if not rebutted or explained would justify enforcement action as detailed further in Summary of the Evidence Against Respondent, numbered paragraph 3.
4. The NCA stated that the Board has sufficient evidence of a violations of the Boundary Surveying of the Minimum Standards for Surveying in New Mexico for the following sections:
  - a. 12.8.2.9(E) NMAC;
  - b. 12.8.2.9(F) NMAC;
  - c. 12.8.2.9(J)(2) NMAC;
  - d. 12.8.2.9(J)(7) NMAC;
  - e. 12.8.2.9(J)(8) NMAC;
  - f. 12.8.2.9(J)(11) NMAC;
  - g. 12.8.2.9(J)(16) NMAC;
  - h. 12.8.2.9(J)(17) NMAC; and
  - i. 12.8.2.18 NMAC.
5. The Board mailed Respondent the NCA via certified mail, return receipt requested, to Respondent's address located at 1114 Hickox Street, Santa Fe, NM 87501, which the USPS Tracking information for 9171 9690 0935 0155 2431 51 indicates the NCA was delivered and left with an individual on September 10, 2021.
6. Respondent failed to request a hearing within twenty (20) days of receipt of the NCA as required under Section 61-1-4 of the ULA.
7. Pursuant to the provisions of the ULA, specifically Section 61-1-4(E), if Respondent does not request a hearing, the Board may proceed to take the action contemplated in the notice and such action shall not be subject to judicial review.

8. Respondent failed to submit a request for hearing within the time and manner required by NMSA 1978, Section 61-1-4.

**Conclusion of Law**

1. It is therefore ordered and adjudged that Respondent did fail to respond to a properly served NCA in case number 10-PS-09-25-2019 and is therefore found to be in default.

**ORDER**

Based on the findings of fact and conclusion of law, the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors renders this Order.

The Board finds that Respondent Mitchel K. Noonan failed to request a hearing on the NCA within twenty days of receipt, which was Monday, February 7, 2022 and consequently, the Board may take the action contemplated in the NCA.

**IT IS THEREFORE ORDERED** that Respondent Mitchel K. Noonan pay a fine of \$6,000.00 within 90 days of receipt of this Order. As provided by Section 61-1-4(E) of the ULA, this action is final and not subject to judicial review.

**IT IS SO ORDERED.**

**FOR THE NEW MEXICO BOARD OF  
PROFESSIONAL ENGINEERS AND  
PROFESSIONAL SURVEYORS**

5/19/2023

**Date**

\_\_\_\_\_  
ROBERT GROMATZKY, PS  
Professional Surveying Committee Chair  
Board of Licensure for Professional  
Engineering and Professional Surveying

## CERTIFICATE OF SERVICE

I, Perry Valdez, **HEREBY CERTIFY** that a true and correct copy of the foregoing ***Default Order for case 10-PS-09-25-2019*** was mailed to the Respondent on May 19, 2023, via certified mail, return receipt requested, to Respondent's last address of record:

Mitchel K. Noonan  
12 Amigos Lane  
Santa Fe, NM 87508

Perry Valdez, Executive Director  
New Mexico Board of Licensure for  
Professional Engineers and Professional Surveyors  
P.O. Box 1967  
Santa Fe, New Mexico 87504

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