

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

IN THE MATTER OF:

**Lorenzo E. Dominguez
License No. 10461**

CASE NO.: 3-PS-2023

Respondent.

**PRE-NOTICE OF CONTEMPLATED
ACTION SETTLEMENT AGREEMENT**

WHEREAS, the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors' Professional Surveying Board ("Board") reviewed records and investigation files demonstrating violations of the Engineering and Surveying Practice Act, NMSA 1978, Sections 61-23-1 through 61-23-36 and Board Rules adopted pursuant to that Act, and on January 11, 2024 the Board's Professional Surveying Committee voted to issue a Notice of Contemplated Action ("NCA") in this matter to Respondent Lorenzo E. Dominguez, professional surveyor, license number 10461; and

WHEREAS, Respondent and the Board are willing to resolve this matter amicably without the issuance of an NCA as required under the Uniform Licensing Act ("ULA"), NMSA Sections 61-1-1 et seq., and the Engineering and Surveying Practice Act, NMSA 1978, Sections 61-23-1 et seq., without a hearing; and

WHEREAS, Respondent and the Board believe that this Pre-NCA Settlement Agreement is appropriate and in the best interests of both the Board and Respondent;

IT IS AGREED AS FOLLOWS:

1. Jurisdiction

The Board has jurisdiction over Respondent and the subject matter. Respondent is licensed by the Board or otherwise subject to the Engineering and Surveying Practice Act, and falls under the jurisdiction of the Board and its Professional Surveying Committee.

2. Violations

Section 12.8.2.9 C. Boundary Surveying

Section 12.8.2.9 D. Boundary Surveying

Section 12.8.2.9 J. (5) Boundary Surveying

Section 12.8.2.9 J. (6) a. b. c. d. Boundary Surveying

Section 12.8.2.9 J. (10) Boundary Surveying

3. Action

A. Respondent shall address all technical deficiencies in the survey by completing the following:

1. On the amended survey, locate and depict property corners of the Red Bluff Ranch.
2. On the amended survey, confirm the accuracy of the reported distance between property corners.
3. On the amended survey, confirm that honored property corners were tagged and provide sufficient specific details for those cases.
4. On the amended survey, clearly depict the location and description of any evidence of a boundary or line of occupation including such things as a fence, building, wall, or the remains thereof which is on a boundary or close enough to a boundary to be confused with the boundary.
5. On the amended survey, satisfy the Basis of Bearing requirements of the Minimum Standards.
6. On the amended survey, correct monument descriptions.

B. Respondent will submit a copy of the amended plat, within sixty (60) days, to the Board for the Professional Surveyor (PS) Investigator to review, prior to filing, to ensure that all deficiencies have been met.

C. Once reviewed by the PS Investigator, Respondent has thirty (30) days from the date of approval to file the amended plat.

D. Once filed, the Respondent is required to provide a copy of the amended, filed plat to the Board.

4. Waiver

- A. Respondent enters into this Pre-NCA Settlement Agreement voluntarily and waives Respondent's right to a full hearing before the Board and all relevant time limitations pursuant to the provisions of the ULA, including but not limited to NMSA 1978, Sections 61-1-4(F) and 61-1-8.
 - B. By signing this Pre-NCA Settlement Agreement, Respondent understands and agrees that Respondent waives excusal of any Board member on the grounds of bias or improper motive as a result of Respondent's review of this Pre-NCA Settlement Agreement.
 - C. Respondent's waiver of any rights herein is made knowingly, intentionally, and voluntarily.
 - D. Respondent has the right to seek the advice of an attorney regarding this Pre-NCA Settlement Agreement.
 - E. This Pre-NCA Settlement Agreement constitutes disciplinary action by the Board.
5. Failure to comply with the terms and conditions of this Pre-NCA Settlement Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Respondent fails to comply with the provisions hereof, the Board shall have the right to take such action against Respondent as it deems appropriate under the circumstances, including revoking Respondent's license.
6. This Pre-NCA Settlement Agreement is a settlement of Case Number 3-PS-2023 and only the specific facts therein. No costs have been incurred in this matter. The Board reserves the right to initiate proceedings for any other violation of the Engineering and Surveying Practice Act or the Board Rules adopted pursuant to that Act.

7. Reportable Discipline

- A. This Agreement, if accepted, constitutes formal disciplinary action by the Board and must be reported to the National Council Examiners for Engineering and Surveying (NCEES) Enforcement database. It is noted that other jurisdictions where Respondent possesses a surveyor's license might require Respondent to report this disciplinary

action. This statement is a reminder that Respondent may have a duty to report this disciplinary action in another jurisdiction. Respondent acknowledges the following discipline will be reported:

- B. Respondent failed to meet the New Mexico Minimum Standards of Surveying regarding to Section 12.8.2.9 Boundary Surveying.

8. Non-Compliance

Respondent agrees that any violation of this Agreement may result in further disciplinary action. A violation will result in the immediate filing of an Order to Show Cause by the Board's Executive Director as to why the Board should not find Respondent in violation of the Agreement and impose lawful sanctions or penalties and/or take any other disciplinary action. Upon filing an Order to Show Cause, the matter shall be set for the next regular meeting of the Board, at which time the Board shall hear from the Executive Director regarding the alleged non-compliance and any evidence offered by Respondent. Any presentation regarding the Order to Show Cause shall be limited to evidence surrounding Respondent's alleged failure to comply with the Agreement or defense thereof. If the Board finds that a violation has occurred, the Board may impose any discipline against Respondent considered in the Order to Show Cause.

9. Compliance

If Respondent fully complies with the terms and conditions of this Agreement the matter will be concluded. Respondent agrees to otherwise comply with the Engineering and Surveying Practice Act, and acknowledges that any separate violation of the Act or Board Rules adopted to that Act, which may result in separate disciplinary charges and action by the Board.

10. Contact Information

Respondent shall notify the Board's office within ten (10) calendar days if there is a change in employment or home address while this Agreement is in effect.

11. The Board agrees that nothing in this Pre-NCA Settlement Agreement represents a restriction on the Respondent's license.
12. This Pre-NCA Settlement Agreement is a public record subject to inspection under the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 et seq.

2/8/2024

DATE



RESPONDENT

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

IN THE MATTER OF:

**Lorenzo E. Dominguez
License No. 10461**

CASE NO.: 3-PS-2023

Respondent.

ORDER

This proposed settlement comes before the Board during a properly scheduled public meeting with a quorum present and majority voting in the affirmative, this Agreement is:

 X ACCEPTED REJECTED

2/9/2024

DATE



JOHN D. WAYNE, PS
CHAIRPERSON
NEW MEXICO PROFESSIONAL
SURVEYING COMMITTEE

CERTIFICATE OF SERVICE

I, Jessie James, **HEREBY CERTIFY** that a true and correct copy of the foregoing *Pre-Notice of Contemplated Action Settlement Agreement for Case 3-PS-2023* was mailed to the Respondent on February 9, 2024, via certified mail, return receipt requested, to Respondent's last address of record:

Lorenzo E. Dominguez
6704 Luella Anne Dr NE
Albuquerque, NM 87109

Jessie James, Compliance Officer
New Mexico Board of Licensure for
Professional Engineers and Professional Surveyors
P.O. Box 1967
Santa Fe, New Mexico 87504

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