

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

**IN THE MATTER OF:**

**Rod A. Billingsley  
License No. 10934**

**Case No.: 2-PS-2023**

**Respondent.**

**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 November 2, 2023 the Board's Professional Surveying Committee voted to issue a Notice of Contemplated Action ("NCA") in this matter to Respondent Rod A. Billingsley, professional surveyor, license number 10934; and

**WHEREAS**, Respondent and the Board are willing to resolve this matter amicably 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., and

**WHEREAS**, Respondent and the Board believe that this 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 61-23-27.11 NMSA 1978, Surveying – Violations – Disciplinary Actions – Penalties –  
Reissuance of Licenses:

(5) NMSA 1978, attempted to use an expired, suspended, or revoked license

## **3. Action**

A. Respondent will remit a total fine of \$1,000 payable to NMBLPEPS to be paid no later than sixty (60) days from the date this Agreement is accepted by the Board.

B. The Respondent testified at the hearing under oath that the Respondent to best of his knowledge had not filed or stamped any surveyors' plats but he shall re-file any plats that were created following the expiration of his professional surveyor license if any did occur.

## **4. Waiver**

A. Respondent enters into this 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 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 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 Settlement Agreement.

E. This Settlement Agreement constitutes disciplinary action by the Board.

## **5. Failure to comply with the terms and conditions of this Settlement Agreement**

Failure to comply with the terms and conditions of this 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 Settlement Agreement is a settlement of Case Number 2-PS-2023 Only**

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's professional surveyor's license number 10934, expired on December 31, 2022.

C. Respondent admitted in his letter submitted with his renewal application form, and in his response to the complaint, that Respondent offered to practice surveying with an expired license.

**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. Miscellaneous**

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

3-19-25

DATE

3/19/25

DATE

  
RESPONDENT

  
COUNSEL FOR RESPONDENT

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

**IN THE MATTER OF:**

**Rod A. Billingsley License No. 10934**

**CASE NO.: 2-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~~ Signed by:

4/15/2025 DATE

  
BENJAMIN ARAGON, PS CHAIRPERSON  
NEW MEXICO PROFESSIONAL SURVEYING COMMITTEE