



PDHonline Course R601 (4 PDH)

**New Mexico Board Rules of Professional
Conduct and Responsibility**

2012

PDH Online | PDH Center

5272 Meadow Estates Drive
Fairfax, VA 22030-6658
Phone & Fax: 703-988-0088
www.PDHonline.org
www.PDHcenter.com

An Approved Continuing Education Provider

CASE NO.	RESPONDENT	VIOLATION OR ALLEGATIONS	BOARD ACTION
04-03-11 04-03-09	Richard J. Tresise PS 7240	The Professional Surveying Committee of the Board found Mr. Tresise to have violated § 61-23-27.11(A)(7)(rules of professional responsibility for professional surveyors- minimum standards for surveying) with regard to a plat recorded March 2002 and a subdivision plat prepared June 1997.	August 12, 2005 Decision & Order with conditions: Suspension – 6 months Exam – Oral exam on minimum standards for surveying before PSC Cost of proceedings - \$444.27 Failure to comply will result in issuance of an order to show cause why the license should not be immediately revoked.
05-04-03	Joe Sisneros PS 6847	Allegations were that Mr. Sisneros prepared a plat and a survey for property belonging to another but included property that belonged to the complainant (involved a Quiet Title Suit). Board investigation only discovered a few violations of the Minimum Standards for Surveying.	August 18, 2005 Stipulated Agreement of Settlement with conditions: Correct Plat. Fine - \$250.00
04-04-09	Klad Zimmerle PS 8334	Allegations of numerous violations of the Minimum Standards for Surveying	June 3, 2005 Stipulated Agreement of Settlement with conditions: Correct the plat Fine - \$500
03-02-30	Richard Hall PE, PS 7264	Board found Mr. Hall to have violated numerous sections of the Minimum Standards for Surveying, including, 12.8.2.9 (B)(C)(D)(F)(I)(J)(K) (recordation of plat), 12.8.2.15, 13.8.2.16 NMAC. Mr. Hall signed a plat which he stated was not meant to be a completed survey.	June 23, 2005 Decision & Order with conditions: Education- (1) Audit of professional development activities claimed during the last three years; (2) complete the NMSU ethics course Fine - \$750 Costs - \$391
04-03-14	Robert E. Bookwalter, PE 13847	Board found Mr. Bookwalter to be in violation of the Act and the Board's rules of professional conduct (by stamping and sealing plans for which he was neither in responsible charge of nor directly responsible for the work issued.)	May 8, 2005 Decision & Order with conditions: Probation - 2 years (with no valid complaints during this period filed against him that would result in adverse action by Board)

			Fine - \$2,000 Costs - \$452 Education - 20 hrs of engineering ethics
02-02-27	Victor W. Topmiller PS Lic. No. 5418	Board found Mr. Topmiller had violated the Minimum Standards for Surveying on a survey plat prepared to correct a 1997 plat also prepared by him.	February 18, 2004 Decision & Order with conditions: Correction of plat. Probation - one year, including peer review. Cost of proceedings - \$690
02-01-07	Augustine C. Grace PE Lic. No. 10861	Board found Mr. Grace personally or under his direct supervision prepared plans and specifications for a water well and pump house project for the City of Santa Rosa, stamped and signed these plans, and on or about 6 July 2001, submitted these plans to the New Mexico Environment Dept. Construction Programs and Drinking Water Bureaus. Mr. Grace stamped and signed the electrical drawing in these plans even though his sole area of practice as listed in the Board's roster is civil engineering, not electrical engineering. 16 October 2002, a Notice of Contemplated Action was issued and Mr. Grace did not request a hearing.	January 2, 2003 a Decision & Order was issued. Fine - \$2,000 Probation – 1 year probation; if within this 1 year period the Board receives and substantiates a complaint that Mr. Grace has violated the Engineering and Surveying Practice Act or the Board's rules, the Board will issue an order to show cause why his license to practice engineering in NM should not be revoked. Letter of Reprimand
01-01-18	Timothy R. Oden PS Lic. No. 8667	1993 plat of survey did not conform to requirements of Rule 91-4.A.3d of the Minimum Standards for Surveying; failure to properly set and mark witness corners and inadequate description of monuments found or set, resulting in confusing corner monumentation.	Decision & Order issued on October 9, 2002 1 year supervised probation Fine: \$5,000
01-01-09	Frank L. Quarrell PS Lic. No. 9829	Violation of Rule 500.3.J Property Boundary Surveying prepare a plat of the survey, unless the survey is only the remonumentation of corners of a tract, shown on a recorded plat, where some of the existing corners of the tract are	Stipulated Order of Settlement issued on July 29, 2002 Corrected Plat of Survey Fine:\$1,500 and letter of reprimand

		recovered, whose measured dimensions on the ground are found to be equal to the record dimensions within the tolerances specified; the plat may contain as many sheets as required which meet the size and material requirements of the County Clerk and 500.13 the lot number, tract number, other designation or the apparent owner of all adjoining tracts with the recording data of the last recorded plat.	
02-01-15	Morris A. Apodaca Lic. No. PS 5300	Allegations: violations of the minimum standards for surveying - Respondent performed a survey based on a copy of a previous survey, which was provided by the title company. Respondent was unaware that the other surveyor's survey was different from yet another earlier survey by that same surveyor (prior to recordation statute).	June 13, 2002 Stipulated Settlement Agreement: Correct Survey Plat Fine: \$500 Letter of Reprimand
02-01-03	Cipriano Martinez PS Lic. No. 3995	Respondent violated numerous provisions of the minimum standards for surveying on a 1997 boundary survey and later incorrectly stated on a 1998 Surveyor's Inspection Report a boundary of the same property to be in a different location. Respondent also failed to note on the sketch that it was not a survey for use by a property owner for any purpose. Respondent was served with an Order to Show Cause why the license should not be permanently revoked since the conditions of the Stipulated Order were not met. Hearing was held on 13 December 2002.	June 11, 2002 Decision & Order: Probation – Supervised for 1 year by peer reviewer & Board. Respondent to pay for peer review. Assurance by Respondent – Payment to complainant for specific items Fine - \$5,000 Cost of proceedings - \$390.89 Course Completion – in surveying ethics Letter of Reprimand January 7, 2003 license was revoked.
01-01-17	Douglas H. Smith Lic. No. PS 7002	Respondent violated numerous provisions of the minimum standards for surveying on three different plats on the same boundary survey as well as incorrectly affirming that the survey was not a	May 10, 2002 Decision & Order: Fine - \$2,000 Course Completion: Surveying ethics Letter of Reprimand

		subdivision, when in fact the plats represented a land subdivision.	
01-00-08	Robert L. Lydick Lic. No. PEPS 2221	Respondent violated numerous provisions of the Minimum Standards for Surveying, Section 500.3.J Property Boundary Surveying prepare a plat of the survey, unless the survey is only the remonumentation of corners of a tract, shown on a recorded plat, where some of the existing corners of the tract are recovered, whose measured dimensions on the ground are found to be equal to the record dimensions within the tolerances specified; the plat may contain as many sheets as required which meet the size and material requirements of the County Clerk (Feb 2, 1994 standards) including failing to follow rules and procedures in the BLM Manual of Surveying Instructions.	Dec. 28, 2001 Decision & Order: Correction of Plat – 3 rd amended plat was approved. Fine - \$3,000 Costs of Proceedings - \$481.28. Letter of Reprimand Course Completion BLM surveying procedures.
99-99-51 99-99-53 99-99-55 99-99-57	John Flores Lic. No. 10830	Respondent was served with four notices of contemplated actions for violations of the statutes and rules and regulations, which included unethical practices (allegations of deception, incomplete and faulty work, and breach of contracts). Respondent was served with an Order to Show Cause why the license should not be permanently revoked since conditions of the Stipulated Order were not met. Hearing was held 12/14/2001. Respondent was found to have violated the NM Engineering & Surveying Practice Act and the Board's rules by not complying with the terms and conditions of the October 20, 1999 Stipulated Agreement and Order.	December 18, 2001 Decision & Order: Permanent Revocation History: October 20, 1999 Respondent agreed to enter into a Stipulated Agreement with the Board for the Suspension of his license for a period of six months from 1/1/00 to 6/30/00. If conditions were not met, automatic suspension/revocation would occur. Respondent agreed that from 10/99 through 12/99 he would make complainants "whole" in the four cases & complete all on-going projects prior to suspension. Fine: \$2,000 Costs of Proceedings: \$93.78 Course completion: Surveying Ethics. Appearance before board prior to reinstatement of license.

01-00-16	C. A. Spirock PS Lic. No. 4972	Board found violation of 500.9.D; Minimum Field Accuracy Standards	Stipulated Order of Settlement issued on September 13, 2001 Fine: \$500 Letter of Reprimand
01-00-12	James E. Corbin PE Lic. No. 13225	Violated NMAC, title 16, chapter 39, part 8, paragraph 9.3.1 The issuance of public statements. A professional report or professional opinion issued by or under the responsible charge of a licensee shall not contain any intentionally false, misleading or deceitful statements or testimony. Any report, statement or testimony by a licensee shall contain all relevant and pertinent information as required by accepted engineering or surveying principles.	Letter of Reprimand issued on July 21, 2001
01-00-09	Karl D. King PS Lic. No 7250	Plat violates Rule 500.3J Property Boundary Surveying prepare a plat of the survey, unless the survey is only the remonumentation of corners of a tract, shown on a recorded plat, where some of the existing corners of the tract are recovered, whose measured dimensions on the ground are found to be equal to the record dimensions within the tolerances specified; the plat may contain as many sheets as required which meet the size and material requirements of the County Clerk Board found he violated 500.3J5(a description of all monuments found or set; a found monument which the surveyor has rejected as a true property corner shall be designated as such), 7(a description of all documents used to determine the boundary of the surveyed tract and to prepare the plat of survey; the recording information shall be stated if the document s not of record, all information used from the document shall be shown on the plat), and 8(the boundary of the tract being surveyed including the	Stipulated Order of Settlement on June 28, 2001. Letter of Reprimand issued on July 12, 2002

		<p>dimensions as measured on the ground and the record dimensions unless the two are equivalent); 500.3.K record the plat prepared under Paragraph J with the County Clerk of the county or counties in which the survey is located. The plat shall be recorded within 30 days of completion. A plat which requires the approval of a government agency is complete upon final approval. Any other plat is complete when the surveyor signs or seals it.</p>	
01-01-08	<p>Victor W. Topmiller, Jr. PS Lic. No. 5418</p>	<p>Violation of Rule 500.3.K record the plat prepared under Paragraph J with the County Clerk of the county or counties in which the survey is located. The plat shall be recorded within 30 days of completion. A plat which requires the approval of a government agency is complete upon final approval. Any other plat is complete when the surveyor signs or seals it.</p>	<p>Stipulated Order of Settlement issued on May 10, 2001 Fine: \$1,000 Letter of Reprimand</p>
00-00-18	<p>Victor W. Topmiller, Jr. PS Lic. 5418</p>	<p>Allegations of the Minimum Standards for Surveying, included only one tie to a section corner –other corners tied with no identification other than “marked stones” or “brass cap”, some bearings and distances were omitted on the plat, no indication of the location of existing power lines, easements of record for utilities, roadways and fences, the book and pages were not shown on lots previously surveyed and deeded (the original configuration of the lots in question were not shown, and others.)</p>	<p>May 10, 2001 Stipulated Order of Settlement - Correct Plat Letter of Reprimand Fine: \$1,000</p>
00-00-16	<p>David Marquez PE Lic. 4671</p>	<p>Texas engineer practicing in New Mexico. NM license was revoked in 1992</p>	<p>Cease & Desist Letter issued on April 13, 2001</p>

00-99-03	Wyatt Sparks Lic. PS 8487	Violations of the Feb 2, 1994 Minimum Standards for Surveying, including failure to state the basis of bearing, describe all documents used to prepare survey, show all dimensions on plat that pertain to establishing a section corner of subdividing a section, failure to indicate that there was no recorded access easement known, and others.	June 28, 2000 Decision & Order: Revise the Plat. Course Completion: Surveying ethics. Costs of Proceedings: \$284.95 Letter of Reprimand
00-00-17	Cipriano Martinez PS Lic. 3995	Respondent admits to violations of the Minimum Standards for Surveying	Stipulated Order of Settlement: Fine: \$1,000 Letter of Reprimand
01-00-11	Paul E. McGinnes PE Lic. No. 6929	Reprimanded for violations of NMAC, title 16 chapter 39, part 8 paragraph 9.1.1c. In order to protect public safety, health, welfare, and property in the performance of their professional duties, licensees shall at all times: approve and seal only those engineering documents and surveys which conform to accepted engineering and surveying standards.	Letter of Reprimand Fine: \$500 issued on July 3, 2001
01-01-07	Wallace R. Luchetti PS Lic. No. 5040	Violation of Rule 500.3.J Property Boundary Surveying prepare a plat of the survey, unless the survey is only the remonumentation of corners of a tract, shown on a recorded plat, where some of the existing corners of the tract are recovered, whose measured dimensions on the ground are found to be equal to the record dimensions within the tolerances specified; the plat may contain as many sheets as required which meet the size and material requirements of the County Clerk.3(a title which shall include the county in which the surveyed tract is located and at least the following: a. the lot, block or tract number and subdivision or district name if the surveyed tract is within a subdivision or conservancy district b. the city, grant, small holding,	Fine: \$500.00 Letter of Reprimand issued on September 23, 2001

		<p>mining or private claim, or similar area in which the surveyed tract is located and c. if neither paragraph a nor b applies, then the section(s), township(s) and range(s) in which the surveyed tract is located. If the tract is within a section, then the projected section(s) shall be stated and designated as such.), 5(a description of all monuments found or set; a found monument which the surveyor has rejected as a true property corner shall be designated as such) ,6 (the basis of bearing used in the survey which shall be a procedure such as a solar observation or a line shown on a plat and defined on the ground by existing monuments),7 (a description of all documents used to determine the boundary of the surveyed tract and to prepare the plat of survey; the recording information shall be stated if the document s not of record, all information used from the document shall be shown on the plat) ,8 (the boundary of the tract being surveyed including the dimensions as measured on the ground and the record dimensions unless the two are equivalent),13 (the lot number, tract number, other designation or the apparent owner of all adjoining tracts with the recording data of the last recorded plat), and 17 (a box labeled “indexing information for County Clerk” located near the lower right hand corner of the 1st sheet of the plat, containing the following: (a) the name of the owner(s) of the surveyed tract as indicated by the last recorded deed, (b) the section(s), township(s), and range(s) in which the surveyed tract is located, if the tract is not within a section, then the projected section(s) shall be stated and designated as such. (c) the name of the subdivision if applicable.</p>	
--	--	---	--