FY 15 Annual Report

Of the Board of Examiners for Architects

July 1, 2014 to June 30, 2015

Board of Examiners for Architects
9/23/2015
INTRODUCTION

The profession of architecture is one of the oldest and most respected in the world. The architect as the definer of the built environment bears an enormous responsibility for the health, safety and welfare of our society.

The Board of Examiners for Architects (the Board) is charged with that duty, as well, to “safeguard life, health, and property and to promote public welfare” by reviewing evidence of professional qualification of any person applying to practice architecture in the state of New Mexico. In addition, the agency has the duty to regulate the architectural profession and otherwise enforce the provisions of New Mexico’s law regarding the licensure of the professional practice of architecture, the Architectural Act, and the Board’s rules drawn from the law.

The Board is mandated to assure the citizens of New Mexico quality and safety in the professional design of the built environment. The examination and registration of architects, rule-making and the enforcement of the Architectural and the Board rules are the means by which this responsibility is achieved.

The Board is an executive agency under the Office of the Governor. The Board is a licensing authority operating in accordance with the statutory requirements of the Uniform Licensing Act. The Board is a semi-autonomous regulatory agency, in that it is not part of the state’s Regulation and Licensing Department and operates entirely on the revenues it generates from application and registration fees. The Board is responsible for setting its own policies and procedures. The procedures for the establishment of its rules are set out in the Uniform Licensing Act. All statutory changes and additions must be approved by the State Legislature and signed by the Governor.

The operations and duties are overseen by a Board consisting of seven members appointed by Governor Susana Martinez. Six of the Board members must be registered architects having ten or more years of experience in the profession, with one of the six being in architectural education at an accredited college of architecture. The seventh Board position is a public member.

Education is the watchword of much of what the Board pursues in thought and action. This includes the education necessary for registrants to comply with registration standards, including continuing education; the education of the public in regards to architectural
practice; the education of students and interns to bring awareness of what will be expected of them in fulfilling their requirements for education; and the education of public officials as to the law and rules governing the practice of architecture in New Mexico. The various methods the Board uses to educate this wide spectrum of society will be explained further in this report.

**PATHWAYS TO ARCHITECTURAL PRACTICE**

In New Mexico there are two basic methods through which one may become a registered architect. Stated in the simplest form these are:

- Following the path of a student through obtaining an accredited professional practice degree; registering with the National Council of Architectural Registration Boards (NCARB) to be an intern gaining experience in the field; passing the national Architectural Registration Examination (ARE); completing internship training requirements; and applying for licensure through the Board;
- After obtaining licensure in another state/jurisdiction, one can apply for reciprocal registration through the NCARB certification program.

The first step for a student is to complete the necessary degree requirements. The Board, being a member board of NCARB follows the standards as currently set out in NCARB’s Education Guidelines.

After obtaining a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB), the individual must then satisfy NCARB’s standards of training, also which the Board accepts. This requires enrollment in NCARB’s Intern Development Program (IDP) and fulfilling the requirements as specified in the IDP Guidelines. It usually taken an intern approximately three to five years to obtain the necessary credit hours, however, in FY 15, NCARB streamlined its internship program and the required amount of credit hours in elective areas were removed. This is expected to shorten the length of an average internship nationwide to two to four years, although responsibility for completion of the program rests with the individual. Internship is performed in the employ of a registered architect.

In New Mexico, it is not necessary to complete the IDP requirements to be eligible to take the ARE, the national examination, which is required for all architectural registrants in the United States. Each jurisdiction, such as New Mexico, determines the requirements for taking the ARE. IDP must be completed prior to licensure, however.

In New Mexico the requirements are:

- Obtain an accredited professional degree as specified in the NCARB Education Guidelines;
- Apply for the NCARB internship program (IDP and obtain and obtain and IDP number;
- Apply for eligibility via NCARB to the Board;

The ARE now consists of seven divisions, which are designed to test a candidate’s knowledge of a broad range of skills and applications. The ARE has been computerized and may be taken at testing centers throughout the U.S. A candidate must successfully pass all divisions
before becoming a registered architect. As in the IDP requirements, changes have been made
to the ARE to condense testing of subjects from seven to six categories in the near future.
The launch of the new exam set, known as ARE 5.0 is expected in mid-2016. The divisions for
both the current exam and the future one is to test a candidate’s knowledge of a broad range
of skills and applications. It is important to note that members of the Board served on
committees organized by NCARB to write questions and review problems for both exams.
Active membership with NCARB by Board members – entailing days of volunteered time
away from their practice and their families – have allowed New Mexico’s voice to remain
clear within national testing standards for architects. Service by Board members has a
national impact.

SERVICES THE BOARD PROVIDES

Safeguarding life, health and property and promoting public welfare in the practice of
architecture requires the Board to be involved in a wide spectrum of activities. As previously
mentioned, a major focus for the Board encompasses all aspects of what is required to
become a registered architect. And while that is certainly a major determinant in how staff
and Board member time is used, as well as the main revenue provider for the Board, there
are other activities that play a very important role in fulfilling the Board’s mission.

Enforcement

It is the responsibility of the Board to investigate and, if necessary, to prosecute any
violations of the Architectural Act and Rules and Regulations. This includes alleged
violations by registrants and non-registrants. Complaints reported to the Board are subject
to preliminary investigation by the Board’s investigator. The Rules and Regulations
Committee’s Enforcement Subcommittee determines if further action is required. If
necessary, a Notice of Contemplated Action is issued by the Assistant Attorney General
associated with the Board. If requested by the respondent, a hearing before a Board-
appointed hearing officer is held. A settlement agreement may be an appropriate course of
action in lieu of issuing a Notice of Contemplated Action.

Following the hearing officer’s finding of facts, the Board’s response may range from
dismissal of the alleged violation(s) to revocation of a registrant’s license. A non-registrant or
registrant may face a fine. While the Board does not hesitate to prosecute any valid violation
of the Architectural Act, the general philosophy behind enforcement involving less serious
violations is to educate and rehabilitate rather than to simply prosecute and discipline.

The enforcement of the Architectural Act and its Rules and Regulations is often the “proving
ground” for the development of statutory changes and new rules. As with most professions,
the field of architecture has undergone widespread technological change and growth in
recent years. With these changes comes the challenge to improve and create new provisions
for public protection.

Initially, it is the purview of the Board’s Rules and Regulations Committee to review new
cases and determine an initial course of action through the Enforcement Subcommittee;
analyze current Rules and Regulations; and recommend changes to the Architectural Act to
the Board. All new Rules and Regulations must be presented to the public and approved by
the Board in accordance with the Uniform Licensing Act and the Open Meetings Act.
Education
Through a wide array of educational activities, the Board works to offer information to those associated with the practice of architecture and the general public.

The main conduit of information is the Board’s web site at http://www.bea.state.nm.us where several documents are available for easy reference, as well as activities for continuing education. The site offers a complete copy of the Architectural Act and the Rules and Regulations, as well as guidance for consumers when they are hiring an architect. The site also offers a roster of current registrants and inactive former registrants, which will be discussed later in this report. Access to the roster enables the public to ascertain whether the person they are working with is registered to practice architecture in New Mexico. A brief description of disciplinary cases which rose to the level of the issuance of a Notice of Contemplated Action was added in FY 10 and the Board plans to update all of the information available to the public regarding disciplinary cases in FY 16. The Board’s director constantly assesses content for the site.

The site offers educational opportunities for the general public and registrants through articles and continuing education activities.

The Board has also created the Student Observer position. This is a non-voting, voluntary position, which allows a student at the University of New Mexico School of Architecture and Planning to participate in regularly scheduled Board meetings. Meetings with students and the Student Observer are coordinated and overseen by the Board’s architect/educator member.

Registration
The Board offers several services to its registrants. Biennially the Board notifies registrants of their responsibility to renew their license. Staff tracks renewals and inputs new data into the Board’s database.

Continuing education for renewal of an architect’s license has been integral to the process for nearly two decades. Two years ago, the Board instituted a requirement that registrants acquire continuing education in health, safety and welfare throughout the two-year period, i.e., 12 credits for each year of the two-year cycle. Registrants were informed of the 12-per-year requirement two years ago and had time to prepare. The “12-per-year” is a national standard as well, adopted by many states in the past four years. The rule changes also provided new guidance on appropriate subjects within the requirements of “health, safety and welfare,” to explicitly include topics in ethics and law.

In an effort to educate new registrants, the Board requires each applicant to pass a jurisprudence examination. This open-book exam is based on the Architectural Act and its Rules and Regulations.

Registrants are kept informed of changes to the Architectural Act and Rules and Regulations via the web site and email.

The Board also offers continuing education online at its website. This was the first, free-of-charge interactive online continuing education course created by an agency regulating the practice of architecture in the United States.
Finally, Board staff responds to all inquiries from other jurisdictions when a New Mexico registrant is seeking reciprocity registration in another jurisdiction without an NCARB certificate.

Examination Candidates
Upon completing the requirements for registering for internship with NCARB, an individual is eligible to become a candidate for the Architectural Registration Examination (ARE). The candidate must successfully pass all seven divisions of the ARE before becoming a registered architect. Exam candidates are subject to NCARB’s “rolling clock,” where candidates have five years to complete all of the exams. Passed exams will “fall off” – be removed from the candidates’ record – if all of the exams are not passed within the five-year window. The Board retains candidates’ eligibilities to take the exams as long as the candidates do not request to be taken off the eligibility list. The “rolling clock,” was instituted by NCARB to urge exam candidates to complete their exams – seen as the last component of a three-part path to licensure – in a timely manner and become licensed to reach their ultimate goal: practice of architecture.

In concert with NCARB, Board staff track a candidate’s exam progress. In FY 15 the process for reporting scores to exam candidates was greatly accelerated by NCARB, which took over the testing function in FY 14 from another organization, Prometric. Exams are scored by NCARB within 10 days of the candidate taking the exam, and candidates and NCARB interface online. The Board’s duties include assuring a candidate’s NCARB record meets the Board’s educational standard which matches the current educational standard of NCARB. The Board also requires that the candidate is registered for the Intern Development Program (IDP), which is overseen by NCARB.

Interns
Interns represent the aspirational aspect of the architectural community. As individuals working for practicing architects, they must concentrate on acquiring all of the necessary credits or units to fulfill the IDP requirements, currently set by NCARB. In addition, with the ability to take the ARE upon completion of the professional degree, they may be taking the exams while also completing the experience requirements. Often, this segment of the architectural community is highly mobile and the Board is working on ways to reach out to these individuals with developing information about IDP, ARE, education, licensure, and ethics.

The Board staff follows up with calls, emails, and mailed correspondence when necessary when concerns and questions arise about an individual’s ARE and IDP status.

BOARD STRUCTURE
Working under the direction of Governor Martinez and her office of Boards and Commissions, the Board endeavors to enlist its Board members from all areas of New Mexico. Board member positions are voluntary, with reimbursements for attending Board-related meetings in accordance with the New Mexico Per Diem Act. Board members are appointed to three-year terms by the Governor.

In FY 15
Michael Bodelson – Chair, Architect Member
Committees of the Board
The following are standing committees for the Board, described in Part 2 of the Rules under 16.30.2. NMAC. Three Board members also served on a special committee initiated by Chair Bodelson, called the Broadly Experienced Architect Working Group. The group was established to work with individuals and representatives of the New Mexico Chapter of the Architectural Institute of America (AIA) in regards to a pathway to reciprocity for individuals who do not have NCARB certification:

**RULES AND REGULATIONS COMMITTEE**
Chair Robert Calvani and members Michael Bodelson and Ray Vigil. Members of this committee also act as the Enforcement Subcommittee.

The committee’s responsibilities include: reviewing the New Mexico Architectural Act, the Rules and Regulations and recommending changes and/or additions to the full Board. The committee responds to complaints and information that may be violations of the Architectural Act, the Rules and Regulations, and the New Mexico Uniform Licensing Act.

**EXAMINATION AND RECIPROCITY COMMITTEE**
Chair Jim Oschwald and members Geoffrey Adams and Tara Rothwell-Clark.
Responsibilities of the Examination and Reciprocity Committee include: review ARE applicants to determine if they are qualified to the examinations and receive licensure upon completion of the exams; review applications for reciprocity; recommend applicants for licensure upon completion of the ARE or via reciprocity or reinstatement. This committee meets monthly electronically.

**PLANNING AND DEVELOPMENT COMMITTEE**
Chair Michael Bodelson with members Ray Vigil and Jim Oschwald.
In FY 15 the committee completed a series of steps to update the Board’s performance measures, which were subsequently approved by the Department of Finance and Administration. The new performance measures are an integral part of the Board’s Strategic Plan. The plan is submitted each year with the Board’s appropriation request for the following fiscal year. It is intended to track the Board’s achievement of its mission, which is to protect the health, safety and welfare of the public by the regulations of the practice of architecture and regulation of the licensing of architects.

**FINANCE AND OPERATIONS COMMITTEE**
Chair Geoffrey Adams with member Tara Rothwell-Clark and Ray Vigil.
Committee responsibilities include: review all budget matters; review Board operations for efficiency, economy and security; make regular reports on these matters to the Board.
JOINT PRACTICE COMMITTEE

Chair Ray Vigil with member Tara Rothwell-Clark and alternate Robert Calvani.

The Committee consists of the Board of Examiners for Architects, the Board of Licensure for Professional Engineers and Professional Surveyors, and the Board of Landscape Architects. Board member responsibilities include: attending Joint Practice Committee meetings and reporting to the Board in regards to matters discussed at the meetings. Among other issues discussed by the JPC, the members discussed the State Use Act.

Board Staff
The Board staff is as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wren Propp</td>
<td>Director/CFO</td>
</tr>
<tr>
<td>Melarie Gonzales</td>
<td>Budget Analyst-O</td>
</tr>
<tr>
<td>Jackie Holmes</td>
<td>Compliance Officer/Investigator</td>
</tr>
<tr>
<td>Michele Barela</td>
<td>Records Clerk</td>
</tr>
</tbody>
</table>

Ms. Propp was appointed director of the Board as of September 2012. As well as managing the Board’s day-to-day functions and supervising staff, she acts as the Board’s liaison with the Joint Practice Committee, and the Planning and Development Committee. She is the Board’s Chief Financial Officer. Along with Ms. Barela, she also works with exam applicants.

Ms. Gonzales provides administrative services for the day-to-day functions of the Board, as well handling the Board’s financial accounts, payroll, and expenditures. She coordinates all the Board’s purchases with vendors. She is the liaison with agencies that help regulate the Board’s activities, such as the Department of Finance and Administration, the General Services Department, State Records and Archives and the State Personnel Office.

Ms. Holmes serves as the Board’s investigator and reports directly to the Enforcement Subcommittee in regards to complaints and information alleging violation of the Architectural Act, Rules and Regulations, and the Uniform Licensing Act. As the liaison with the Exam and Reciprocity Committee, Ms. Holmes is the final reviewer prior to submittal for their review of all applications for licensure, either through reciprocity or examination. Ms. Holmes also handles calls from the public, applicants and registrants regarding the Architectural Act and the Rules and Regulations.

Ms. Barela’s tasks include speaking with prospective applicants for licensure regarding the Board’s requirements, as well as the initial processing of applications to check for completion and assisting Ms. Gonzales in the processing of payments of application fees and registration fees. Ms. Barela also processes documentation from NCARB regarding prospective applicants, including exam candidates. She also records ARE scores. She prepares materials for Board meetings, records and transcribes minutes of the meetings and provides research assistance for the director.

All staff members provide service to the public

Board Legal Representation
The Board does not hire legal representation from the public sector. The Office of the Attorney General assigns attorneys to represent and advise the Board. Currently the Assistant Attorney General acting as legal counsel for the Board is Joe Dworak. Also, the
Office of the Attorney General assigns a civil prosecutor to represent the Board during disciplinary actions against registrants and unlicensed individuals. Assistant Attorney General Sally Galanter served for much of FY 15 as the Board’s prosecutor.

**Board Calendar for FY 15**

**Board Meetings and Conference Attendance**

- August 1, 2014, Santa Fe, NM
- October 24, 2014, Special Meeting, Santa Fe, NM
- November 21, 2014, Las Cruces, NM
- December 19, 2014, Special Meeting, Santa Fe, NM
- February 6, 2015, Santa Fe, NM
- March 12 through March 15, 2015, Regional Summit WCARB, Long Beach, CA
- April 30, 2015, Santa Fe, NM
- June 17 through June 21, 2015, NCARB Annual Meeting, New Orleans, LA,

**NATIONAL INVOLVEMENT IN SERVICE TO THE PUBLIC**

Board members have been bringing their knowledge of New Mexico’s unique mix of culture, geography and climate to a national platform in the regulation of architectural practice for several years. Being involved regionally and nationally benefits New Mexico’s citizens by having someone represent their needs and concerns, as well as ensuring that the Board is informed of current trends and policies affecting the practice of architecture.

The Board is a member of the National Council of Architectural Registration Boards (NCARB). The primary purpose of NCARB is to create, and update, the Architectural Registration Examination and to be a clearinghouse for reciprocal registration for all U.S. jurisdictions. NCARB also sets the national standards for internship and promulgates model law on a variety of regulatory issues. The Board participates in NCARB activities through its members’ and staff volunteering for NCARB committees. Board members and the director also attend the regional and national meetings annually.

The Board is a member of the Western Council of Architectural Registration Boards (WCARB). The Western council, representing twelve western states, is one of the largest of the six U.S. regions comprising NCARB. WCARB was the first regional organization of architectural registration boards in the United States and developed the first standardized architect examination. Here, again, Board members and staff participate in regional activities and at the annual regional meeting.

In Fiscal Year 15, Board members were involved in NCARB activities in the following manner:

- Robert Calvani, Architect Member, served his second term as Regional Director of Region 6 on NCARB’s Board of Executives (BOD), and BOD liaison to the Intern Committee and the Intern Advisory Committee.
- Jim Oschwald, Architect Member, Chair of WCARB, member of NCARB’s Regional Leadership Committee, member of NCARB’s Procedures and Documents Committee;
- Ray Vigil, Vice Chair of Board and Architect Member served on the ARE 4.0 Item Development Subcommittee for Site Planning and Design.
Board staff participates in other national organizations affiliated with the regulation of a licensed profession. In FY 15, the Board’s compliance officer/investigator, Jackie Holmes, attended an educational conference offered by the Federation of Associated Regulatory Boards (FARB). She took advantage of the training, networking, and up-to-date legal discussions available during the three-day national meeting.

OPERATIONAL PLANNING FOR FISCAL YEAR 2015

The following list contains an overview of the Board’s objectives for FY 15. Some of the items listed are ongoing and will likely remain in perpetuity. Other items are projects of a fixed attainability, and should be easily identifiable:

- Implemented a new website with greater flexibility to update information to the public, applicants, exam candidates, and registrants;
- Creation of a new application for the Board’s database by the Department of Information Technology;
- Following a lengthy process of meetings with the public, professional groups, and policy makers, the Board approved a resolution requesting several amendments to the Architectural Act. The resolution and drafted amendments were placed in a Senate Bill and introduced at the 2015 Legislature. The bill passed a Senate committee but did not continue following the resignation of the Senate sponsor. The Board plans to continue its support of amendments to the Architectural Act;
- Hold at least one Board meeting outside of Santa Fe. Meeting held at the Workforce Development Center in Las Cruces, NM, on November 21, 2014. Students from the Dona Branch Community College architectural program attended, as did representatives of AIA Southern New Mexico, AIA New Mexico, and municipal and university architects;
- Updated the Board’s performance measures as part of the documentation for performance based budgeting gathered by the Governor, the Department of Finance and Administration and the Legislative Finance Committee. The new measures will provide the public, policy makers and law makers with a better picture of the Board’s tasks;
- Meet with state and city building officials to discuss questions and concerns relating to the practice of architecture in New Mexico;
- Continue communication with University of New Mexico School of Architecture and Planning and UNM graduate students and interns working in New Mexico.
- Monitor the use of the website;
- Continue work on providing a secure online payment gateway to enable registrants to renew their registrations online;
- Improve enforcement efforts;
- Improve the public’s understanding regarding the practice of architecture and why it is regulated.
- Updated written procedures for staff to process reciprocity and exam candidate applications.
BOARD STATISTICS FOR FY 2015

Registration by the Numbers

Total Number of Active Registrants  2,238
In-State Registrants       710
Out-of-State Registrants   1,528
Total Number of Registrations since 1931  5,414
New Registrations for the Year     133
    Examination 21
    Reciprocity 112

Historic Perspective: Active Registrants by Year

**FY 15 = 2,238**
FY 14 = 2,080
FY 13 = 2,205
FY 12 = 2,065
FY 11 = 2,207
FY 10 = 2,058
**FY 09 = 2,244***
FY 08 = 2,087
FY 07 = 2,098
FY 06 = 1,945
FY 05 = 2,020

*Highest number of registrants in recent history
**Second highest number of registrants in recent history

Applicants in the Examination Process
Count did not take place throughout FY 15 due to technical changes in reporting at NCARB

Enforcement by the Numbers
New Cases – Total of 17 Filed in FY 15

New Cases Involving Registered Architects  4
New Cases Involving Non-Registrants   6
New Cases Involving Applicants    7
Financial Report

Beginning Fund Balance for FY 15 (July 1, 2014)  $964,678
Total Revenue for FY 15  $ 63,160
Total Expenditures for FY 15  $339,589
Projected Revenue for FY 16  $660,000

The primary source for revenues for the Board is registration fees. The two-year cycle of registration culminates with all current registration expiring on December 31th of the odd-numbered calendar year. The next renewal will be due by December 31, 2015.
Index
Introduction...................................................... 1
Pathways to Architectural Practice................... 2
Services the Board Provides............................ 3
  Enforcement.................................................. 3
  Education..................................................... 4
  Registration................................................... 4
Examination Candidates............................... 5
Interns............................................................ 5
Board Structure................................................ 5
  Committees of the Board................................. 6
National Involvement in Service to the Public... 8
Operational Planning.......................................... 9
Board Statistics................................................ 10
  Registrants..................................................... 10
  Enforcement.................................................. 11
  Financial Report............................................. 11