

**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 8, 2024,  
Wilson and Company, Inc., Sandia Conference Room  
4401 Masthead St. NE Suite 150, Albuquerque, NM 87109  
& Virtual**

**Members Present-** Benjamin Aragon, PS, Committee Chair  
Maxine McReynolds, Esq., Public Member, Vice Chair  
John Wayne, PS

**Members Absent-** Robert Gromatzky, PS

**Others Present-** Perry Valdez, BLPEPS, Executive Director  
Miranda Gonzales, BLPEPS, Administrative Manager  
Jessie James, BLPEPS, Compliance Officer  
Dominique Trujillo, BLPEPS, Licensing Administrator  
Kristin Hovie, NM DOJ, AAG, Legal Counsel  
Wesley Quinn  
Joan Woodward  
Warren Woodward  
B. Sudduth

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

Mr. Aragon read the meeting script regarding the virtual meeting protocols. Mr. Aragon convened the meeting at 9:03 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. Wayne to approve the agenda as presented, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

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

The motion **PASSED unanimously**.

4. **Approval of Minutes**

a. **Minutes of June 6, 2024**

**MOTION** by Mr. Wayne to approve the Minutes of June 6, 2024, as presented, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

5. **Public Comment/Correspondence**

a. **Yamada, J. – English Proficiency Certificate**

Ms. Gonzales informed the Committee that Board staff received an email addressed to the Professional Engineers regarding the TOEFL exam. The TOEFL exam is a certificate showing an applicant's English proficiency. Staff placed this item on the agenda to get guidance from both the Professional Surveying Committee and Professional Engineering Committee on how to proceed with the English proficiency requirement.

Mr. Valdez stated that there is language in the New Mexico Practice Act and Administrative Code regarding proficiency in English, but it does not specifically state TOEFL.

Ms. McReynolds noted that TOEFL is internationally recognized for demonstration of English proficiency. She thinks that accepting the TOEFL or in the case of countries where a particular type of TOEFL exam is unavailable but there is a recognized standard substitute is the best practice.

Ms. Gonzales stated that currently on the Board website the requirements for English proficiency states that "An applicant with foreign registration or education requesting registration by reciprocity or exam shall show proficiency in the English language. An applicant who is from a non-English speaking country or a country wherein the primary language is other than English must submit a Testing of English as a Foreign Language (TOEFL) certificate with the minimum score of 575 and a TSE certificate."

Ms. McReynolds wanted to clarify that this language is on the Board website with the specific score and certificate. The basis for the standard was agreed by the previous Board, and that the current Board can adjust the requirements.

Mr. Valdez stated that it was correct and that it would have to go before the Full Board for the adjustment to the requirements.

Ms. McReynolds questioned if the TOEFL is unavailable in Japan, and if staff has researched the request. If the TOEFL is not available, then staff should contact the exam administration organization of TOEFL to see if they have a recognized alternative. If there is an alternative, then the Board should accept that alternative.

Mr. Valdez informed the Committee that the test Mr. Yamada brings up in his email states that it is an internet-based test of English as a foreign language. It measures the ability to use and understand English as read, written, heard and spoken. Ms. McReynolds stated that it is a different form of the TOEFL, but still a TOEFL test for English proficiency. She questions if the TSE certificate is part of the TOEFL IBT or just the TOEFL IPT.

Mr. Valdez stated the TOEFL IPT tests the same fields, but the IPT does have a bit more requirements.

Ms. McReynolds noted that the IBT does not look like it has the same scoring method. If the total score does not align with both TOEFL's then the Board will need to establish a specific score. She suggested that at the Full Board the PSC can suggest removing the minimum score and TSE certificate from our website. Then by resolution we would establish a score for both test and not post the scores online.

**b. Quinn, W.**

Mr. Quinn introduced himself and wanted to be in person in case the Committee had any additional questions regarding his application. He noted that he has submitted the syllabus and final exam regarding the deficient math class.

**6. Old Business**

**a. SPCS 2022 Update**

Mr. Aragon stated that there has been no progress, and this will be an agenda item to keep track of the SPCS 2022 update.

**b. Intern Certification for Professional Endorsement Applicants**

Ms. Gonzales presented the Intern Certification for Professional Endorsement Applicants form to the Committee. She noted that currently the applicants who are applying by endorsement and who do not have that certification have to submit a notarized application for certification. Staff wanted to help expedite the Intern Certification for professional licensure by endorsement applicants by creating this abbreviated form. The form would be emailed out to the applicant, then it can be emailed back to staff for quicker turn around.

Mr. Aragon noted that the form is simple and meets the requirements needed for certification.

**MOTION** by Mr. Wayne to support the Intern Certification for Professional Endorsement Applicants to the Full Board, **SECONDED** by Ms. McReynolds

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**c. NM Handbook for Building Officials - Review of Surveying Updates**

Mr. Valdez informed the Committee that he has made the modifications that were received by the Engineers, Surveyors, and Architects. He has not received any edits from the Landscape Architects.

Mr. Aragon requested that the PSC review the modifications and provide Perry with any additional modifications prior to the next scheduled JPC meeting.

Mr. McReynolds questioned if the Handbook would be revised further for sections that had additional comments and questions. Mr. Aragon stated that at the next meeting they can discuss the comments and questions.

**d. Advisory Opinion For the day-to-day right of way easements, are we going to have those surveyed?**

Ms. Gonzales stated that Mr. Gromatzky had provided a revised advisory opinion to address the questions and concerns of Mr. Medrano.

Mr. Aragon asked if the Advisory Opinion needed to be reviewed by an attorney. Mr. Valdez noted that the advisory opinion has been sent to Legal Counsel for there review.

Ms. Hovie stated that she reviewed the Advisory Opinion For the day-to-day right-of-way easements, are we going to have those surveyed, and she did not see any problems with approving and posting of the Advisory Opinion.

**e. MOTION** by Mr. Wayne to approve the Advisory Opinion For the day-to-day right of way easements, are we going to have those surveyed, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

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

The motion **PASSED unanimously**.

**f. Repeat Offenders Guideline Schedule**

Mr. Valdez presented the Repeat Offenders Guidelines Schedule that Mr. Gromatzky drafted. He stated that it is presented before the Committee for any additional comments or approval of the guidelines.

Mr. Wayne stated that this item as well as the Fines and Penalties Guidelines was reviewed at the last Penalties and Fee Committee meeting. The Committee went over the Repeat Offenders Guideline in detail and the Committee decided to place the guidelines as Appendix A of the Fines and Penalties Guidelines.

Ms. McReynolds stated that this would be helpful to the Committee as it will allow the Committee to be able to be consistent. She believes that it is imperative that the Committees have consistency in considering any kind of aggravated circumstance.

**7. New Business**

**a. Recommendations for the Fines and Penalties Guideline Table**

Mr. Wayne stated that after going over the guidelines the prior week the Penalties and Fee Committee had updates and questions to the guideline. Mr. Valdez informed the Committee that he had made those edits which are shown in red and added the questions from the Fines and Penalties Committee.

Mr. Aragon stated that both the Repeat Offenders Guideline Schedule and Fines and Penalties Guideline Table will be reviewed and possibly approved at the August 9<sup>th</sup> Full Board meeting.

**b. Advisory Opinion: Expert Witness Testimony**

Mr. Valdez introduced the Advisory Opinion Expert Witness Testimony drafted by Mr. Tonander.

Mr. Aragon stated that when someone is testifying in court, the court is just asking for an opinion. He noted that if you are just asking for an opinion than that would require you to have the knowledge and experience as a Professional Engineer or Professional Surveyor. He questions how can you avoid bringing the practice of engineering and surveying as an expert witness?

Mr. Valdez stated that this Advisory Opinion was written for those individuals who are not licensed in New Mexico but licensed in another state and used as expert witnesses. He explained to the Committee that in the past the Board left it

up to the Court to determine the expert witness. However, there has been a case where there was an expert witness who testified but then wrote a report which he signed and sealed. The Professional Engineering Committee did not have a problem with the individual being the expert witness in the court. It was with the report the individual signed and sealed.

Ms. Hovie asked the Committee to give her time to review the Expert Witness Testimony Advisory Opinion before approving it. Mr. Valdez stated that it is on the Agenda for the Full Board meeting on August 9<sup>th</sup>, but they will discuss the item and bring it back to the November Full Board meeting for reconsideration.

## 8. **Application Review – Recommended Approval**

### a. **Recommended for Approval List**

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

#### **Roll Call Vote:**

**Voting ‘Aye’:** Mr. Aragon, Ms. McReynolds, Mr. Wayne

The motion **PASSED unanimously.**

### b. **Confirmation of Staff Reviewed Applications**

The Committee acknowledged the confirmation of staff reviewed applications.

### c. **PS Retired Status Request(s)**

**MOTION** by Mr. Wayne to approve the PS retired status request, **SECONDED** by Ms. McReynolds,

#### **Roll Call Vote:**

**Voting ‘Aye’:** Mr. Aragon, Ms. McReynolds, Mr. Wayne

The motion **PASSED unanimously.**

## 9. **Closed Session**

**MOTION** by Mr. Aragon that the Committee enter into closed session at 10:26 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. Wayne.

**Roll call, vote taken, voting ‘Yes’:** Mr. Aragon, Ms. McReynolds, Mr. Wayne.

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

Mr. Aragon brought the Committee back into open session at 11:48 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-2024 Investigator's Report**

**MOTION** by Ms. McReynolds to dismiss, **SECONDED** by Mr. Wayne,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**2) Case 4-PS-2024 Investigator's Report**

**MOTION** by Ms. McReynolds to dismiss, **SECONDED** by Mr. Wayne,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**3) Case 3-PS-2023**

**MOTION** by Ms. McReynolds to close the case due to the fulfillment of the pre-NCA settlement agreement, **SECONDED** by Mr. Wayne,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

**4) Case 8-PS-10-07-2021**

**MOTION** by Ms. McReynolds to close the case without dismissal, **SECONDED** by Mr. Wayne,

**Roll Call Vote:**

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

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 Endorsement**

- a) **Klemm, V.**
- b) **Osen, T.**
- c) **Quinn, W. – Reconsideration**

**MOTION** by Mr. Wayne to approve for licensure by PS endorsement, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

- d) **Russell, S.**

**MOTION** by Mr. Wayne to not approve for lack of the 18 core hours in surveying, **SECONDED** by Ms. McReynolds,

**Roll Call Vote:**

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

The motion **PASSED unanimously.**

- e) **Sadzauchi, T.**

Mr. Aragon tabled for additional information.

**11. Next Scheduled Meeting Date: November 7, 2024 – Las Cruces/Virtual**

**12. Adjourn**

The meeting adjourned at 11:55 a.m.

**Submitted by:**

s/Miranda Gonzales  
Miranda Gonzales, Administrative Manager

**Approved by:**

s/Ben Aragon  
Ben Aragon, Committee Chair

November 7, 2024 **Approved Date**



**August 8, 2024**  
**PS Recommended Approval**

**PS Examination**  
**\*Council Records**

2  
0

<b>Name</b>	<b>Date Applied</b>	<b>Date Completed</b>
Madrid, C.	6/25/2024	7/1/2024
Romero, D.	6/3/2024	7/2/2024

**PS Endorsements**  
**\*Council Records**

2  
1

<b>Name</b>	<b>Date Applied</b>	<b>Date Completed</b>
Lacey, J.*	6/21/2024	7/30/2024
Montalvo Villafane, E.	4/1/2024	6/20/2024

s/Ben Aragon

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Ben Aragon, PS  
PSC Chair

**August 8, 2024**  
**Confirmation of Staff Review Applications**  
**For Expedited Endorsement Pursuant to 61-23-27.4 E(2)**

**PS Expedited Endorsements**  
**\*Council Records**

8

<b>0 Name</b>	<b>Date Applied</b>	<b>Approval Date</b>
Caster, D.	6/26/2024	6/27/2024
Engle, J.	5/24/2024	6/21/2024
Keenan, T.	6/28/2024	7/1/2024
Lovelin, M.	7/15/2024	7/19/2024
Schaaf, J.	7/8/2024	7/10/2024
Stout, A.	6/25/2024	7/19/2024
Vahle, T.	7/8/2024	7/10/2024
Walker Jr., H.	6/25/2024	7/1/2024

s/Ben Aragon

Ben Aragon, PS  
PSC Chair

