NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

Minutes of a Regularly Scheduled Board Meeting

May 2, 2014
Santa Fe, New Mexico

Synopsis of Meeting Topics
Open Business
Policy Discussion
Executive Session
New Business
Reports

Board Members Present:
Michael Bodelson, Chair
Raymond Vigil, Vice Chair, Architect Member
Jim Oschwald, Architect Member
Robert Calvani, Architect Member
Sam Valencia, Public Member
Stacey George, Student Observer

Board Members Present Via Teleconference:
Geoffrey Adams, Secretary/Treasurer, Educator/Architect Member
Tara Rothwell-Clark, Architect Member

Staff Present:
Wren Propp, Director/CFO
Katie Kruthaupt, Investigator
Melanie Gonzales, Admin. Services Coordinator
Consuelo Pineda, Admin. Assistant

Others Present:
Joseph Dworak, Assistant Attorney General
I. Meeting Called to Order/Roll Call

Chair Michael Bodelson called the meeting to order at the approximate hour of 9:03 a.m. Roll was taken and a quorum was determined to be present in person with Board Members Geoffrey Adams and Tara Rothwell-Clark attending via teleconference. Attending in person was Chair Michael Bodelson, Vice Chair Ray Vigil, Board Member Robert Calvani and Board Member Jim Oschwald. Board Member Sam Valencia was absent.

II. Opening Business

A. Approval of Agenda

Chair Bodelson asks for a motion on the agenda.

Motion: Approval of the agenda.

By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

B. Approval of Minutes February 14, 2014

Chair Bodelson asks for a motion on the minutes. Ms. Propp states that Mr. Vigil's changes have been incorporated.

Motion: To approve the February 14, 2014, minutes as presented.

By: Bob Calvani
Second: Jim Oschwald
Board Vote: Passed unanimously

C. Introduction of Guests

Sam Valencia arrives (about 9:05 a.m.)
Stacey George arrives (about 9:06 a.m.)

Ms. Propp introduces Joseph Dworak, assistant attorney general and counsel for the Board of Examiners for Architects.

Chair Bodelson asks Mr. Dworak to explain his suggested changes to the Board's meeting agenda. Mr. Dworak suggests that all topics be included on the agenda to allow actions on any items that may come up during the meeting per the Open Meetings Act. He suggests that the Board do away with putting so-called action items in bold and italics. He suggests that the highlighted Roman numerals represent separations of standard sections including housekeeping items, old business, new business, discussion sessions, etc.

D. Public Comment

Chair Bodelson notes there are no members of the public and no public comments.

III. Policy Discussion

A. NCARB Certification of Broadly Experienced and Broadly Experienced Foreign Architects and NM BEA Working Group
Chair Bodelson asks the BEA Working Group and Mr. Oschwald to bring the Board up to date.

Mr. Oschwald notes that requests to retain the Board’s avenue for broadly experienced architectural licensure were heard at the Board’s last meeting in February. The Board was discussing asking lawmakers to remove that section of the statute, but Mr. Oschwald said the BEA Working Group is considering requesting that the Board retain that section of the Architectural Act in case NCARB’s work on changing its BEA process stall. The BEA Working Group is suggesting tabling the proposed deletion of that section of the statute.

Chair Bodelson confirms that’s the consensus of Mr. Adams and Mr. Vigil.

Mr. Calvani asks for confirmation that the suggestion of the BEA Working Group is to leave the Board with a reciprocity process to license individuals who do not have an NCARB certificate. Mr. Oschwald confirms it.

Mr. Calvani questions why would the Board do this. He asks is it due to “pushback,” including comments from AIA New Mexico? Mr. Oschwald says the (working group) wants to leave all the avenues open, including non-military individuals who are licensed elsewhere. He says NCARB may be working on a BEA process that is more acceptable to New Mexico.

Mr. Vigil says he supports keeping that portion of the statute intact, not only to recognize the people who did speak in support of a BEA process specific to New Mexico, but also to wait until NCARB has a viable path for them. The Board could ask for the statute to be changed after NCARB has made its changes, Mr. Vigil said.

Mr. Calvani says he spoke to one of those supporting retaining the Board’s BEA process, Jim Satzinger, who suggested there are only a limited number of people currently in New Mexico who would like to use a non-NCARB process. However, Mr. Calvani said there are three people within his own firm who are taking the test in Arizona, they have a four-year degree from New Mexico, they have no intention of obtaining a master’s degree and they wish to become licensed in Arizona. Mr. Calvani said he sees this as a real issue for the Board, because the number of people who are obtaining licensure elsewhere and working in New Mexico is unknown but could be quite large.

Chair Bodelson explains the Board has some changes it would like to make to the statute with the Legislature within the next six months, and he doesn’t like the idea of opening it up again at a later date because it is potentially asking for trouble.

Ms. Propp states the Board office receives calls on a regular basis from people who are licensed elsewhere and want to become licensed here. They are not interested in getting an NCARB certificate or do not qualify for one. There are others whose interest should be considered outside of AIA New Mexico, foremost the public, she said. She suggests that if the Board decides to not ask for changing the statute, the Board should re-write the rule regarding consideration of broadly experienced architects. The rules in the past required those who could qualify for an NCARB certificate could not go through the process. Those who do not, are vetted by the Board to determine whether they qualify for licensure. Mr. Oschwald says the Board doesn’t have any assurance that NCARB would keep the BEA program alive. And, if NCARB abandons its BEA process, and if the Board changes its statute, the Board would have no other avenue for accepting individuals without an NCARB certificate.
Chair Bodelson asks for clarification from Mr. Oschwald, that if NCARB abandoned it, there would be no avenue at all?
Mr. Oschwald said there would be no avenue at all for anybody who doesn’t have the traditional educational background to be able to be licensed in NM. Mr. Oschwald suggested that NCARB’s BEA program “runs in the red,” financially.
Chair Bodelson suggests that the BEA Working Group continue to work on amending the language of the statute that the Board could go to the Legislature with basically that would give the Board a better position with NCARB, with in-state applicants. He wants the language to be open enough that it wouldn’t drive the Board to go back into the statute and re-open it.
Mr. Oschwald clarified: such as something like “as long as NCARB has a BEA program…”
Ms. Propp says in the past the Board removed residency requirements for licensed architects. There was a time when this Board only licensed to people who lived in New Mexico.
Mr. Vigil questions if there is a potential to add a New Mexico preference in terms of residency in terms for an alternative path to reciprocity.
Chair Bodelson states that is something the BEA Working Group could recommend at the next Board meeting provide some language for the statute and the Board could take action on it.

B. State Use Act
Ms. Propp included the letter sent from the Joint Practice Committee and Chair Bodelson sent to Chair Marcie Davis for Council for Purchasing from People with Disabilities, voicing the request from the Joint Practice Committee and the Board of Examiners for Architects and notice that they are allegedly violating the NM Architectural Act on the part of Horizons of New Mexico by offering Architectural services despite the fact that they are not licensed. The letter was sent March 27, 2014. There has been no response and the Council for Purchasing from People with Disabilities didn’t meet in April.
Chair Bodelson asks if this is a lack of a quorum.
Ms. Propp assumes this could be the case but doesn’t know.
Chair Bodelson states that the Board has made it clear and this council is making it clear to the Board by not responding and will be brought up in terms of the Board’s ability to respond legally, if this council meets again and issues another Architectural contract the Board will issue out a with Board consent a cease and desist.
Mr. Calvani asks why the Board doesn’t file a complaint.
Chair Bodelson explains this is a question of how to proceed at this point since there hasn’t been a response to the Board. The Board could either issue a cease and desist or file a complaint.
Mr. Calvani knows the council is awarding contracts.
Ms. Propp shares her insight of how this council is currently approving contracts, when a contract comes in it is virtually approved either by someone at Horizons or they take it to the Chair who is also a service provider under Horizons and Chair Marcie Davis signs off on it and tags on to the next agenda and says this is temporary approved by the Board chair. Ms. Propp has been researching the State Use Act and there has been previous discussion in past meetings from one of the council members stating they are not following the State Use Act and this council should not be approving contracts, the council
should be approving service providers and the suitability of those providers. Unfortunately this council is not currently doing this.

Chair Bodelson states this council’s actions are not consistent with their Act.

Ms. Propp notes from her research that there are no minutes from this council where they voted on the suitability of offering Architectural services. The only vote was a contract for an Architect found under Horizons to be suitable.

Chair Bodelson states the Board won’t take any further actions until this council meets again however, this council has met and is taking action and now the Board has knowledge of it therefore Chair Bodelson suggests referring to the Enforcement Subcommittee and letting them take action.

Mr. Calvani asks what happened to the discussion between the Governor’s office and Purchasing, has nothing happened between those two entities.

Mr. Vigil confirms the Governor’s office is aware of the Board’s path forward and acknowledged and agreed to proceed.

Mr. Calvani asks what happened with Mr. Larry Maxwell. Chair Bodelson and Ms. Propp states Mr. Maxwell has not been highly communicative, Chair Bodelson takes it as a sign that Mr. Maxwell is too busy to engage in this right now. Chair Bodelson suggests this is an element that is impacting licensing in the State and it has come upon the Board to take some form of action and refer to the Enforcement Subcommittee. Chair Bodelson appreciates the Board taking action on this one way or another.

**Motion:** Action is currently being done and agrees to be directed to the Enforcement Subcommittee.

**By:** Ray Vigil

**Second:** Tara Rothwell-Clark

**Board Vote:** Passed unanimously

**C. Hosting continuing education seminars with providers**

Chair Bodelson gave an update of the discussion with the Construction Specification Institute (CSI) chapter in Albuquerque who sponsors the all-day continuing education program and Chair Bodelson informed them the Board is interested in participating with CSI on this in terms of continuing education in help of distributing applications, aligning vendors, etc. Chair Bodelson explained to CSI that the Board couldn’t directly fund this but lend administrative help to this program and CSI was very open to the Board’s participation and will follow up on this. Chair Bodelson expresses this helps the Board stay positive in terms of profile with providing sponsorship of continuing education especially because of the on-line education classes the Board currently offers.

Mr. Vigil asks if the Board has access to bring or fund a presenter or a program to provide credit for AIA members. He would like to see the Board provide greater outreach to registrants and the public.

Ms. Propp explains that the Board’s activity is limited by the anti-donation clause. The Board cannot contribute money to a private activity. In the past the Board sponsored an activity regarding sustainable design, helped organize and staff the activity but didn’t provide any money or printing. It was a work day for staff and people there received continuing education credit. Ms. Propp would like to explore the opportunity to see how
far the Board could go with an option like this because it’s within the Board’s statute to support continuing education activities since the Board requires them.

Chair Bodelson gave the Board the Oklahoma Board’s newsletter and showed a similarity of how Oklahoma's Board contributes to continuing education. Chair Bodelson asks if there is enough budget and open this conversation further with CSI so the Board doesn’t miss an opportunity to contribute.

Mr. Vigil believes this is a great idea; it’s easy, low cost and no traveling out of state.

Chair Bodelson states this is a good opportunity for the Board to explain the new requirements for continuing education and show the public the Board’s presence at these activities and show the Board’s assistance.

Mr. Oschwold states not to show favoritism just to CSI, the Board needs to be open to support other organizations that are similar to what CSI does. Mr. Oschwold mentions that the Society of the American Military Engineers has monthly luncheons and is always looking for someone to speak at these luncheons.

Chair Bodelson agrees this would be a good opportunity to engage and show a bigger face in New Mexico to provide positivity for the Board and welcomes Mr. Oschwold’s suggestion.

D. Enforcement Subcommittee- Disciplinary Policy Guide

Chair Bodelson asked that this item be moved down, preferably following the break.

Chair Bodelson wants the Board to expect a large variation and various outcomes for similar offenses because of all the aggregative discipline. Chair Bodelson wants the Board to adopt this at the next Board meeting for a tool to utilize for the Enforcement Subcommittee that they can point to and state how they are looking into things. Chair Bodelson states the matrix system isn’t working as effectively as it should be and this approach could be a better procedure.

Ms. Propp agrees with Mr. Oschwold to start with a base line of penalties (similar approach to a parking ticket) afterwards a premeditation of intent and add in if it was a public building and how much money, if a contract, are they making off that project. Build a fine and then evaluate how to handle the disciplinary approach.

Chair Bodelson suggests whoever is on the Enforcement Subcommittee should be given the latitude to make a judgment call.

E. NCARB Request for Data

Ms. Propp NCARB’s data personnel requested more information regarding the Board’s registrants during the regional summit in March. NCARB wants the date of birth and the last four Social Security numbers of all registrants, along with the name, address, phone number and registration number, which is already public information.

Mr. Oschwold spoke to Mr. Dworak on NCARB’s request for data and if it’s a beneficial operation for the Board and the State. They spoke about the security, personal security and identity security and whether this is something the Board wants to be a party to or not. Mr. Oschwold said he believes this is not going to be beneficial to the Board directly because of the way the Board operates and the constituents. Mr. Oschwold said he believes this is an over reach on NCARB’s part and not something that they necessarily need to function.

Ms. Propp said NCARB wants to be able to identify everyone.
Chair Bodelson agrees that it appears it is information they don't need. Mr. Calvani said they need it for their database. Mr. Vigil states some states provide this information already however; New Mexico doesn't share it with NCARB.

Mr. Dworak clarifies that he spoke to Ms. Propp and asked if there is an agreement with NCARB that requires this type of disclosure of information as being part of their organization and Ms. Propp couldn't find anything. Mr. Dworak reiterates this is a public record and ultimately if NCARB wants to obtain the records NCARB can make a public record request if they are that adamant about obtaining this information. Ultimately some of it would be disclosed. Some information would be redacted if there was a record request. Typically, an entire Social Security may be redacted. But because it is the last four, it might not be construed as identifiers.

Chair Bodelson says it is an identifier.

Mr. Calvani in our discussions the Board gives them the names and addresses. Mr. Adams says if NCARB needs additional security there are different methods to gathering personal information by providing passwords; Mr. Adams believes it is not necessary.

Mr. Calvani states according to Ms. Propp security isn't the issue. Ms. Propp explains there are restrictions for these identifiers.

**Motion:** As New Mexico Board of Examiners for Architects not to provide at this time any other information to NCARB that has been provided.

**By:** Jim Oschwald

**Second:** Sam Valencia

**Board Vote:** Passes with all those voting aye, except Mr. Calvani, who is opposed.

**IV. New Business**

**A. FY Operating Budget**

Ms. Propp explains that the Finance Committee met with Chair Bodelson substituting for Mr. Adams met on Wednesday and approved FY15 Operating Budget. The budget was due to be submitted by statute May 1, 2014, Board staff did submit this. Ms. Propp needs ratification for this budget from the Board and for future references schedule when to conduct a future Board meeting prior to the deadline so the Board has full action on future budgets. Ms. Propp explains that in September 2013 the Governor's office requested a flat budget from every agency which the Board did; it was a budget of $370,400.00 however during the Legislative Session it was agreed between the Governor's office and the Legislature that the Board's budget is cut slightly to $362,900.00. The Board staff reconfigured the budget to cover all personnel services and IT expenses. Ms. Propp explains to the Board the in-state travel fund is covered to hold a meeting outside Santa Fe once a year. Ms. Propp states the annual and monthly expenses with DoIT is going to cost money to rebuild the application to the Board’s database in this fiscal and next fiscal year.

Mr. Vigil asks Ms. Propp about an accounting line which is the out of state travel, the Board Staff cut that account line item because the Governor has suspended all travel for
now however, there is out of state funds but the Board staff wants to show the Governor’s office and Legislature that the money is being spent in other accounting categories. Ms. Propp’s direction is to make sure that these expenditures going forward are to benefit the public.

Mr. Valencia asks if the out of state traveling fund has to do with national (NCARB) traveling. Ms. Propp states there is money for that type of traveling.

Motion: To ratify the FY15 Operating Budget.
By: Sam Valencia
Second: Jim Oschwald
Board Vote: Passed unanimously

B. Proposed Changes to NM Architectural Act
Chair Bodelson asks if action needs to be taken at this time.
Ms. Propp suggests changing what can be changed and discussing it in August and looking for a lawmaker who is willing to help, if that’s the direction the Board wants to go. Ms. Propp reminds the Board of the legislative session schedule.
Chair Bodelson suggests going to the next 60-day session to present the Architectural Act. He says he thinks they would have less luck than going the subsequent year.

Particular items:
Mr. Oschwald states item 61-15-6.G (page 2 of the written statute) would like to table it and have language for the next meeting.
Mr. Calvani asks for clarification.
Chair Bodelson identifies the fine as having been at $10,000 and has been adjusted to $20,000.
Mr. Vigil asks for more detail on the attachments that discuss engineering.
Ms. Propp explains that the attachments are examples of jurisdictions and/or agencies that have no firm licenses or registration and is part of the Board’s review of the section of the statute known as “Section K.” She said she considers what the Board has now as a pseudo firm registration in that the Board requires the architect to file an affidavit saying they are in responsible charge of companies that are not owned by architects. The statute also states that the Board only registers architects. This affidavit isn’t clear to the public therefore the Rules and Regulation Committee has been discussing how to address this.
Ms. Propp found that either firm registration is allowed, register firms and change statute so firms have to register with the Board and have requirements of what percentage of ownership has to be or not. Or, anyone who is licensed in New Mexico either own their own firm or work for a large firm owned by an architect but no more small firms hiring architects. Examples include firm license statute looks like in Nevada, Oklahoma and where Idaho doesn’t do affidavits; it’s strictly individuals.
Mr. Oschwald need clarification for which changes to adopt the language in the statute of upper case K and lower case k.
Mr. Calvani states the difference in the deletion of the first sentence.
Mr. Oschwald confirms that the current status in New Mexico is a firm needs to register with the Secretary of State’s office to practice architecture in the state.
Ms. Propp explains that it depends on the structure of the business.
Mr. Calvani says that the Board may need the lower one (the second one) in order to take care of businesses and Merrick and UBS. He notes there is a misspelling in it; it says “charger” and it should be “charge.”
Chair Bodelson clarifies with Mr. Calvani that the one needing correction is lower case k. Mr. Calvani says he thinks the one the Board wants is the lower case k and it would apply to Merrick because the architect would be able to bind the company by contract.
Ms. Propp wants to understand that the intent is not to register firms; the intent is to gather more documentation from companies that have architects who file affidavits that this is what the firm looks like.
Mr. Calvani asks, isn’t this what the Board does now? Section K is in effect now, except the Board is adding the 2/3 of the people in the company are architects.
Chair Bodelson asks how is the Board addressing the Merricks of the world, who are not 2/3 owned by architects.
Ms. Propp says she encourages firms which are recognizable as architectural firms to not file affidavits. But when it is Jane Smith Design, she’s not an architect, and she hires an architect who is the back room sealing her drawings.
Chair Bodelson asks about the companies out there which are advertising themselves as architectural firms who are not owned by the 2/3.
Ms. Propp says the Board doesn’t, but in general the companies file the affidavits anyway.
Chair Bodelson says that any firm that is joined with non licensed individuals must be two/thirds owned by architects in order to practice architecture and that does not include Merrick. He said he sees that the Board would still have a problem with A/E firms with the way it is written.
Mr. Oschwald says that right, the issue is with the 2/3 ownership.
Mr. Calvani says that Nevada has the 2/3 so they must register firms.
Ms. Propp says, yes, they do.
Chair Bodelson suggests this one get tabled for more development. It doesn’t do what we want it to do.
Mr. Calvani said that the Board is really trying to stop firms that are owned by non-architects from practicing.
Chair Bodelson says the Board needs to find a way to distinguish between the Merricks of the world and those that Mr. Calvani is talking about.
Ms. Propp said the Board worked on this issue ten or fifteen years ago and section K was what they came up with.
Chair Bodelson suggests keeping it into Section K; Rules and Regulations Committee should provide the Board with more revisions.
Mr. Dworak suggests after the Rules and Regulation Committee meets the best way to present this to the Legislature is in the form of a resolution. Once the Committee provides a draft Mr. Dworak will work to provide a formal resolution to the Legislature.

**Motion:** To accept the changes the Board made today with any adjustments 61-15-6 and section G under registration to be further developed at the next meeting and create a formal resolution with the assistance of the Attorney General’s office.

**By:** Sam Valencia

**Second:** Jim Oschwald
NMMEA Minutes May 2, 2014

Board Vote: Passed unanimously

C. Reciprocity, Reinstatement and Exam Applicants

Mr. Adams states the Examination and Reciprocity Committee has met on a monthly basis to review the qualifications of applicants for New Mexico architectural registration by reciprocity and examination.

RECOMMENDED APPLICANTS FOR REGISTRATION BY RECIPROCITY

Committee Review February 14, 2014

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<th>Denisse M. Breunig</th>
<th>Christopher L. Boney</th>
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<td>Fairview Heights, IL</td>
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<td>Michael P. Knoblauch</td>
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Committee Review March 12, 2014

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<th>Rye Lemons</th>
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Committee Review April 16, 2014

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<th>Craig T. Chinn</th>
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<td>Douglas L. Gibson</td>
<td>David N. Hollis</td>
<td>Jonathan Douglas Moody</td>
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<td>Gregory V. Nagel</td>
<td>Donald E. Rosemann</td>
<td>Lyman M. Treadway</td>
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Motion: Moves Board approval of the recommended applicants for New Mexico architectural registration by reciprocity as listed in the following report.

By: Geoffrey Adams
Second: Jim Oschwald
Board Vote: Passed unanimously
NMBEA Minutes May 2, 2014

APPLICANTS FOR REGISTRATION BY EXAMINATION
RECOMMENDED FOR LICENSURE PENDING COMPLETION OF THE A.R.E

William Russell  Edward Maximilian Vasher  Christine M. Williams
New York, NY     Placitas, NM          Albuquerque, NM

Motion: Moves the Board approval of the qualifications for registration of the recommended examination applicants for New Mexico architectural registration as listed in the following report.
By: Geoffrey Adams
Second: Jim Oschwald
Board Vote: Passed unanimously

APPLICANTS FOR REINSTATEMENT THROUGH RECIPROCITY

William J. Ackal  Barry P. Middleman  Stephen Chambers Newman
Lafayette, LA     San Antonio, TX      Lakewood, CO

Motion: Moves Board approval of the reinstatement of New Mexico architectural registration of the applicants listed in the following report.
By: Geoffrey Adams
Second: Jim Oschwald
Board Vote: Passed unanimously

D. Settlement Agreement for NMBEA 2013_07
Mr. Calvani describes the case as one where a non-architect provided re-roofing design; Mr. Calvani proposes to reject the fine of $750.00 and make a higher fine.
Motion: Reject the settlement agreement and move forward to issue a Notice of Contemplated Action (NCA) on 2013_07.
By: Bob Calvani
Second: Jim Oschwald
Board Vote: Passed unanimously

E. Settlement Agreement for NMBEA 2014_15
Mr. Calvani describes the case where an individual who was seeking reinstatement was found to have been practicing in New Mexico while his registration was expired and he was fined states $1500.00.
Motion: To approve settlement agreement 2014_15 for reinstatement fine of $1500.00.
By: Bob Calvani
Second: Jim Oschwald
Board Vote: Passed unanimously

F. Settlement Agreement for NMBEA 2014_14
Mr. Calvani describes the case and states it is similar to the previous case. An individual asked to be reinstated and he was found to have been practicing in New Mexico and was fined $1000.00.
Motion: To approve settlement agreement 2014_14 for reinstatement for a fine $1000.00.
By: Bob Calvani
Second: Jim Oschwald
Board Vote: Passed unanimously

G. Settlement Agreement for NMBEA 2014_02
Mr. Calvani describes the case that a registered architect had been working for a firm as the architect in responsible charge, but he had failed to provide the Board with an affidavit. He agreed to a settlement and was fined $2500.00.
Motion: To approve settlement agreement 2014_02 failing to provide affidavit working for a firm.
By: Bob Calvani
Second: Jim Oschwald
Board Vote: Passed unanimously

H. Disciplinary Matters
*Executive Session for Notice of Contemplated Action Requests
Motion: Move the Board enter into a closed executive session at 10:34 a.m.
By: Ray Vigil
Second: Jim Oschwald
Board Vote: Passed unanimously
Roll call vote, Chair Bodelson, Vice Chair Mr. Vigil, Secretary/Treasurer Mr. Adams, Board Members Mr. Calvani, Mr. Oschwald, Ms. Rothwell-Clark and Mr. Valencia.

*Recorder turned back for regular Board meeting at 11:16 a.m.

Action on Matters Discussed in Executive Session
Chair Bodelson states for the record that the matters discussed during the executive session were only those specified in the motion for closure and there no votes or official action were taking during the closed session.

1. NMBEA 2014_12, NMBEA 2014_10,
   NMBEA 2013_21 (registrant/license expired)
Motion: To refer the cases to the Attorney General's office to issue a Notice of Contemplated Action or a settlement agreement.
By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

2. NMBEA 2013_20 (unlicensed)
Motion: To have the case removed.
By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

3. NMBEA 2013-19 (unlicensed)

Motion: To refer the case to the Attorney General's Office for the issuance of a Notice of Contemplated Action without the possibility of a settlement.

By: Ray Vigil
Second: Jim Oschwald
Board Vote: Passed unanimously

4. NMBEA 2013-15 (unlicensed)

Motion: To refer the case to the Attorney General's Office for the issuance of a Notice of Contemplated Action or a settlement agreement.

By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

5. NMBEA 2013-22 (unlicensed)

Motion: To refer the case to the Attorney General's Office for either the issuance of a Notice of Contemplated Action or a settlement agreement.

By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

6. NMBEA 2014-03 (unlicensed)

Motion: To refer the case to the Attorney General's Office for either the issuance of a Notice of Contemplated Action or a settlement agreement.

By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

7. NMBEA 2014-06 (unlicensed)

Motion: To refer the case to the Attorney General's Office for the issuance of a Notice of Contemplated Action without the option of a settlement agreement.

By: Ray Vigil
Second: Jim Oschwald
Board Vote: Passed unanimously
8. NMBEA 2014_07 (licensed)

**Motion:** To refer the case to the Attorney General’s Office for the issuance of an Notice of Contemplated Action without the option of a settlement agreement.

**By:** Ray Vigil  
**Second:** Jim Oschwald  
**Board Vote:** Passed unanimously

9. NMBEA 2014_08 (licensed)

**Motion:** Refer the matter to Attorney General’s Office for the issuance of an Notice of Contemplated Action without the option of a settlement agreement.

**By:** Ray Vigil  
**Second:** Jim Oschwald  
**Board Vote:** Passed unanimously

Hearing officers
Mr. Dworak asks Chair Bodelson to consider requiring appointing a hearing officer.

**Motion:** If any NCA’s go to a hearing; on behalf of the Board, authorize Chair Bodelson to select a hearing officer to his discretion.

**By:** Ray Vigil  
**Second:** Sam Valencia & Jim Oschwald  
**Board Vote:** Passed unanimously

*For the record of all the motions that were voted on Ms. Tara Rothwell-Clark is no longer and was not on the record for voting and Mr. Adams is leaving the meeting at 11:20 a.m.*

I. NCARB Attendance and Funding
Ms. Propp has notified the Governor’s Office and is seeking their permission to allow Board members to travel out of state due to the substantial scholarships that NCARB has available to allow Board members to travel out of state as long as there isn’t a quorum. Ms. Propp has not heard back from the Governor’s Office but recommends appointing three people because there is funding outside the Board to send three people along with Ms. Propp; she recommends voting and designating those people if approval from the Governor’s Office should come through.

Chair Bodelson recommends discussing sending three people plus Ms. Propp and opens it up for discussion.
Mr. Valencia asks if a quorum goes to an out of state meeting is that a violation of the Open Meetings Act.
Mr. Dworak states it’s a concern that’s a gray area and technically there is nothing prohibiting getting together. The issue is if you are discussing public business. So if you are going to an event that is related to what you all work on. Someone could easily argue
that they are discussing business related to this public body. My advice is to vote and approve an official statement saying the Board members have not been discussing public business.

Chair Bodelson asks what affiliates from the Board will be attending NCARB. Ms. Propp explains that all affiliates will be attending either through NCARB or WCARB funds.

Chair Bodelson confirms that the Board will have no cost affects from the Board’s funds because NCARB will cover with scholarships and allows one other Board member to attend on NCARB’s scholarship.

Mr. Calvani and Ms. Propp confirm to Chair Bodelson that is correct and informed Mr. Valencia the conference is in Philadelphia.

Chair Bodelson suggests since two Board members are NCARB affiliates and Ms. Propp is attending

Chair Bodelson suggests one other Board member attend.

Chair Bodelson allows Mr. Valencia to attend and Ms. Propp will inform Mr. Valencia on the deadlines and NCARB reimbursement.

Mr. Oschwald states the Board needs a designation that will vote for the Board with the Chair not being there.

Ms. Propp informs the Board that Ms. Rothwell-Clark would like to attend the NCARB meeting but Chair Bodelson suggests keeping Ms. Rothwell-Clark as a secondary if someone cannot go to the meeting.

**Motion:** Have Mr. Oschwald represent Chair Bodelson at the next NCARB and make another recommendation to add Mr. Valenica as the third member to avoid a quorum along with the traveling and expenses being paid for by NCARB for Mr. Valencia, Mr. Oschwald and Mr. Calvani.

**By:** Ray Vigil  
**Second:** Jim Oschwald  
**Board Vote:** Passed unanimously

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J. NCARB Resolution/ WCARB Resolution

Ms. Propp states the request by NCARB regarding the Board’s direction on IDP. Mr. Calvani states there is a six month reporting rule that has now changed to accept reporting of experience within the last five year; if accepted it can be used up to 50 percent.

**Motion:** The Board does not have a position on this.

**By:** Bob Calvani  
**Second:** Jim Oschwald  
**Board Vote:** Passed unanimously

Resolution 2014-A: Freeze of Member Dues and Bylaw Amendment
Ms. Propp informs Chair Bodelson that she will communicate this to NCARB as soon as possible. Ms. Propp states that the draft resolutions for the annual meeting coming up in June were not yet available so the only resolutions discussed were at the regional summit. Mr. Calvani explains the resolution freezes the amount at $6500.00.

**Motion:** Agreement with Mr. Oschwald moving forward with Resolution 2014-A at the meeting.  
**By:** Bob Calvani  
**Second:** Jim Oschwald  
**Board Vote:** Passed unanimously

**Resolution 2014-B: Incidental Bylaw Changes**

Mr. Calvani states Resolution 2014-B is to combine the continuing education committee into the educational committee.  
**Motion:** Agreement with Mr. Oschwald moving forward with Resolution 2014-B meeting.  
**By:** Bob Calvani  
**Second:** Ray Vigil  
**Board Vote:** Passed unanimously

**Resolution 2014-C: By Law Change- Regional Directors**

Mr. Calvani states Resolution 2014-C is for the Regional Directors to have credentials and more importantly having an NCARB certificate. This is being opposed by Region 1. Mr. Calvani recommends the Board vote yes on this issue and discuss the value of the NCARB certificate pertaining with Regional Directors.  
Chair Bodelson agrees, but considers it an oddity.  
Mr. Vigil is in opposition to this because the rules that NCARB affect from a National perspective in each individual state there are a lot of participates that are not NCARB certified, and yet are affected by NCARB and the state agency. Mr. Vigil states his opinion there is a large representative there that isn’t NCARB. Mr. Vigil would not support this.  
Mr. Calvani states there are 40,000 out of the 105,000 architects that are NCARB certified. The Board’s deal is to be that to be a regional Director or be on the Board really needs to stand up for NCARB and being an officer of NCARB and not being a member of NCARB is odd.  
Mr. Vigil said that he’s been working on a NCARB committee, and he is not yet NCARB certified. He wants to become NCARB eligible, but he isn’t there yet, and he believes there are many people in the same situation.  
Mr. Calvani says there others in leadership positions that are not NCARB certified.

**Motion:** Vote yes on Resolution 2014-C.  
**By:** Bob Calvani  
**Second:** Jim Oschwald  
**Board Vote:** Passed; *Mr. Vigil opposed
Resolution 2014-D: Certification Guidelines Amendment- Modifications to the Broadly Experienced Architects Requirements.

Mr. Calvani states Resolution 2014-D allows experience gained in any jurisdiction where the person is working under an architect licensed in that jurisdiction.

Motion: Move to vote yes on Resolution 2014-D.

By: Bob Calvani
Second: Jim Oschwald
Board Vote: Passed unanimously


Mr. Calvani states Resolution 2014-E to give a 24 month window before graduation if your program loses its accreditation.

Motion: In support of Resolution 2014-E.

By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

*Mr. Dworak is preparing to leave the meeting;
Chair Bodelson extends appreciation for attending and the information providing to the Board but Chair Bodelson recommends discussing the bi-monthly meetings.

WCARB Resolution

Mr. Calvani states the only two things relevant that passed is the creation of Secretary/Treasurer and a rule placed to break a tie in voting.

Mr. Vigil asks why the Board is only using hearing officers versus the Board.
Mr. Calvani states the Board never discusses names and situations because when the Board is involved in the hearing, so there isn’t any pre-judgment.
Ms. Propp confirms this is done so nothing would be assumed. Ms. Propp confirms to Board members rather than appointing a hearing officer the entire Board could conduct the hearing or the hearing officer could be a Board member. Ms. Propp states the Board could have these hearings in a different manner than the past. The Board has only had two since Ms. Propp has been with the Board so if the Board holds the whole hearing it could be quicker but doesn’t know if the Board has to wait under the Uniform Licensing Act. The hearing officer has to provide a report in 30 days and higher a transcriptionist to create a transcript of the hearing and the following Board meeting the Board members need to take the report from the hearing officer and decide what needs to be done with that person.
Chair Bodelson states to keep this into consideration since there are a lot of NCA’s going out there should be some hearings versus settling; keep options open for a Board member to be the hearing officer or the Board.
K. Compliance Statement

Ms. Propp states this compliance statement to delegate Ms. Propp as the chief financial officer.

Motion: Allow Ms. Propp to become the CFO for the next fiscal year.
By: Ray Vigil
Second: Sam Valencia
Board Vote: Passed unanimously

L. Open Meetings Resolution

Ms. Propp states this is an Annual Open Meetings Act resolution to be approved. Mr. Dworak has changed some things to clarify that the Board couldn’t have a special meeting that is solely on the phone. That was something the Board did in the past with prior attorneys. Every Board member needs to sign this resolution.

Motion: Approve the FY15 Open Meetings Resolution that has been coordinated and approved with Mr. Dworak.
By: Ray Vigil
Second: Jim Oschwald
Board Vote: Passed unanimously

M. FY 15 Calendar

Ms. Propp has changed the FY15 calendar to not have a meeting outside Santa Fe in February due to the legislative session. November 7, 2014 is the date Ms. Propp suggests to travel to Las Cruces for the Board meeting. Ms. Propp suggests moving the May board meeting to April 30, 2015 due to the deadline of the Operating Budget due to the May 1, 2015. The meeting in August would be August 1. February 6, 2015, in Santa Fe.

Motion: To approve FY 15 Calendar and add Las Cruces as the November 7, 2014 location for Board meeting.
By: Ray Vigil
Second: Jim Oschwald
Board Vote: Passed unanimously

N. Election of Officers for FY15

Mr. Valencia suggests keeping the current officers for FY15.

Motion: Nominate Mr. Bodelson as Chair, Mr. Vigil as Vice Chair and Mr. Adams for Secretary/ Treasurer. Mr Calvani states by acclamation the current officers are retained.
By: Bob Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

*Took a break at 12:04 p.m.
V. Reports

P. Chairman

Chair Bodelson reports on the Enforcement Subcommittee-Discipline Policy Guide mentioned in the beginning of the meeting.

Chair Bodelson says the Board should expect a large variation and outcome for similar offenses because of all the aggregative discipline. Chair Bodelson wants the Board to adopt this at the next Board meeting for a tool to utilize for the Enforcement Subcommittee that they can point to and state how they are looking into things. Chair Bodelson states the matrix system isn’t working as effectively as it should be and this approach could be a better procedure.

Ms. Propp agrees with Mr. Oschwald to start with a base line of penalties (similar approach to a parking ticket) afterwards a premeditation or intent and add in if it was a public building and how much money, if a contract, are they making off that project. Build a fine and then evaluate how to handle the disciplinary approach.

Chair Bodelson suggests whoever is on the Enforcement Subcommittee should be given the latitude to make a judgment call.

Mr. Calvani suggested a matrix that allows a fine hierarchy, but could the Board ever say what are the violations, such as “advertising as an architect; or fishing without a license.” Chair Bodelson says the Board should identify the mitigating factors and the aggravating factors. The one who comes to mind is an individual who was very excited about passing her exams and claimed she was an architect. The right thing to do was an advisory letter. There are people there to determine what is fair.

Chair Bodelson says that the Enforcement Subcommittee should be handed the latitude to make the call.

Mr. Oschwald supports a matrix that would make the Board’s decision judgment-proof. Chair Bodelson argues, however, that then the Board wouldn’t need an Enforcement Subcommittee, it just needs a chart.

Mr. Vigil says that there should be aggravating circumstances, for example, on the public courthouse.

Chair Bodelson will send an e-mail to the Board to change the statute to have more meetings due to the NCA issues. The meetings can be shorter, more condensed agendas because of the NCA issues. The NCA meetings in the past were different and now Mr. Dworak has informed the Board that the NCA’s need to be completed in Board meetings. Chair Bodelson would like the Board to endorse annual awards, like Mr. Campbell’s.

Chair Bodelson wants the Board to consider converting the renewal to a one year cycle. The positive outlooks are distributing the work load off staff evenly and secondly moderate the financial balance for the Board. This would have to be managed, for example if the Board agreed, maybe renew half the registrants for three years and then the other half two years finally the next two year cycle would fall into an annual cycle. Ms. Propp suggests renewing half of the registrants for one year at the next two year renewal cycle. Ms. Propp reminds the Board that the online renewal will change the process but won’t know until this renewal occurs online.

Q. Secretary/ Treasurer

Mr. Adams is no longer in attendance of the meeting via telephonically.
R. Director
   1. Information Technology Transition
Ms. Propp explains the major technology transition over the past week and the database
has a new application and is located now at the Department of Information Technology
(DoIT). The Board is connected over the internet thru a secure line and now able to enter
information to the database thru this application. The database that was here before this
transition is now historical and not functional. Ms. Propp states that she and Ms.
Gonzales went to Department of Information Technology in mid-April to consider hiring
DoIT to build a website for the Board before the end of the fiscal year because the Board
has remaining funds from the BAR. Ms. Propp informs the Board the general network is
still currently at the office and is in the new server and in the future the Board will have the
option to move the general network over at DoIT. Mr. Vigil asks about the back-up off site,
Ms. Propp states yes the back-up files go to State Archives once a week. Ms. Propp
informs the Board that DoIT is now going to be responsible to maintain back-up and
maintenance that the Board will be paying for that maintenance. Chair Bodelson suggest
the Board members have input on the Board’s website. Ms. Propp states she is working
with Ms. Gonzales on this and showed Ms. Gonzales the Oklahoma website and states to
input something like that for the Board’s website. Ms. Gonzales is open to any Board
member’s feedback on the design or specifications they would like to see for the Board’s
website. Mr. Oschwald volunteers to help Ms. Gonzales with this task. After Ms. Gonzales
gathers all the information she will send it to DoIT to create a website and Ms. Propp
suggests showing it to the legislators at the next session. Ms. Propp reminds the Board of
the Construction Industry Division (CID) invitation (June 11, 2014) to verify that their rules
and regulations align with the Board’s.

S. Exam and Reciprocity Committee
   1. Registrant/Applicant Report
Nothing stated in this section.

T. Enforcement Subcommittee
Nothing stated in this section.

U. Rules and Regulations Committee
Chair Bodelson explains the Board is caught up with the changes by statute with this
process the Board will continue to evolve and be able to move forward.

V. Finance and Operations Committee
   1. Current Budget Status Report
Mr. Vigil suggests reviewing how changing the renewal cycle would impact the Board’s income stream.

W. Strategic Planning Committee
Ms. Gonzales explains in the past the disposal of inventory was brought to the Board’s attention however never finalized. Ms. Gonzales requests Chair Bodelson to designate a committee of three Board members to approve and oversee the disposition of inventory for the agency after the committee members are appointed Ms. Gonzales will communicate with them the statutes’ required for the General Services-Surplus Division and State Auditor’s Office. Chair Bodelson asks what these members will be conducting. Ms. Gonzales states she will send an e-mail with an attached excel spreadsheet of the entire inventory the agency wants/needs to approve of. This committee will need to approve these items and submit a letter sworn under oath, along with the Director, and submit it to the State Auditor’s Office for approval of disposition within 30 days of disposal and have it officially placed in the Board meeting and minutes. Chair Bodelson asks for volunteers. Mr. Vigil, Mr. Valencia and Ms. Rothwell-Clark are appointed to the committee. Ms. Gonzales would like to have this completed for approval for the next Board meeting in August.

X. Joint Practice Committee
Mr. Oschwald states there was no activity during this period. The only thing is Horizons of New Mexico. Ms. Propp states she will inform Mr. Vigil when the next Joint Practice Committee is. Mr. Calvani states he would be willing to speak to Mr. Pat McMurry to discuss this issues arising from Horizons of New Mexico.

VI. Board Comments/ Announcements
No comments or announcements.
VII. Adjournment

Motion: To adjourn the meeting at 1:02 p.m.

By: Chair Bodelon
Second: Bob Calvani
Board Vote: Passed Unanimously

Whereupon the regular open meeting of the New Mexico Board of Examiners for Architects adjourned by Chair Bodelson at the approximate hour of 1:02 p.m.

Respectfully submitted,

Michael Bodelson, Chair
Geoffrey Adams, Secretary/Treasurer

08.01.14
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