

**MEETING OF THE PROFESSIONAL SURVEYING
COMMITTEE of the Board Licensure for Professional
Engineers and Professional Surveyors held at
9:00 a.m., Thursday, January 11, 2024,
Tony Anya Building, Rio Grande Conference Room
2nd Floor, 2550 Cerrillos Rd. Santa Fe, NM 87505
& Virtual**

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
Marlen Segura, BLPEPS, Licensing Administrator
Jessie James, BLPEPS, Compliance Officer
Isaac Maes, BLPEPS, Executive Assistant
Todd Baran, NM DOJ, AAG, Legal Counsel
Kristin Hovie, NM DOJ, AAG, Legal Counsel
Chuck Cala, PS Investigator
Earl Burkholder, PEPS
Diego Sisneros, PS
Elena & Willam Trodden
Aaron Blaisdell, PS (WA)

1. Convene, Roll Call and Introduction of Audience

Mr. Maes read the meeting script regarding the hybrid meeting protocols. Mr. Wayne 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 Mr. Gromatzky to approve the agenda as presented, **SECONDED** by Ms. McReynolds,

Roll Call Vote:

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

The motion **PASSED unanimously.**

4. **Approval of Minutes**

a. **Minutes of November 2, 2023**

MOTION by Ms. McReynolds to approve the Minutes of November 2, 2023, as amended to address item 6b, specifically the item named SPC to add an extra 'C',
SECONDED by Mr. Gromatzky,

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. Wayne opened the floor to allow audience members to state their comments.

There were no comments from the audience.

6. **Old Business**

a. **SPCC 2022 Update**

Mr. Gromatzky said there was no new information and that this would remain on the agenda as a tracking item.

7. **New Business**

Mr. Valdez informed the Committee that there was no "new business."

8. **Application Review – Recommended Approval**

a. **Recommended for Approval List**

MOTION by Mr. Gromatzky to approve the recommended approval list,
SECONDED by Ms. McReynolds,

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.

c. **PS Retired Status Requests**

MOTION by Mr. Gromatzky to approve the PS retired status requests,
SECONDED by Ms. McReynolds,

Roll Call Vote:

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

The motion **PASSED unanimously**.

d. PS Inactive Status Requests

MOTION by Mr. Gromatzky to approve the PS inactive status request,
SECONDED by Ms. McReynolds,

Roll Call Vote:

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

The motion **PASSED unanimously**.

9. Closed Session

MOTION by Ms. McReynolds that the Committee enter into closed session at 9:20 a.m. 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

Mr. Gromatzky exited the meeting at 9:39 am and returned to the meeting at 10:16 am

10. Action on Items Discussed During Executive Session

Mr. Wayne brought the Committee back into open session at 11:06 a.m. 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 closed session, in accordance with NMSA 1978 Section 10-15-1 (H) (1) and (3).

a. Disciplinary Cases

1) Case 1-PS-2023 Investigator's Report

MOTION by Mr. Gromatzky to dismiss the case and Board Staff to proceed with direction given by the Committee, **SECONDED** by Ms. McReynolds,

Roll Call Vote:

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

The motion **PASSED unanimously**.

2) Case 3-PS-2023 Investigator's Report

MOTION by Ms. McReynolds 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 New Mexico Department of Justice for the issuance of an NCA, conditions of the settlement include that the survey be corrected to address the deficiencies as identified in the investigator's report. She added that the Committee requested the investigator review the new plat before it is recorded, **SECONDED** by Mr. Aragon,

Roll Call Vote:

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

Recused: Mr. Gromatzky

The motion **PASSED**.

3) Case 7-PS-10-05-2020 Hearing Officer's Report

MOTION by Mr. Gromatzky to accept the Hearing Officer's report and direct Board Staff to issue a cease-and-desist letter and a fine of \$1,500, **SECONDED** by Mr. Wayne,

Roll Call Vote:

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

The motion **PASSED unanimously**.

4) Case 2-PS-2023 Proposed Settlement Agreement

MOTION by Mr. Gromatzky to continue to enter into a pre-NCA settlement agreement and that if no agreement is executed by the next regular PSC meeting, the matter will be automatically referred to the New Mexico Department of Justice for the issuance of an NCA, **SECONDED** by Ms. McReynolds,

Roll Call Vote:

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

The motion **PASSED unanimously**.

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

MOTION by Ms. McReynolds to close the case due to the fulfillment of the settlement agreement, **SECONDED** by Mr. Gromatzky,

Roll Call Vote:

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

The motion **PASSED unanimously.**

b. Self-Reporting

1) LW-12-27-2022 Proposed Settlement Agreement

MOTION by Ms. McReynolds to accept the proposed settlement agreement,
SECONDED by Mr. Gromatzky,

Roll Call Vote:

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

The motion **PASSED unanimously.**

c. Status Review of Complaints and NCAs

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

d. Applications for Review

1) PS Endorsement

a) Condron, C.

MOTION by Mr. Gromatzky to approve applicant for PS endorsement,
SECONDED by Ms. McReynolds,

Roll Call Vote:

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

The motion **PASSED unanimously.**

11. Next Scheduled Meeting Date(s): April 18, 2024 – Farmington/Virtual

12. Adjourn

The meeting was adjourned at 11:14 a.m.

Submitted by:

Approved by:

Isaac Maes, Executive Assistant

John Wayne, Committee Chair

_____ **Approved Date**