

MINUTES

MEETING OF THE PROFESSIONAL SURVEYING  
COMMITTEE of the Board Licensure of Professional  
Engineers and Professional Surveyors held 9:00 a.m.  
Friday, August 14, 2015, Hearing Room 1,  
Toney Anaya Bldg., 2550 Cerrillos Rd., Santa Fe, NM

**Members Present-** David Cooper, PSC Chair  
Cliff Spirock, PSC Vice-Chair  
Glen Thurow, PS  
Augusta Meyers, Public Member

**Others Present-** Perry Valdez, BLPEPS Acting Executive Director  
Ericca Lopez, BLPEPS Licensing Manager  
Sami Romero, Executive Assistant  
James Aaron Combs, Audience

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

Mr. Cooper convened the meeting at 9:04 am. Roll call was taken, a quorum noted, audience introductions were made.

**2. Meeting Notification**

The meeting was noticed in the Albuquerque Journal as well as the board's website.

**3. Approval of Agenda**

**MOTION** by Ms. Meyers to approve the agenda as is, **SECOND** by Mr. Spirock, **PASSED** unanimously.

**4. Approval of Minutes**

a. Minutes of June 11, 2015

**MOTION** by Mr. Thurow to approve the Minutes of June 11, 2015 as is, **SECOND** by Ms. Meyers, **PASSED** unanimously.

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

### **a. J. Combs – Consideration of Licensure by Endorsement**

Mr. Valdez informs the board that staff flagged Mr. Comb's application because he lacked the required 8 years required experience for a related science degree.

Mr. Combs addresses the board stating that he feels his application should be approved due to the amount of classes, directly related to surveying, that he has taken. Mr. Combs has taken 52 courses directly related to the surveying profession, but only has 4 out the required 8 years of experience. Mr. Combs would like to have it noted that earlier this year (2015) he became licensed in both Wyoming and Kentucky. Wyoming has the requirement of the 4 years of work experience.

## **6. New Business**

### **a. Peggy Jeffers, AAG**

Mr. Valdez informs the board that Mrs. Jeffers is unable to attend the meeting. Mr. Valdez apprises the board that Ms. Velasquez has been very diligent in following up with the Attorney General's office regarding pending NCAs. Mrs. Jeffers informed the Engineering Committee that she does not have any of the case files in question, per Ms. Velasquez' list of pending NCAs.

### **b. Discussion of Advisory Opinion on Plat Filing**

Mr. Spirock asks for a discussion on a possible advisory opinion on what to do if the owner does not want you to record, as required, your plat of surveying. Mr. Spirock began to draft an advisory opinion and in the process went to the Board's website and noted the 2010 legislative requirement for land grant of common ownership that requires a certified letter be sent and notify the people with common interest of what a surveyor is doing. The Board may consider these as extraordinary instances if the land grant community needs to be notified by letter before filing the survey. Mr. Cooper suggested that those advisory opinions be submitted for changes on the Minimum Standards. Mr. Spirock feels that adding the language to the Minimum Standards would be beneficial. Mr.

Valdez informs the Mr. Spirock that the language for the required notification is currently in the Act. Mr. Thurow informs that the Practice Act supersedes the Minimum Standards and any changes in the Act would need to be tracked into the Minimum Standards. When the Act sunsets we need to try to have language to direct to the Minimum Standards. Mr. Thurow would like to have some flexibility on to the Minimum Standards for exceptional circumstances. Mr. Cooper reminds everyone that whatever is in the Act and Standards give more weight than an advisory opinion. Mr. Spirock has provided suggested language, open to modification. He asked Mr. Cooper to review and provide further insight. This is in hopes to add as an action item to change it during the sunset. Mr. Spirock asks Mr. Valdez if there is any other recourse to assist in such a circumstance. Mr. Valdez informs Mr. Spirock that the rules would be the best way to add the language.

**c. NCEES Motions – Future of Surveying Task Force**

Motion 39- Future of serving task force. Motion 1

Mr. Thurow informs the board that going through the motion he feels like they are not addressing the primary problems instead they are addressing the side effects of such. To give each surveying program 10000 dollars Mr. Thurow feels that the money may be exhausted with nothing to show, it just delays the inevitable. He asks for a more realistic action of this matter. Mr. Spirock would like to question NCEES in their actions to further support the surveying field. All are in agreement in voting 'No' to the financial support. Mr. Cooper feels that the profession is at a critical mass. There is a strong struggle to keep the surveying field going. He feels that we need to be on an alternate path for licensure. He feels if the alternate path is not made, a decision will be made for them. Mr. Spirock feels that limiting the amount of registrants would be counterproductive. Ms. Meyers agrees that something needs to be done to directly address the primary problem of the surveying profession and lack of interest in today's youth.

**d. Disciplinary Fines Table**

Mr. Valdez informs the board that Mr. Spirock provided the Texas board's matrix for the violation and fines that he would like to utilize. Mr. Spirock would also like to note that Texas has the registration of the firms and businesses, and would like to possibly look into having New Mexico begin licensing firms and business. Mr. Thurow would like to note that this will be used as a guide and that each violation case will have its own individual review.

This document will be used as an administrative tool. Mr. Cooper directs staff to come up with correlations on the violations in the code to have the board deliberate about the fines. Mr. Cooper asks that this item be placed on the full board agenda.

**7. Old Business**

**a. Standard of Care – Surveying**

Mr. Cooper is working with Steve Toler, PS and William Plotner, PS from NMPS to come up with language for NMPS.

**b. Surveying Affidavits – Surveyor in Responsible Charge**

Mr. Thurow asks what the appropriate venue for these affidavits to appear. Something more definitive needs to be done. Have an affidavit placed on file with BLPEPS signed and stamped. Mr. Spirock suggests maybe something in a different form so the responsible party can be listed in charge for the activities on a lower level. Mr. Thurow also states that there needs to be a balance between both so the board will not be accused of over regulating, or assuming such an engrossing task to inhibit the profession.

Mr. Thurow would like to see this added to the Administrative Code. Endorsed by this committee then brought before the full board, possibly to have the engineers add this to the Act as well and placed in the Administrative Code.

**c. Practice Act Revisions – Surveying Sections**

Mr. Thurow states the board needs to look at the Practice Act for any possibly revisions that will need to be made. He would like to identify some venue for surveying to look at the Practice Act for the Surveying committee in 2016 this is the first pass for any revisions to be taken before the full board, even those items may be exclusive to the profession of surveying. Mr. Cooper would like the sections identified by mid-October that need to be revised that way by the November meeting at least some dialogue would be made. Mr. Thurow does not feel that this could be accomplished with such time constraints. He feels the earliest would be in January of 2016. He feels that by that point in time he would be able to communicate with legal counsel and have suggested language for the committee. Ms. Meyers feels that the pre-meetings need to be completed by the summer of 2016. Mr. Cooper asks Mr. Thurow to e-mail at his earliest convenience just the identified sections and paragraph that he feels need to be revised for discussion at the November meeting.

**d. Proposed Changes to the NM Minimum Standards of Surveying**

Mr. Thurow states we are asking NMPS for information by November. All suggestions or recommendations should be received by October 9th. Considerations will be made during the November meeting, at that date a rules hearing date will be set.

**8. Executive Session –**

**MOTION** by Glen Thurow that the Board go into closed executive session to discuss only those matters listed on the agenda under executive session, pursuant to NMSA 1978 Section 10-15-1 (H) 1, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**8a. Action on Items Discussed During Executive Session**

Mr. Cooper states that the Board is back in open session and affirms 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.

**a. Disciplinary Cases**

**1) Case 10-10-60 – Request closure**

**MOTION** by Mr. Thurow to close the case, **SECOND** by Ms. Meyers, **PASSED** unanimously

**2) Case 2-PS-04-17-2014 – Request for closure**

**MOTION** by Mr. Thurow to close case, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**3) Case 12-PS-10-25-2012**

**MOTION** by Mr. Thurow to close case, **SECOND** by Mr. Spirock, **PASSED** unanimously.

**4) Case 10-PS-09-24-2013**

No action taken

**b. Status Review of Complaints and NCAs**

**c. PS Investigator Contract Status**

**d. Applications for Review**

**1) PS Exam**

- a) Spores, M.
- b) Torres, G.
- c) Tripp, M.

**MOTION** by Mr. Thurow to accept all PS Exam Applications for review, **SECOND** by Ms. Meyers, **PASSED** unanimously.

## 2) PS Endorsement

- a) Baker, G.
- b) Combs, J.-Exception
- c) Gustafson, J.
- d) Howell, B.

**MOTION** by Mr. Spirock to approve Baker, G., Gustafson, J., and Howell, B. for PS Endorsement, **SECOND** by Ms. Meyers, **PASSED** unanimously.

**MOTION** by Mr. Spirock in this instance the Board defines “surveying curriculum” as Mr. Combs’ education including specific courses and self-study as equivalent to an ABET accredited course of study in surveying and it is supplemented by 1) the individual merits of his application, including his appearance, 2) Board member inquiries and answers to the Board’s satisfaction, and 3) testimony from educators and members of the public and because of that we recommend Mr. Combs to sit for the two hour New Mexico exam and subsequent licensure, **SECOND** by Ms. Meyers, **PASSED** unanimously.

Abstained vote from Mr. Cooper

## 3) PS Reinstatement

- a) Lock, M.

**MOTION** to approve the PS reinstatement application by Mr. Thurow, **SECOND** by Ms. Meyers, **PASSED** unanimously.

9. **Next Scheduled Meeting Date:** November 5, 2015 – Las Cruces, NM

10. **Adjourn**

**MOTION** to adjourn by Mr. Spirock **SECOND** by Mr. Cooper **PASSED** unanimously. Meeting adjourned at 12:26 p.m.

Submitted By:

s/ Sami Romero \_\_\_\_\_

Ms. Sami Romero, Executive Assistant

Approved By:

s/ David Cooper \_\_\_\_\_

Mr. David Cooper, Committee Chair

November 5, 2015 Approved Date