

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, August 10, 2023,
Sandia Conference Room, 2nd floor, Wilson & Company, Inc.
4401 Masthead Street NE, Suite 150, Albuquerque, NM 87109
Hybrid**

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

Others Present- Perry Valdez, BLPEPS, Executive Director
Miranda Gonzales, BLPEPS, Administrative Manager
Dominique Trujillo, Licensing Administrator
Isaac Maes, BLPEPS, Executive Assistant
Chuck Cala, PS Investigator
Earl Burkholder

1. Convene, Roll Call and Introduction of Audience

Mr. Valdez read the meeting script regarding the hybrid meeting protocols. Mr. Wayne convened the meeting at 9:12 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 Mr. Gromatzky to approve the agenda as presented, **SECONDED** by Mr. Aragon,

Roll Call Vote:

Voting 'Aye': Mr. Wayne, Ms. McReynolds, Mr. Aragon, Mr. Gromatzky,

The motion **PASSED unanimously.**

4. Approval of Minutes

a. Minutes of June 8, 2023

MOTION by Mr. Gromatzky to approve the Minutes of June 8, 2023 as presented, **SECONDED** by Mr. Aragon,

Roll Call Vote:

Voting 'Aye': Mr. Wayne, Ms. McReynolds, Mr. Aragon, Mr. Gromatzky

The motion **PASSED unanimously.**

5. Public Comment/Correspondence

Mr. Valdez informed the Committee that there was no public comment or correspondence.

Mr. Gromatzky informed Mr. Burkholder that he did not get a chance to attend the New Mexico Geospatial Advisory Committee meetings and asked where he could obtain the meeting schedule.

Mr. Burkholder said he would reach out to Mr. Gromatzky and inform him of the meeting schedule.

6. Old Business

a. Survey Penalty Schedule

Mr. Gromatzky distributed an updated repeat offenders guideline and said he received feedback from Mr. Tonander, a PEC member, on how to proceed with this item. He noted that the substantial changes made in this document were instead of referencing the Surveying Committee, it would now reference the "Professional Committee". He commented that the PEC was also considering using this document. He concluded by saying this would be an ad hoc document on how repeat offenses are dealt with.

He also said this was the final version and welcomed more comments. No comments were made regarding this document.

b. SPCS 2022 Update

Mr. Gromatzky reported that the National Geodetic Survey (NGS) has put forth language that can be brought to the State Legislature. He noted that there are some conflicts with existing laws and the need to mitigate those conflicts. Mr. Gromatzky added that the State Plane Coordinate System (SPCS) zones will not be published until 2024.

7. New Business

a. PEC Recommendations for the Fines and Penalties Table

Mr. Valdez informed the Committee that Mr. Ney brought forth these proposed updated penalties and will be presenting them at the Full Board meeting. He added that he wanted to allow the Committee to begin reviewing it to add to the discussion at the Full Board meeting.

b. NM Tech University Support Application

Mr. Valdez informed the Committee that NM Tech and NMSU requested funding and was requiring that the Committee review the request.

Mr. Gromatzky asked if it were appropriate for the Committee to make a recommendation to the Full Board on the requests.

Mr. Valdez responded in the affirmative.

MOTION by Mr. Gromatzky to recommend approval of the application from NM Tech University to the Full Board, **SECONDED** by Mr. Wayne,

Roll Call Vote:

Voting 'Aye': Mr. Wayne, Ms. McReynolds, Mr. Aragon, Mr. Gromatzky

The motion **PASSED unanimously**.

c. NMSU University Support Application

Mr. Aragon said that NMSU provided a good application and supporting documents. He indicated that according to their application, they are requesting \$50,000 to rebuild their program. Mr. Aragon noted for the record he was not involved in the application process from NMSU.

Mr. Gromatzky also noted, for the record, he was not involved in the application from NMSU.

MOTION by Mr. Gromatzky to recommend approval of the application from NM Tech University to the Full Board, **SECONDED** by Mr. Wayne,

Roll Call Vote:

Voting 'Aye': Mr. Wayne, Ms. McReynolds, Mr. Aragon, Mr. Gromatzky,

The motion **PASSED unanimously**.

8. Application Review – Recommended Approval

a. Recommended for Approval List

MOTION by Mr. Gromatzky to approve the recommended for approval list, **SECONDED** by Mr. Aragon,

Roll Call Vote:

Voting 'Aye': Mr. Wayne, Ms. McReynolds, Mr. Aragon, Mr. Gromatzky,

The motion **PASSED unanimously**.

b. Confirmation of Staff Reviewed Applications

The Committee acknowledged the confirmation of staff reviewed applications.

9. Closed Session

MOTION by Mr. Wayne 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 Mr. Gromatzky,

Roll call vote taken, voting 'Yes': Mr. Wayne, Ms. McReynolds, Mr. Aragon, Mr. Gromatzky,

****Ms. McReynolds exited the meeting at 9:42 am****

10. Action on Items Discussed During Executive Session

Mr. Wayne 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).

****Ms. McReynolds rejoined the meeting at 10:23 am****

a. Disciplinary Cases

1) Case 5-PS-12-29-2022 – Investigator's Report

MOTION by Mr. Gromatzky to dismiss the case and take no further action, **SECONDED** by Mr. Aragon,

Roll Call Vote:

Voting 'Aye': Mr. Wayne, Mr. Aragon, Mr. Gromatzky,

Abstained: Ms. McReynolds was not present for the discussion.

The motion **PASSED**.

2) Case 7-PS-12-14-2017

MOTION by Mr. Gromatzky to enter into a settlement agreement and if no settlement is agreed to, the Committee may pursue a hearing for the case, **SECONDED** by Mr. Aragon,

Roll Call Vote:

Voting 'Aye': Mr. Wayne, Mr. Aragon, Mr. Gromatzky,

Abstained: Ms. McReynolds was not present for the discussion.

The motion **PASSED**.

3) Case 6-PS-09-08-2020

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

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

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

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) PS Exam

a) Harlan, C. – Reconsideration

MOTION by Mr. Gromatzky to approve applicant to sit for the PS exam, **SECONDED** by Mr. Aragon,

Roll Call Vote:

Voting ‘Aye’: Mr. Wayne, Mr. Aragon, Mr. Gromatzky,

Abstained: Ms. McReynolds was not present for the discussion.

The motion **PASSED**.

11. Next Scheduled Meeting Date(s): November 2, 2023 – Silver City/Virtual

12. Adjourn

Meeting adjourned at 10:39 a.m.

Submitted by:

s/ Isaac Maes
Isaac Maes, Executive Assistant

Approved by:

s/ John Wayne
John Wayne, Committee Chair

September 22, 2023 **Approved Date**