

## Meeting Minutes

### MEETING OF THE PROFESSIONAL SURVEYING COMMITTEE of the Board Licensure of Professional Engineers and Professional Surveyors held at 9:00 a.m., Thursday, August 7, 2025, Sandia Conference Room, 2nd floor, Wilson & Company, Inc. 4401 Masthead Street NE, Suite 150, Albuquerque, NM 87109 & Virtual

**Members Present-** Robert Gromatzky, PS, Committee Chair  
John Wayne, PS  
Benjamin Aragon, PS

**Members Absent-** Maxine McReynolds, Esq., Public Member, Vice Chair

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Miranda Gonzales, BLPEPS, Administrative Manager  
Jessie James, BLPEPS, Compliance Officer  
Dominique Trujillo, BLPEPS, Licensing Administrator  
Kristine Hovie, Legal Counsel, NMDOJ  
Chuck Cala, PS, Board Investigator  
Richard Pedraza  
Trish Pedraza  
Jeremy Trujillo

#### 1. Convene, Roll Call and Introduction of Audience

Mr. Valdez read the meeting script regarding the virtual meeting protocols. Mr. Gromatzky convened the meeting at 9:00 a.m. Roll call was taken and a quorum was noted. Audience introductions were 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. Wayne to approve the agenda as presented, SECONDED by Mr. Aragon, the motion PASSED unanimously.

#### 4. Approval of Minutes

- a. Minutes of June 5, 2025
- b. Minutes of July 18, 2025

MOTION by Mr. Wayne to approve the Minutes of June 5, 2025, and July 18, 2025, as presented, SECONDED by Mr. Aragon, the motion PASSED unanimously.

## **5. Public Comment/Correspondence**

### **a. Garrett, S. – Surveyor Responsibilities**

Mr. Valdez informed the Committee that the Board received an email from Mr. Garrett requesting information regarding surveyor responsibilities.

Mr. Gromatzky stated that after reviewing the email he noted that the questions can be answered, however, the administrative code can provide answers to majority of these questions. He noted that he can provide staff with a write-up.

### **b. Pedraza, R. – Reconsideration of Application**

Mr. Pedraza gave background on his complaint that he received from the Florida Board. He noted that he believes that his complaint was expunged and requested the PSC to reconsider his PS streamline endorsement application based on the information provided.

## **6. Old Business**

### **a. SPCS 2022 Update**

Mr. Gromatzky informed the Committee that he had participated in NMPS Board meeting, and they had indicated that the anticipated date of approval for SPCS 2022 would be in 2026. The individual at NGS that was responsible for implementing SPCS 2022 is no longer there.

### **b. Proposed Outreach – FFA and 4-H Youth Groups**

Mr. Aragon stated he sent out emails to FFA and 4-H Youth Groups but needs to follow up with that email. He will provide more information at the next scheduled meeting.

### **c. Gromatzky, R. – Guidance from DOT Concerning Setting Monuments on Surveys After the Approval or Construction is Complete**

Mr. Gromatzky informed the Committee that he reached out to NM DOT to see how they proceed with setting monuments on surveys after the approval or construction is complete. He noted that NM DOT is in process of revising the monumentation guide policy.

Mr. Valdez stated that the policy may be when Monumentation Maps are completed and finalized within 30 days of being notified that acquisition is complete and monuments being set within 60 days from notice of approval of the Monumentation Maps.

## **7. New Business**

### **a. NCEES PLSS Exam Requirement**

Mr. Valdez reported that he has not received any new information regarding the NCEES PLSS exam requirement. He noted that the exam is expected to roll out in 2027.

Mr. Gromatzky asked when the Sunset for the Board is.

Mr. Valdez noted that the Sunset for the Board is in 2029.

Mr. Gromatzky asked if the Board adopted the NCEES PLSS exam requirement would there have to be changes to the Act.

Ms. Gonzales noted that the Act states that "the applicant has passed examinations the board deems necessary to determine the applicant's qualifications." She stated that the Committee will not have to update the Practice Act but there will have to be rule changes to the Administrative Code.

Mr. Valdez stated that the Committee would have to determine whether they would require applicants to take the PS, PLSS, and NM State Specific exam or just the PLSS and NM State Specific exam.

Mr. Gromatzky was in favor of requiring applicants to take the PS, PLSS, and NM State Specific exam.

**MOTION** by Mr. Wayne to require the PLSS exam for licensure, **SECONDED** by Mr. Aragon, the motion **PASSED unanimously**.

**b. New Mexico Subdivision Regulations 47-6 NMSA Enforcement**

Mr. Gromatzky stated that he requested guidance from the Department of Justice on who enforces the New Mexico Subdivision Act, NMSA 1978, Section 47-6-1 to 29. Mr. Gromatzky read the response from Ms. Hovie, Assistant Attorney General.

"While enforcement of the New Mexico Subdivision Act is important to consider, enforcement of the Act clearly falls outside the Board's jurisdiction. This question has a limited impact on the Board's legal responsibilities or regulatory authority.

**Discussion:**

**1. The Subdivision Act Is Outside the Board's Jurisdiction**

The Board's powers are limited to what is specifically granted under the Engineering and Surveying Practice Act ("Practice Act"). The Practice Act governs licensing, qualifications, and discipline for professional surveyors. It does not give the Board any role in enforcing the Subdivision Act or in referring related violations to the Attorney General. Simply put, the Board is not responsible for overseeing compliance with the Subdivision Act.

## **2. The Board May Still Discipline Surveyors for Related Conduct**

While the Board cannot enforce the Subdivision Act itself, it does have authority to discipline surveyors who proceed to survey in violation of the minimum standards set out in Title 12, Chapter 8 of the New Mexico Administrative Code. In this event, the Board may pursue disciplinary action under Section 61-23-27.11(A)(7) of the Practice Act. This authority is limited to professional misconduct and does not extend to enforcement of the Subdivision Act as a whole.

## **3. Enforcement Mechanisms Exist Outside the Board**

The Subdivision Act provides a private right of action under Section 47-6-27.1. Individuals who believe they have been harmed may pursue civil remedies and should consult private legal counsel to explore their options. This process does not involve the Board.

In addition, the Subdivision Act authorizes criminal enforcement by either the District Attorney or the Attorney General. These offices may bring misdemeanor or fourth-degree felony charges against individuals who knowingly or willfully violate the law. The Attorney General typically steps in only if the local District Attorney declines to prosecute. Again, this process lies entirely outside the Board's scope."

Mr. Gromatzky stated that if the Board has no jurisdiction of enforcement of the Subdivision Act, the Committee is creating a condition on the Professional Surveyor alone, especially if the County does not enforce it. He requested Perry to draft a policy advisory from the Department of Justice and present it at the next Committee meeting.

### **c. PSC Sub-Committee for Review of Compliance Cases**

Mr. Valdez informed the Committee that this has been placed on the agenda and would be just like the sub-Committee for Review of Application. The cases that would be brought to the sub-Committee would be cases for acknowledge receipt take no action, close case due to fulfillment, or non-challenging complaint cases. All investigation cases will be brought to the Committee.

Mr. Gromatzky asked what the requirements for the sub-committee would be, if it would require at minimum the Committee Chair.

Mr. Valdez stated that it could be made up of the Chair and one member.

**MOTION** by Mr. Gromatzky to create the PSC sub-committee for review of compliance cases, **SECONDED** by Mr. Aragon, the motion **PASSED unanimously**.

**Discussion:** Mr. Gromatzky stated that the Committee would be made up of the Chair and one additional member of the PSC.

Mr. Aragon volunteered to be on the sub-Committee.

**8. Application Review – Recommended Approval**

**a. Acknowledgement of Sub-Committee Reviewed Applications**

The Committee acknowledged the sub-committee reviewed applications.

**b. Acknowledgement of Staff Reviewed Applications**

The Committee acknowledged the staff reviewed applications.

**9. Closed Session**

**MOTION** by Mr. Gromatzky that the Committee enter into closed session at 10:29 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. Aragon.

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

**10. Action on Items Discussed During Closed Session**

Mr. Gromatzky brought the Committee back into open session at 12:13 p.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) 3-PS-2025(A) Investigator's Report**

**2) 3-PS-2025(B) Investigator's Report**

**MOTION** by Mr. Gromatzky to issue a letter of caution and take no further action, **SECONDED** by Mr. Aragon, the motion **PASSED unanimously**.

**3) 4-PS-2025 Investigator's Report**

**MOTION** by Mr. Gromatzky to dismiss the case with no further action, **SECONDED** by Mr. Aragon, the motion **PASSED unanimously**.

**4) 5-PS-2025 Investigator's Report**

Mr. Gromatzky tabled this item.

**5) 2-PS-2023**

**MOTION** by Mr. Gromatzky to close due to fulfillment of the pre-NCA settlement agreement, **SECONDED** by Mr. Aragon, the motion **PASSED unanimously**.

**6) 6-PS-2024**

**MOTION** by Mr. Gromatzky to issue a Default Order and to correct the deficiencies of the plat, and pay a fine of \$7,500, **SECONDED** by Mr. Aragon, the motion **PASSED unanimously**.

**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 Examination**

a) **Trujillo, J.**

**MOTION** by Mr. Gromatzky to approve for the PS exam, **SECONDED** by Mr. Aragon, the motion **PASSED unanimously**.

**2) PS Endorsement**

a) **Pedraza, R.**

**MOTION** by Mr. Gromatzky to not approve for PS endorsement, **SECONDED** by Mr. Wayne, the motion **PASSED unanimously**.

**11. Next Scheduled Meeting Date:** November 6, 2025 – Santa Fe/Virtual

**12. Adjourn**

The meeting adjourned at 12:17 p.m.

s/Miranda Gonzales

Miranda Gonzales, Administrative Manager

s/Robert Gromatzky

Robert Gromatzky, Committee Chair

November 6, 2025 Approved Date

**August 7, 2025**  
**Acknowledgement of Sub-Committee Reviewed Application**

**PS Exam**

**\*Council Records**

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<b>Name</b>	<b>Date Applied</b>	<b>Date Completed</b>
Dames, P.*	6/16/2025	7/1/2025

**PS Endorsements**

**\*Council Records**

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3

<b>Name</b>	<b>Date Applied</b>	<b>Date Completed</b>
Barnum, M.*	3/25/2025	5/30/2025
Daniel, P.*	4/29/2025	6/16/2025
Rintamaki, R.	1/21/2025	7/11/2025
Ulibarri, J.*	5/22/2025	5/27/2025

s/ Robert Gromatzky

Robert Gromatzky, PS  
PSC Chair

August 7, 2025

**Acknowledgement of Staff Review Applications  
For Expedited Endorsement Pursuant to 61-23-27.4 E(2)**

**PS Expedited Endorsements**

**\*Council Records**

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<b>4 Name</b>	<b>Date Applied</b>	<b>Approval Date</b>
Barton, M.*	6/16/2025	7/15/2025
Lesak, T.*	6/13/2025	6/18/2025
Motes, A.	5/20/2025	6/4/2025
Quickel, A.*	5/19/2025	6/4/2025
Searle, J.*	2/11/2025	7/3/2025

s/Robert Gromatzky

Robert Gromatzky, PS  
PSC Chair