

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

IN THE MATTER OF:)
)
MILFORD T. KEENE, PS)
LICENSE NO. PS #8489) **CASE NO: 1-PS-01-30-2014**
)
RESPONDENT.)
)

SETTLEMENT AGREEMENT

WHEREAS, the Professional Surveying Committee of the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors ("Board") initiated a complaint against Milford T. Keene, Respondent ("Respondent"), alleging that Respondent practiced surveying on a project for Hubert Bartol a time when Respondent's license had lapsed;

WHEREAS, the Board voted to request the issuance of a Notice of Contemplated Action ("NCA"), which was issued on December 30, 2015;

WHEREAS, the Board and Respondent wish to resolve this matter without the time and expense of a formal hearing and believes that this Settlement Agreement is appropriate and in the best interests of both the Board and Respondent;


IT IS AGREED AS FOLLOWS:

1. The Board has jurisdiction over the Respondent and the subject matter.
2. The Respondent was not licensed to practice surveying during the period of September of 2010 through May of 2011, when Respondent engaged in the practice of surveying property for Hubert Bartol.

3. Respondent enters into this Settlement Agreement voluntarily and waives the right to a full hearing on the merits, the right to confront and cross examine witnesses, the right to an appellate process, and waives all time limitations as set for in the Uniform Licensing Act, NMSA 1978, § 61-1-1 through § 61-1-33.
4. Respondent's waiver of rights contained herein is made knowingly, intelligently and voluntarily.
5. If the Board rejects this Settlement Agreement, the Board may proceed with a full evidentiary hearing. Terms of this agreement or statements made by either the Respondent or the Board in support of this agreement shall not be used against either party in such hearing and are not intended as general admissions.
6. The Board shall take no further action against Respondent with respect to the matters in the subject case, provided that Respondent complies with the terms of this Settlement Agreement.
7. Respondent agrees to pay a civil penalty of one thousand dollars (\$1,000.00) to the Board within thirty (30) days of the Board's acceptance of this Settlement Agreement.
8. The Board shall send a copy of the Order accepting this Settlement Agreement to the Respondent via certified mail.
9. Respondent shall pay the penalty by check, cashier's check or money order, and shall send payment to the Board to the following address:

N.M. BLPEPS
c/o Perry Valdez, Executive Director
P.O. Box 25101
Santa Fe, NM 87504-25101

10. Respondent understands and acknowledges that any violation by Respondent of this Settlement Agreement will immediately result in the re-filing of the NCA, which could result in the imposition of lawful sanctions, including but not limited to any disciplinary action described in the Engineering and Surveying Practice Act for the above referenced case and the subsequent violation.
11. The NCA and this Settlement Agreement are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-1 *et seq.* Other data, communications, and information acquired by the Board relating to this matter shall be public as provided by applicable regulations.
12. This Settlement Agreement resolves claims brought, or which could have been brought by either party against the other as a result of the incidents described in or arising out of the NCA.
13. The Board will verify that Respondent has satisfied the above stated requirements.


Milford T. Keene, PS, Respondent

Feb. 16, 2016
Date


David Murphy, Assistant Attorney General

2/17/16
Date

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ORDER ON SETTLEMENT AGREEMENT

This matter having come before the Board of Licensure for Professional Engineers and Professional Surveyors for the State of New Mexico, and with a quorum being present and a majority voting for the action designated below, this Stipulated Agreement is:

Accepted

Rejected



David E. Cooper, PS, Board Chair



Date