Annual Report FY 17

NEW MEXICO BOARD OF EXAMINERS
FOR ARCHITECTS

FOR FISCAL YEAR 2017
JULY 1, 2016 TO JUNE 30, 2017
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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 were 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 National Council of Architectural Registration Boards (NCARB) standards of training. The Architectural Experience Program (AXP) is developed and administered by 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 the individual 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 six 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 certification documentation 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 changes 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 New Mexico 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. 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 license renewals and inputs new data into the Board’s licensee database.

The Board held a public rule hearing; amending some of the rules and regulations. One of the rule amendments specifically created a temporary new pathway to licensure in New Mexico; the Broadly Experienced Architect (BEA) Pathway. Another rule amendment revised the renewal procedure so that beginning in December 2017, instead of all registrants renewing their licenses every two years, those whose birth year ends in an even number will renew their registrations for one year; expiring in December 2018, and pay half of the two year registration fee. After the initial one year license renewal, the even numbered birth year registrants will renew for two years. Registrants whose birth year ends in an odd numbered year will renew their licenses for two years. This will
positively affect the Board’s revenue starting in FY18 because licenses will be renewed each year instead of every two years.

Since January 2014, registrants have been required to complete 12 credits of health, safety and welfare continuing education each year of the two-year renewal cycle, for a total of 24 hours. This requirement must be met in order for registrants to renew their licensed. The purpose of continuing education is to ensure that practitioners are aware of current technological advances and changes in the practice of architecture.

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.

The Board is working on the convenience of an online payment gateway system for registrants to renewal their license electronically.

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 six 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 the Architectural Experience Program (AXP).

**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 AXP. 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.

FY17 Board Members:
Mr. Raymond R. Vigil- Board Chair
Ms. Tara Rothwell- Vice Chair
Mr. Geoffrey Adams- Secretary/ Treasurer/ Educator Member
Mr. Robert (Bob) Calvani-Architect Member
Mr. Michael Bodelson- Architect Member
Mr. Jim Oschwald- Architect 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 17 were:

RULES AND REGULATIONS COMMITTEE

Chair: Bob Calvani
       Michael Bodelson
       Mark Glenn
ENFORCEMENT SUBCOMMITTEE

Chair: Mark Glenn
    Michael Bodelson
    Bob Calvani

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: Geoffrey Adams
    Jim Oschwald
    Tara Rothwell

Responsibilities of the Examination and Reciprocity Committee include: review ARE applicants to determine if they meet the education and training requirements. If they do they are approved for licensure following passage of all the exams. The committee also reviews and recommends Board action on applications for reciprocity including the Broadly Experienced Architectural (BEA) applicants. This committee usually meets monthly.

BROADLY EXPERIENCED ARCHITECTURAL PATHWAY SUBCOMMITTEE

Chair: Geoffrey Adams
    Jim Oschwald
    Tara Rothwell

FINANCE AND OPERATIONS COMMITTEE

Chair: Geoffrey Adams
    Michael Bodelson
    Jim Oschwald

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: Tara Rothwell
    Michael Bodelson
    Jim Oschwald
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  
Bob Calvani

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 in 2016.

**Board Staff**

*The NMBEA staff as of June 30, 2017:*

Melanie Gonzales  Executive Director/Chief Financial Officer  
Jackie Holmes  Compliance Officer/Investigator  
Gloria Wheeler  Business Operations Specialist  
Santana Holmes  Board Administrator (Resigned August 2017)

Ms. Gonzales was permanently appointed executive director/chief financial officer of the Board as of December 2016. Ms. Gonzales continues to serve as the Board’s liaison with the Joint Practices Committee, Finance and Operations Committee, and the Planning Committee.

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. Wheeler is the business operations specialist 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. Holmes was the Board administrator. She prepared materials for quarterly Board meetings, records and disseminates Board meeting minutes and provided research assistance to the executive 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. The Board’s Prosecuting Attorney is Rebecca Parish.

**NMBEA Calendar for FY 17:**

- August 12, 2016 – NMBEA Board Meeting, Albuquerque, NM
- October 21, 2016 – NMBEA Board Meeting, Las Cruces, NM
- December 2, 2016 – NMBEA Board Meeting, Santa Fe, NM
- February 3, 2017 – NMBEA Board Meeting, Santa Fe, NM
- April 28, 2017 – NMBEA Board Meeting, Albuquerque, 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 2017, Board members and staff were involved in NCARB activities in the following manner:

- Bob Calvani, Architect Member, served as NCARB Board of Directors, Secretary.
• Jim Oschwald, Vice-Chair, Architect Member, served as NCARB Board of Directors, Regional 6 Director.
• Ray Vigil, Chair of Board and Architect Member served on the ARE 4.0 Item Development Subcommittee for Site Planning and Design.
• Tara Rothwell, Vice-Chair of Board and Architect Member served on the ARE 4.0 Item Development Subcommittee for Site Planning and Design.

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 2017**

The following list contains an overview of the Board’s objectives and updates 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.

• In FY 17 the Board changed its physical location and moved into a state owned building, thereby saving thousands of dollars on rental fees.
• The Board also changed its Architectural Act in FY17 during the Legislative Session; with the passage of House Bill (HB) 330: “Relating to architecture; reauthorizing and amending the architectural act; providing for penalties for violations of the architectural act”. The primary change to the Architectural Act (NMSA 1978 Section 61-15-1 through -13) increased the civil penalty amount the Board can fine an individual for unlicensed practice of architecture from $1,000 to $7,500.
• House Bill 295: “Relating to professional licensure; changing membership of certain licensing boards; extending sunset dates of certain boards; increasing penalties for unlicensed activities of certain professions” passed. HB 295 primary changes were extending the Board’s sunset and the Board member’s qualifications having one of the six architects be from the public sector and not in private practice. The seventh member shall be a public member who is a voting member.
• The Board continues to work towards providing an online payment option to its registrants.
• 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.
• Provide notifications/ updates to the Public and registrants via the Board’s website.
• 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 2017

Registration (all numbers as of 06/30/2017)

| Total Number of Active Registrants | 2,228 |
| In-State Registrants               | 703   |
| Out-of-State Registrants           | 1,525 |

New Registrations for the Year

| Resulting from Examination | 21 |
| Resulting from Reciprocity   | 93 |

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 06 = 1,945 | FY 10 = 2,058 | FY 14 = 2,080 |
| FY 15 = 2,238 | FY 16 = 2,089 | FY 17 = 2,228 |

Enforcement

| New Cases Involving Registered Architects | 4 |
| New Cases Involving Non-Registrants       | 12 |
| New Cases Involving Applicants            | 6 |
| Total cases for the year                  | 22 |

Financial Report

| Beginning Fund Balance for FY 17 (July 1, 2016) | $688,518.30 |
| Total Revenues for FY 17                      | $47,100.00  |
| Total Expenditures for FY 17                  | $302,400.00 |
Projected Revenues for FY 18 $320,000.00

During FY17 the Board held a rule hearing and the new rule amendment revised the renewal procedure so that beginning in December 2017, instead of all registrants renewing their licenses every two years, those whose birth year ends in an even number will renew their registrations for one year; expiring in December 2018, and pay half of the two year registration fee. After the initial one year license renewal, the even numbered birth year registrants will renew for two years. Registrants whose birth year ends in an odd numbered year will renew their licenses for two years. This will positively affect the Board’s revenue starting in FY18 because licenses will be renewed each year instead of every two years.