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Annual Report FY 2016

Introduction

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

The New Mexico Board of Examiners for Architects (NMBEA) is charged with the duty 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 this state. In addition, the agency has the duty to regulate the architectural profession and otherwise enforce the provisions of the New Mexico Architectural Act.

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 N.M. Architectural Act and the Board regulations 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, procedures and regulations. All statutory changes and additions must be approved by the State Legislature.

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 member 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 registration; and the education of public officials as to the rules and regulations 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 basically two methods through which one may become a registered architect. Stated in the simplest form these are:

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

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

After obtaining a professional degree from a program accredited by the National Architectural Accrediting Board, the individual must then satisfy NCARB’s standards of training. On June 29, 2016, the Intern Development Program (IDP) was renamed the Architectural Experience Program (AXP). The Architectural Experience Program (AXP) is developed and administered by the National Council of Architectural Registration Boards (NCARB). Completion of the AXP is a requirement for initial registration. The AXP identifies the tasks that are essential for competent practice. The program is structured to prepare you to practice architecture independently upon initial registration.

Each jurisdiction, such as New Mexico, determines the requirements for taking the ARE. In New Mexico the requirements are:
- Obtain an accredited professional degree as specified in the NCARB Education Guidelines;
- Apply for the NCARB Architectural Experience Program;
- Apply for eligibility via NCARB to the New Mexico Board.

The ARE 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.

Reciprocal registration via NCARB certification is the method out-of-state architects use to become registered in New Mexico. Certificate holders notify NCARB of their wish to become registered in New Mexico and NCARB then sends on the individual’s application and any other required information to the Board. Applications for reciprocal registered are reviewed monthly by the Board’s Examination and Reciprocity Committee to ascertain that all requirements for New Mexico licensure are met. If an applicant meets
all requirements the Examination and Reciprocity Committee grants provisional licensure pending approval of the full Board at the next regularly scheduled Board meeting.

**SERVICES NMBEA PROVIDES**

Safeguarding life, health and property and promoting public welfare in the practice of architecture requires NMBEA 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 NMBEA, there are other activities that play a very important role in fulfilling NMBEA’s mission.

**Enforcement**

It is the responsibility of NMBEA to investigate and, if necessary, to prosecute any violations of the N.M. Architectural Act/Rules and Regulations. This includes alleged violations by registrants and non-registrants. Complaints reported to the NMBEA are subject to preliminary investigation by the NMBEA’s investigator. The Rules and Regulations Committee, through its Enforcement Subcommittee, then determines if further action is required. If necessary, the Board requests a Notice of Contemplated Action (NCA) to be issued against the respondent – a task done by the Assistant Attorney General designated as prosecutor for NMBEA. The matter might then move to a hearing before a Board-appointed Hearing Officer, or a Stipulated Agreement may be seen as the appropriate course of action in lieu of issuing a Notice of Contemplated Action or perhaps after an NCA is issued.

The results of a hearing might range from dismissal of the alleged violation(s) to revocation of a registrant’s license. A non-registrant may face a fine as provided for under the Uniform Licensing Act. While the Board does not hesitate to prosecute any valid violation of the N.M. Architectural Act, the general philosophy behind enforcement involving less serious violations is to educate and rehabilitate rather than to simply prosecute and discipline.

In an effort to educate new registrants the Board requires completion of a jurisprudence examination. This open-book exam is based on the N.M. Architectural Act/Rules and Regulations and must be passed before an individual can become licensed.

The enforcement of the N.M. Architectural Act and NMBEA 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 vast technological change and growth in recent years. With these changes comes the challenge to improve and create new provisions for public protections.

Initially, it is the purview of the NMBEA Rules and Regulations Committee to review new cases and determine an initial course of action through its Enforcement
Subcommittee; analyze current rules and regulations; and recommend changes to the NM Architectural Act to the full board. All new rules and regulations must be presented to the public and approved by the Board in accordance with the Open Meetings Act.

**Education**

Through a wide array of educational activities NMBEA works to offer information to those associated with the practice of architecture and the general public.

The main outlet of information is the NMBEA web site. This is located at [www.bea.state.nm.us](http://www.bea.state.nm.us). This new website offers information and includes a complete copy of the N.M. Architectural Act/Rules and Regulations, as well as a handbook for consumers, a handbook for permitting officials, and several downloadable forms. There is also a roster of all current architectural registrations. Access to the roster enables the public to ascertain whether the person they are working with is registered to practice architecture in New Mexico. The new website provides greater ease of access to the registrants, applicants, and most importantly, the public. The site offers educational opportunities for the general public and registrants through 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 usually coordinated and overseen by the Board’s architect/educator member.
Registrants

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

In January 2000 NMBEA began to require completion of continuing education for New Mexico registrants. This now requires a registrant to complete 12 credits/hours in health, safety and welfare within each year of the two-year cycle, for a total of 24 contact hours. All of the contact hours must be related to public protection subjects that have direct correlation to safeguarding life, health, property and promoting the public welfare. The purpose of continuing education is to have practitioners aware of current technological advances and changes to the practice of architecture. The addition of continuing education requirements means that registrants need to certify fulfilling the specifics of the requirements as well as offering documentation in the event they are audited by the Board. Since January 2014, registrants have been required to acquire 12 credits of health, safety and welfare continuing education each year. The Board is working on the convenience of an online payment gateway system for registrants to renewal their license online.

Registrants are informed of changes to the N.M. Architectural Act/Rules via communication through mail and the website.

Another service available to registrants is the option of the continuing education courses offered free of charge on the NMBEA web site. This was the first interactive online continuing education course created by an agency regulating the practice of architecture in the United States.

Finally, NMBEA staff responds to all inquiries from other jurisdictions whenever a New Mexico registrant is seeking reciprocity registration in another locale. Staff has a working relationship with NCARB in this regard as well.

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.

NMBEA staff track a candidate’s exam progress, sending examination scores received from the test entity to candidates, usually through email. Staff also provides answers to exam candidates’ questions and address special needs or concerns candidates may have. NMBEA also works with representatives from NCARB and local chapters of the American Institute of Architects (AIA) to inform candidates of changes to the ARE and IDP.
Interns

Interns represent an often-overlooked population within the architectural community. As individuals working for practicing architects, they must concentrate on acquiring all of the necessary credit units to fulfilling their Architectural Experience Program requirements also known as IDP. In addition, with the ability to take the ARE upon completion of the professional degree and signing up for the intern program, they may also be studying for the ARE and taking it while working.

NMBEA seeks to provide current information to interns. NMBEA staff will follow up on any concerns or questions that interns may have regarding AXP status and the rolling clock established by NCARB for the ARE. Basically, the rolling clock allows five years to complete all divisions of the ARE and begins once an exam candidate has taken their first exam.

NMBEA INFRASTRUCTURE

Board Members

Working under the direction of Governor Martinez and her office of Boards and Commissions, NMBEA 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.

The Board consists of one public member, five architect members, and one architect/educator member who must be a full-time faculty member of the University of New Mexico School of Architecture and Planning.

In Fiscal Year 16
Mr. Raymond R. Vigil- Board Chair
Mr. Jim Oschwald- Vice Chair
Ms. Tara Rothwell-Clark- Secretary/ Treasurer
Mr. Robert (Bob) Calvani-Architect Member
Mr. Michael Bodelson- Architect Member
Mr. Geoffrey Adams- Architect/ Educator Member
Mr. Mark Glenn- Public Member

NMBEA Committees

The following are the standing committees for NMBEA, whose members are appointed by the Chair. All committee activities are reported and discussed during regular Board meetings, with the exception of the necessity of certain committee activities being addressed at special meetings of the Board called for extraordinary circumstances. The committee memberships for FY 16 were:
RULES AND REGULATIONS COMMITTEE

Chair: Bob Calvani
    Michael Bodelson
    Mark Glenn

ENFORCEMENT SUBCOMMITTEE
Chair: Michael Bodelson
    Bob Calvani
    Mark Glenn

The Rules and Regulations Committee responsibilities include: reviewing the N.M. Architectural Act, Rules and Regulations and recommending changes and/or additions to the full Board; and responding to complaints involving the practice of architecture through its Enforcement Subcommittee.

EXAMINATION AND RECIPROCITY COMMITTEE

Chair: Jim Oschwald
    Geoffrey Adams
    Tara Rothwell-Clark

Responsibilities of the Examination and Reciprocity Committee include: review ARE applicants to determine if they are qualified to take the examination and receive licensure following passage of all the exams, and review and recommend Board action on applications for reciprocity. This committee usually meets monthly.

FINANCE AND OPERATIONS COMMITTEE

Chair: Tara Rothwell-Clark
    Michael Bodelson
    Geoffrey Adams

Committee responsibilities include: review all budget matters; review Board operations for efficiency, economy and security; make regular reports on these matters to the Board.

COMMITTEE FOR PLANNING AND DEVELOPMENT

Chair: Michael Bodelson
    Jim Oschwald
    Bob Calvani

For the past two years, this committee has helped provide direction for the Board regarding its future information technology needs. It developed a new strategic plan that ultimately resulted in new internal performance measures for advancement toward greater online accessibility and online license verification for the public, registrants and applicants.
JOINT PRACTICE COMMITTEE

Chair: Ray Vigil
Tara Rothwell-Clark

The committee consists of NMBEA, the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors, and the New Mexico Board of Landscape Architects. Board member responsibilities include: attending Joint Practice Committee meetings and reporting to the Board matters discussed at these meetings. The JPC also publishes a Handbook for New Mexico Building Officials and updates this handbook whenever necessary. A new version was revised and pending publication.

Board Staff

The NMBEA staff is as following
Wren Propp                  Director (Resigned March 2016)
Melarie Gonzales           Interim Director (as of March 2016)/ Budget Analyst
Jackie Holmes              Compliance Officer/Investigator
Michelle Barela            Compliance Clerk/ Receptionist (Resigned May 2016)

Ms. Gonzales was appointed interim director of the Board as of March 2016 and continues to serve as the budget analyst. Ms. Gonzales continues to serve as the Board’s liaison with the Joint Practices Committee, Finance and Operations Committee, and the Planning Committee, as well as the Board’s interim chief financial officer. Ms. Holmes is the compliance officer/investigator for all complaints reported to the Board and works as staff liaison with several Board committees, including the Rules and Regulations Committee, the Enforcement Subcommittee, and the Exam and Reciprocity Committee. Ms. Holmes also oversees all reciprocity applicant activities.

Ms. Gonzales is also the budget analyst and is responsible for maintaining oversight for the needs of the Board’s office operations as well as the day-to-day financial operations of the Board, and coordinates all Board purchases with the Department of Finance and Administration and vendors.

Ms. Barela was the compliance clerk/ receptionist. She prepared materials for quarterly Board meetings, records and disseminates Board meeting minutes and provided research assistance for the director.

All staff members provide service to the public.

NMBEA Legal Representation

NMBEA does not hire legal representation from the private 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 Joseph Dworak. Also,
the Office of the Attorney General assigns a civil prosecutor to represent the Board during disciplinary actions against registrants and unlicensed individuals. Prosecutor Peggy Duggan was currently assigned to the Board in FY16 but currently there is no prosecutor assigned to the Board.

**NMBEA Calendar for FY 16**

August 7, 2015 – NMBEA Board Meeting, Santa Fe, NM  
October 23, 2015 – NMBEA Board Meeting, Ruidoso, NM  
December 4, 2015 – NMBEA Board Meeting, Santa Fe, NM  
January 8, 2016- NMBEA Special Board Meeting, Santa Fe, NM  
February 5, 2016 – NMBEA Board Meeting, Santa Fe, NM  
April 28, 2016 – NMBEA Board Meeting, Santa Fe, NM

**NMBEA – National Involvement in Architecture**

While New Mexico’s culture, geography and climate are unique, the state maintains a national commitment and involvement in the regulation of architectural practice. Being involved regionally and nationally benefits New Mexico’s citizens by having someone represent their needs and concerns, as well as ensuring that NMBEA is informed of current trends and policies affecting the practice of architecture.

NMBEA is a member board 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. NMBEA participates in NCARB activities through its Board members and staff volunteering for NCARB committees and by attending the annual NCARB meeting.

NMBEA is also a member of the Western Conference of Architectural Registration Boards (WCARB). WCARB, 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 voluntarily and at the annual regional meeting.

In Fiscal Year 2016, Board members and staff were involved in NCARB activities in the following manner:

- Bob Calvani, Architect Member, was elected as NCARB Secretary.
- Jim Oschwald, Vice-Chair, Architect Member, was elected as NCARB Regional Director.
- Ray Vigil, Chair of Board and Architect Member served on the ARE 4.0 Item Development Subcommittee for Site Planning and Design.
Melanie Gonzales, Interim Director, was the new Member Board Executive at the 97th NCARB Annual Business Meeting.

NMBEA staff participates in other national organizations affiliated with the regulation of professions. For instance, whenever possible the compliance officer/investigator attends the annual meetings of the Federation of Association of Regulatory Board (FARB). Attending the meetings affords staff the opportunity to take part in seminars, training and networking with other regulatory professionals.

**Operational Planning for Fiscal Year 2016**

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

- Begin implementation of online accessibility for the public, interns, ARE candidates, registrants and applicants.
- Updated written procedures were the subject of continued meetings of staff in an effort to cross-train individuals in the aspects of other staff members’ day-to-day tasks.
- Continue staff training in state-wide trainings including risk loss prevention.
- Successfully completed the new website and monitor its use.
- As necessary, meet with state and city building officials to discuss questions and concerns relating to the practice of architecture in New Mexico.
- Increase communication with the University of New Mexico School of Architecture and Planning and UNM graduate students and interns working in New Mexico.
- Continue to improve enforcement efforts for violations of the Architectural Act.
- Continue to improve communication with the public, architects, applicants, interns, students and other members of the design and construction community.
- Held one meeting of the Board outside of Santa Fe.
- Follow-up Board discussions regarding proposed changes to the New Mexico Architectural Act with lawmakers.

**NMBEA Statistics for Fiscal Year 2016**

*Registration (all numbers as of the end of FY 16)*

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<th>Registrants</th>
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<tr>
<td>Total Number of Active Registrants</td>
<td>2,089</td>
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<tr>
<td>In-State Registrants</td>
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<tr>
<td>Out-of-State Registrants</td>
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New Registrations for the Year

Resulting from Examination 15
Resulting from Reciprocity 94

Historical Perspective: Active Registrants by Fiscal Year

FY 03 = 2,066 FY 07 = 2,098 FY 11 = 2,207
FY 04 = 1,898 FY 08 = 2,087 FY 12 = 2,065
FY 05 = 2,020 FY 09 = 2,244 FY 13 = 2,205
FY 14 = 2,080 FY 15 = 2,238 FY 16 = 2,089

Enforcement

New Cases Involving Registered Architects 5
New Cases Involving Non-Registrants 6
New Cases Involving Applicants 4
Total cases for the year 15

Financial Report

Beginning Fund Balance for FY 16 (July 1, 2015) $965,000.00
Total Revenues for FY 16 $651,400.00
Total Expenditures for FY 16 $360,500.00
Projected Revenues for FY 17 $63,100.00

The primary source for revenues for NMBEA is license fees. The renewal cycle is on a two-year basis, with renewals occurring by December 31st of every odd-numbered calendar year. The new renewal will be due by December 31, 2017.