NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

Minutes of a Regularly Scheduled Board Meeting

August 2, 2013
Santa Fe, New Mexico

Synopsis of Meeting Topics
Regular Board Minutes, May 3, 2013
Consent Agenda
Policy Discussion
Strategic Plan Updates
Action Items
Reports

Board Members Present:
Michael Bodelson, Chair, Architect Member
Geoffrey Adams, Secretary/Treasurer, Educator/Architect Member
Jim Oschwald, Architect Member
John Alejandro, Architect Member
Robert Calvani, Architect Member
Sam Valencia, Public Member
Stacey George, Student Observer

Board Member Present via Teleconference:
Raymond Vigil, Vice Chair, Architect Member

Staff Present:
Wren Propp, Director/Investigator
Katie Kruthaupt, Investigator
Melanie Gonzales, Admin. Assistant/Acting Admin. Services Coor.

Others Present:
Andrea Buzzard, Assistant Attorney General
I. Meeting Called to Order

Chair Bodelson called the meeting to order at the approximate hour of 9:02 a.m.

II. Quorum Roll Call and Introductions

Roll was taken and a quorum was determined to be present. Vice-Chair Vigil was present via teleconference. Chair Bodelson introduced James Satzinger representing the American Institute of Architects (AIA) NM Chapter, regarding Broadly Experienced Architect qualifications. Also in attendance was the student observer, Stacey George, a graduate student from the University of New Mexico School of Architecture and Planning.

III. Approval of Agenda

Director Propp clarified that the agenda is in a new format with a consent agenda to get through more routine items, and asked the Board to vote on all of them. Ms. Propp asked the Chair to excuse her from reporting on the website at this time. Chair Bodelson asked that it be presented at the next Board meeting.

**Motion**: Approval of the agenda as amended.

<table>
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<tr>
<th>By:</th>
<th>Robert Calvani</th>
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<tr>
<td>Second:</td>
<td>Jim Oschwald</td>
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<tr>
<td>Board Vote:</td>
<td>Passed unanimously</td>
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IV. Consent Agenda

1. Approval of Minutes May 3, 2013

**Motion**: To approve the May 3, 2013 minutes as presented.

<table>
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<tr>
<th>By:</th>
<th>Jim Oschwald</th>
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<tr>
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<td>Geoffrey Adams</td>
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<td>Board Vote:</td>
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2. Reciprocity, Reinstatement and Exam Applicants
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Mr. Adams moved for Board approval for reciprocity applicants, examination applicants and applicants for reinstatement.

Motion: To approve reciprocity, reinstatement and exam applicants as recommended by the Exam and Reciprocity Committee.
By: Geoffrey Adams
Second: Jim Oschwald
Board Vote: Passed unanimously

RECOMMENDED APPLICANTS FOR REGISTRATION BY RECIPROCITY

Committee Review May 7, 2013
Mark G. Anderson, AIA  Steven S. Harmon  Michael L. Helmke
Lubbock, TX  Seattle, WA  San Antonio, TX
Timothy W. Homburg  Scott A. Kluegel  Andrea W. Paseur
Prairie Village, KS  Fairfax Station, VA  Huntsville, AL
Benjamin R. Urueta  Shad William Vermeeesch
Greenville, SC  Phoenix, AZ

Committee Review June 13, 2013
Shawn P. Evans  Charles D. Haverstick  Robert P. Juskevich
Santa Fe, NM  Scottsdale, AZ  Charlotte, NC
Adam C. Meyer  James R. Miller, Jr.  Thomas P. O’Neil
Minneapolis, MN  Syracuse, NY  Phoenix, AZ
Cathryn Svoboda-Spanbock  John Rudell Wells III
Los Angeles, CA  Fort Mitchell, KY

Committee Review July 10, 2013
Wendy M. Martin  Henry Ray Stringer  Frank Slingerland
Belvidere, IL  Flower Mound, TX  Tucson, AZ
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APPLICANTS FOR REGISTRATION BY EXAMINATION
RECOMMENDED FOR LICENSURE PENDING COMPLETION OF THE A.R.E

Miles West Cook
Albuquerque, NM

APPLICANTS FOR REINSTATEMENT THROUGH RECIPROCITY

John Hartley Mahoney    Timothy James Norton    Thomas N. Smith
Chandler, AZ             Dallas, TX                 Belvidere, IL

Richard D. Thompson
Chattanooga, TN

3. Settlement Agreements
Ms. Propp presented three Stipulated Agreements for the Board’s approval in Complaints NMBEA 2013_04, NMBEA 2013_05, and NMBEA 2013_08. She described each case without stating the names of the respondents in that these agreements are made prior to the issuance of Notices of Contemplated Action.

Motion: To approve Stipulated Agreements in Complaints NMBEA 2013_04, NMBEA 2013_05 and NMBEA 2013_08:
By: Jim Oschwald
Second: Geoffrey Adams
Board Vote: Passed unanimously

V. Policy Discussion
1. Reciprocity for Military Service Members & Spouses
Ms. Propp discussed the examples, such as the rule adopted by the NM Medical Board, as provided in the Board book. Rules and Regulations Committee will meet prior to the next meeting to develop a recommendation for a rules hearing. The Board will hear the draft at the November meeting, and then the Board may have a rules hearing on the issue in February.

2. NCARB BEA Certification
Chair Bodelson appointed a “working group” of Board members Mr. Vigil, Mr. Oschwald and Mr. Adams. He said that representatives from AIA-NM and AIA Santa Fe should be included, but that he, Mr. Bodelson would not be in the working group. Mr. Adams also suggested Professor Stephen Dent, a former member of the Board and a tenured professor at the University of New Mexico. Ms. Propp said she has received a request
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from two members of the public to be notified when the group meets and that they may want to attend, but on questioning from Mr. Bodelson, Ms. Buzzard said that since the committee was going to be discussing ideas, the working group meeting did not have to be open to the public. Mr. Bodelson asked that the working group be allowed to discuss the matter without input from the public.

Mr. Oschwald gave a brief presentation on the Broadly Experienced Architect and Broadly Experienced Foreign Architects (BEA & BEFA Certificates) offered by the National Council of Architectural Registration Boards (NCARB).

Mr. Satzinger spoke briefly about AIA-NM’s request to change the BEA & BEFA reciprocity process in New Mexico.

3. State Use Act

Ms. Propp explained that she and Mr. Bodelson had asked to be placed on the June 2013 agenda of the New Mexico Council for Purchasing for People with Disabilities monthly meeting, but were dissuaded by the chair of the Council, who said that it was too late for them to be part of the agenda. Also, most members did not stick around for the “public comment” period of the monthly meetings. The Board was alerted in March of this year that an architect licensed in NM was among those who were available to offer services to state agencies and local public bodies. Mr. Bodelson said he is concerned that the State Use Act doesn’t specifically state that professional services are allowed to be offered by the Council and the third-party nonprofit Horizons of New Mexico. Professional services such as architectural services should not be included because the State Use Act does not actually state that “professional” services should be offered under the act, which is intended to direct state contracts for goods and services to people with disabilities. Ms. Propp said she is concerned because it appears that Horizons of NM is offering architectural services and is reviewing scope of work from agencies in need of architectural services, but they aren’t licensed architects. Board members suggested that Ms. Propp and Mr. Bodelson continue to work with Larry Maxwell, state purchasing agent, to address the issue.

4. Strategic Plan Updates (Moved forward under Discussion Items) Information and Technology and Budget Needs

Rick Byrne from the Department of Information Technology reported that the application of the Board’s database should be re-written because of its unique characteristics – created when it was developed in 2003 – that continues to prevent a straight forward transfer from the old server to the server purchased by the Board last year. Ms. Propp has already asked Mr. Byrne to do that task. Mr. Byrne also reported on an online renewal system that a programmer at DoIT has taken on where the Board will be working with Official Payments Corp. to process credit card payments by renewing
registrants via a website developed by DoIT. No other payment other than a convenience fee paid by the renewing registrant would be charged, Ms. Propp reported. Online verification would also be developed by DoIT.

Break: 10:39 AM
Reconvened: 10:52 AM

VI. Actions Items
1. FY 15 Budget Request
Ms. Propp presented the FY 15 budget request and noted, along with the report and discussion by Mr. Byrne, the final appropriation request for FY 15 may change. However the agency needs to submit an appropriation request by September 3, 2013, to the Department of Finance and Administration. Ms. Propp stated the appropriation request was a “flat” budget, no changes in Personnel Services compared to the current year. The agency added money into the Contractual Services after forecasting that more information technology funds would be needed in that category and made cuts in the Other category. Working with the Department of Information Technology in FY 14, in regards to Mr. Byrne’s presentation, may require a budget adjustment request, Ms. Propp said. However, the final numbers may be more clear later this month. She would like to meet with the Strategic Planning Committee later this month.

Ms. Propp recommended the Board’s approval with the understanding that the Board’s Finance and Operations Committee may want to look at these numbers once more; not to change the total dollar amount but to change the distribution. Chair Bodelson requested an update of monetary adjustments at the special meeting and Ms. Propp suggested Finance and Operations Committee to make any changes between Contractual Services and Other Costs, if the Board hasn’t met in a special meeting by the September 3, 2013 deadline.

Mr. Alejandro suggested notifying the Board of the changes made in the line items. Mr. Oschwald was concerned that if the deadline of September 3, 2013, to input DoIT costs isn’t met, can the Board still adjust the numbers afterwards? Ms. Propp confirmed and will know more detail next week when she meets with DFA. She informed the Board that agency’s budget in the long run will increase with DoIT services.
Motion: Approval of the Budget FY15.
By: Sam Valencia
Second: Jim Oschwald
Board Vote: Passed unanimously

Motion: Request to consider amendment to move adjustment in categories; Discretion to adjust items in line budget for Finance Sub-Committee.
By: Sam Valencia
Second: Geoffrey Adams
Board Vote: Passed unanimously

Ray Vigil left the teleconference at approximately 11:22 AM.

2. Meeting Dates for FY 14
Ms. Propp asked Board to refer next meeting date to November 8, 2013 versus Chair’s approval of November 1, 2013 addressed in calendar and having the following meeting February 14, 2014 versus February 7, 2014. Ms. Propp has written an email for verification and everyone acknowledged the change.

Motion: To accept calendar changes.
By: Robert Calvani
Second: Sam Valencia
Board Vote: Passed unanimously

VII. Strategic Plan Updates (Moved forward under Discussion Items)

VIII. Executive Reports
1. Chair’s Report- Bodelson
Chair Bodelson informed the Board that he doesn’t have anything specific to discuss other than what already was discussed regarding the State Use Act, he informed the Board they are moving forward with it and if anyone had questions to contact him.

2. Secretary/Treasurer’s Report- Adams
Mr. Adams had not met with Ms. Propp for information regarding the report. Ms. Propp directed the Board to tab 5, the last section, which provided the spending of FY13 and unspent balance. Ms. Propp’s goal is to spend the money in the
budget, and unfortunately the Board didn’t get to spend its travel money, which she is planning on working on as well. Chair Bodelson acknowledged the reserve of money. Ms. Propp confirmed to Mr. Adams that the funds revert to the Board’s fund. This money can be used to support the IT new services. Ms. Propp cautioned the Board to remember the rent increases in February 2014 by $400 monthly. Then in September 2014, the rent increases annually by $75 a month, which will be difficult to explain to lawmakers if the rental increases continue on through FY 15.

Mr. Vigil, Ms. Propp and Chair Bodelson suggested going forward to negotiations with Mr. Rivera (landlord). Chair Bodelson explained considering the economy is still flat, the Board may be able to negotiate the rent amount with Mr. Rivera.

3. Director’s Report – Propp
   A. FY 13 Annual Report

Ms. Propp informed the Board that she is serving on NCARB’s Procedures and Documents Committee; Mr. Oschwald is also on this committee. The committee does not travel much this year. Ms. Propp is working towards filling the administrative services coordinator, so the Board is looking at 4 FTE’s going into renewal. The agency will start an online renewal process to an extent and get notices out on time to notify that the option is available.

4. Exam and Reciprocity-Adams
   A. Registrant/ Applicant- Propp

Mr. Adams explained the FY 13 registrant/reciprocity report from a historical perspective, between FY 06 thru FY 13. Mr. Adams read the names of exam candidates who had successfully passed the ARE in FY 13. Mr. Adams noted that the report shows a number of exam candidates who have not taken an exam in three years.

Ms. Propp asked that the Exam and Reciprocity Committee take a look at NCARB eligibility as it relates to exam candidates in New Mexico, in particular those who have not taken exams in more than five years. Ms. Kruthaupt has surveyed the files of every exam candidate who has applied, been accepted and has not completed the process. Some of these candidates have been incomplete for 20 years. Some candidates have not taken the exam in 10 years, and have lost touch and moved on. Mr. Adams suggested a new category to get a new realistic number of the candidates actually working on it. Ms. Propp recommended a face-to-face meeting of the Exam and Reciprocity Committee to review the files and determine how to proceed after NCARB’s exam “blackout” concludes in late August. NCARB eligibility is now stating that if a candidate doesn’t take an exam within five years they are no longer eligible and need their
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Board’s approval to become re-eligible. The candidates, who are out of the process for ten years, may want to be exam candidates and it should be determined by the Exam and Reciprocity Committee whether they should remain eligible. Mr. Calvani recommended the committee review the candidates. Ms. Kruthaupt has written a report on this issue. Ms. Propp also suggested the Exam and Reciprocity review certification guidelines from NCARB.

FY 13 REGISTRANT/RECIPROCITY/CANDIDATE REPORT
JULY 1, 2012, THROUGH JUNE 30, 2013

REPORT CATEGORIES

<table>
<thead>
<tr>
<th>REPORT CATEGORIES</th>
<th>TOTALS</th>
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<tbody>
<tr>
<td>1. Number of Active Registrants</td>
<td>2,205</td>
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<tr>
<td>2. Number of In-State Registrants</td>
<td>712</td>
</tr>
<tr>
<td>3. Number of Out-of-State Registrants</td>
<td>1,493</td>
</tr>
<tr>
<td>4. Number of Reciprocity Applicants Pending</td>
<td>7</td>
</tr>
<tr>
<td>5. Number of ARE Candidates who completed IDP</td>
<td>131</td>
</tr>
<tr>
<td>6. Number of ARE Candidates who have taken an exam, but not in 3 years</td>
<td>68</td>
</tr>
<tr>
<td>7. Number of ARE Candidates who have not taken any exam</td>
<td>38</td>
</tr>
<tr>
<td>8. Number of Early Eligibility ARE Candidates</td>
<td>63</td>
</tr>
<tr>
<td>9. Number of Early Eligibility ARE Candidates who have not taken an exam</td>
<td>20</td>
</tr>
<tr>
<td>10. New Registrations for the Period</td>
<td>101</td>
</tr>
<tr>
<td>a. Resulting from Examination</td>
<td>14</td>
</tr>
<tr>
<td>b. Resulting from Reciprocity</td>
<td>87</td>
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HISTORICAL PERSPECTIVE: ACTIVE REGISTRANTS BY YEAR

<table>
<thead>
<tr>
<th>FY 06</th>
<th>FY 10</th>
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<tbody>
<tr>
<td>1,945</td>
<td>2,058</td>
</tr>
<tr>
<td>*FY 07</td>
<td>*FY 11</td>
</tr>
<tr>
<td>2,098</td>
<td>2,207</td>
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FY 08 = 2,087  FY 12 = 2,065
*FY 09 = 2,244  *FY 13 = 2,205

*Registration prior to two-year renewal.

**Historical Perspective: Applicants in the Examination Process**

<table>
<thead>
<tr>
<th>Year</th>
<th>FY 06</th>
<th>FY 07</th>
<th>FY 08</th>
<th>FY 09</th>
<th>FY 10</th>
<th>FY 11</th>
<th>FY 12</th>
<th>FY 13</th>
</tr>
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<tbody>
<tr>
<td>FY 06</td>
<td>125</td>
<td>141</td>
<td>151</td>
<td>173</td>
<td>153</td>
<td>158</td>
<td>207</td>
<td>194</td>
</tr>
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**The Following People Have Successfully Passed the A.R.E in FY 13**

- **TAMARA R. BEGAY**
  - ALBUQUERQUE, NM
- **SUSAN M. SPENCER**
  - ALBUQUERQUE, NM
- **JESUS N. BEMEZU**
  - OAKLAND, CA
- **CHRISTOPHER THAYER**
  - ALBUQUERQUE, NM
- **EMILY JANE BRUDENELL**
  - ALBUQUERQUE, NM
- **ETHAN JOSEPH TWER**
  - PEARL CITY, HI
- **MILES W. COOK**
  - ALBUQUERQUE, NM
- **MICHAEL JAHN WRIGHT**
  - RIO RANCHO, NM
- **ALISA R. PAVLAKOVICH GIRON**
  - ALBUQUERQUE, NM
- **JORGE GONZALES**
  - ALBUQUERQUE, NM
- **STEPHEN LEE HALL**
  - ALBUQUERQUE, NM
- **MARIISSA K. HEBERT**
  - ALBUQUERQUE, NM
- **SHELLEY M. HUGHES**
  - CLOUDCROFT, NM
5. Enforcement Subcommittee-Bodelson

Ms. Propp pointed out that this committee took on 22 complaints in FY13. To Ms. Propp’s knowledge this is the highest number of complaints. Mr. Calvani, Chair Bodelson and Ms. Kruthaupt have been working diligently to maintain the average number of days for preliminary investigation. This is one of BEA’s performance measures; the agency reports this number to the Legislature every year as important to the agency’s function and mission. In FY13 it took three days to get the complaints to the Enforcement Subcommittee. Ms. Propp stated this committee also files complaints as a result of its own investigations, and reporting time is less for those cases. Seventeen cases were closed in FY13, which is a high number and represents much hard work on the part of the investigator, prosecutor and the Enforcement Subcommittee. The Board collected $5,500 in fines as a result of complaints in FY13. The amount collected in FY 13 isn’t the highest of all time. There were no hearings; the two cases that the Board thought was headed to hearings were closed following settlement agreements. Mr. Calvani informed the Board that with Ms. Kruthaupt’s help they have worked on, completed and adopted a matrix for complaints. Mr. Calvani said they have looked at other states which have a matrix for fines, as well. Chair Bodelson discussed the drawbacks of a fines matrix. He suggested looking at a check list with three components: identify severity of alleged violation
based on its impact; then determine if the severity is high, medium or low; finally determine the amount of fine based on its impact to the respondent. Chair Bodelson wants to submit a narrative evaluation. Mr. Calvani pointed out in proposed statute changes, the fine has been increased to $10,000. The $10,000 on some level is not going to get much attention from some corporations but Chair Bodelson believes this will move in the right direction. It should be helpful in allowing the subcommittee to have latitude to apply those narrative evaluations against the fines.

6. **Rules and Regulations- Bodelson**

Ms. Propp stated the Rules and Regulations Committee provides an annual report in August of activity. Ms. Propp explained that the Board updated and changed the Continuing Education rule requiring registrants to take 12 hours of continuing education per year.

Chair Bodelson asked the Board if anyone wanted to add or bring up items for the changing of rules. Mr. Calvani reported the Rules and Regulations Committee covered all rules changed. Ms. Propp recommended for the Rules and Regulations Committee in particular, to talk about some language for military and service member spouses and propose it at the next November Board meeting and then have a hearing for it in February. Ms. Propp also stated if there were other changes in the Board’s rule on BEA, the working group should be on the same cycle of bringing it forward to the Board; not voting on it but to make any recommendations or ideas and then have a rule hearing on the final amendment language at the February meeting. Mr. Calvani believed it is urgent for the Rules and Regulations Committee to review the Canadian-US Agreement and also opposed changes to the IDP requirements. Ms. Propp stated the IDP changes needed to be addressed in the Board’s rule and stated as the standard of NCARB. Chair Bodelson asked Ms. Propp to give a quick explanation because it wasn’t disseminated amongst all the Board members. Ms. Propp explained that she received information from Derek Haese, who is the Board liaison with NCARB; he will be providing some language for the Canadian reciprocity within the next six months.

* Ms. Kruthaupt was not present as she was picking up certificates printed for Board member signatures. Ms. Propp spoke on her behalf.

7. **Finance and Operations Committee- Adams**

A. **Current Budget Status Report**

Mr. Adams deferred to Ms. Propp. Ms. Propp stated the Board didn’t spend all the money in the budget. She had nothing new to say because she had already covered majority of this topic in the beginning of the meeting.
8. **Strategic Planning- Bodelson**  
Chair Bodelson stated the Strategic Planning Committee needs to meet again. A couple items are budgetary and establish a formality to reserve money. The Planning Committee needs to bring this up for adoption by the Board. Identify IT issues related to initiatives that were discussed in the Strategic Planning Committee in terms of online renewal. Chair Bodelson stated through the Strategic Planning Committee, the Board can establish some of the basic objectives that the Board currently has with DFA that may or may not be appropriate. For example, the number-of-days measurement of the response to complaints is not a great evaluation of the performance of the Board. Chair Bodelson said, as the Board goes through the Strategic Planning, it should re-evaluate those as well. Ms. Propp asked Chair Bodelson is he had any ideas because that is a question DFA has been asking all agencies regarding performance measures. Ms. Propp had a meeting with a DFA representative, who wanted to know what kind of performance measures our Board needed to have. Ms. Propp said she needs to think about it, unless the Board wants to establish quotas for how many complaints the Board will have every year. Chair Bodelson stated performance measures are a governmental accounting process that orients an agency’s activities to performance. Mr. Adams explained performance measures and metrics. When the Board is effective, there may actually be fewer infractions, which impacts what the performance measures actually measure. Mr. Adams was concerned about how to report that. Chair Bodelson stated there needs to be a thoughtful approach. Chair Bodelson requested Ms. Propp set up a meeting regarding this matter.

9. **Joint Practice- Oshwald**  
Mr. Oshwald reported that the Joint Practice Committee met three times in a year and discussed several issues including: unlicensed practice by individuals; and qualifications-based selection (QBS). They had a very proactive executive (Ms. Propp) who pushed the meetings and did a great job of that. Mr. Adams explained there was an unceremonious passing of the torch to the Landscape Board for the chairmanship of the committee. Mr. Alejandro stated there was more talking and not enough resolution, which was disappointing because issues like re-roofing are still pending. Chair Bodelson asked about the initiative through the Construction Industries Division (CID). Ms. Propp stated there was letter sent to Katherine Martinez, director of CID and she sent out a memo to all building officials reminding them that commercial re-roofing project require either an architect or an engineer. Ms. Propp had several conversations with Fermin Aragon from CID. He said CID was somewhat concerned about any pushback from Ms. Martinez’s memo Chair Bodelson and Ms. Propp wrote a letter to Ms. Martinez thanking her on behalf of the Board for sending out the memo.
Mr. Calvani wanted to be clear on the Horizons of New Mexico issue. He wanted to confirm that this issue needed to be presented before the Joint Practice committee, as well as the Board, to take some actions as well. Chair Bodelson and Ms. Propp confirmed to him that this was true. Chair Bodelson stated under the statute it is confusing because they are contracting with CNA (central non-profit agency). Ms. Propp explained the non-profit is the umbrella for private businesses and individuals. Between CNA there is a council consisting of government representatives and representatives of businesses owned by individuals with disabilities and organizations operated for the employment of people with disabilities. It is the council that determines who is on the list of service providers.

10. NCARB Attendees- Alejandro, Calvani, Oschwald
Mr. Calvani reported that all of the resolutions presented at the annual NCARB meeting passed, and one is the Canadian-US Agreement, that Mr. Calvani said should be brought to the Rules and Regulation Committee. He mentioned there was a big discussion regarding the ARE. The elections for leadership at the NCARB Executive Board were uncontested and Greg Emry from our region is going to run for secretary against a candidate from Region 1. The next national meeting will be in Philadelphia.
Mr. Calvani brought up two issues for discussion, one being the issue of Board travel and limiting the number of people who can attend meetings because of a quorum. He also discussed the issue of per diem.
Mr. Alejandro explained the importance of issues brought up at NCARB, such as the ARE. Mr. Alejandro sits on one of the ARE committees for NCARB and said the Board should pursue the issue of having individuals attend meetings. He said the Board is not representing architects in the way it should be. New Mexico’s presence at NCARB and on NCARB committees will be silent if there is no one there to represent the state, especially when discussing proposals and policy that impact NCARB certification. Mr. Alejandro said that if places like Guam and Puerto Rico can work with their agencies and elected officials to send representatives, New Mexico can do the same. Mr. Alejandro doesn’t believe Board travel should be prohibited. He stated the issues needed to be discussed because down the road it could get dangerous if there is no one there to represent and receive information, for example, on the Canadian issue.
Mr. Alejandro also had an issue with the quorum question, such as when and they meet informally at NCARB. Mr. Calvani brought this to Ms. Propp’s attention. Ms. Propp did some research Mr. Calvani asked her to do regarding the quorum. Ms. Propp spoke with two executives with boards similar to the New Mexico Board, who may send a quorum to NCARB. Alabama’s board rarely sends a quorum but their Open Meetings Act includes a statement that board members attending a conference are not holding a meeting. New Mexico’s Open Meetings Act does not have any exception like that. North Carolina rarely sends a quorum but when they do, they have the NCARB meeting on their meeting schedule so members of
the public know that there is a quorum going and there doesn’t seem to be a problem with their Open Meetings Act. Ms. Propp stated that there are not numerous strictly architectural Boards that send quorums to NCARB. Mr. Calvani explained that those Boards are made up of twelve people for example, architects, landscape architects and cosmetology and sending four architects doesn’t make up the quorum because their committees are much bigger.

Mr. Valencia verified that what he has heard is the Board can include this in its Open Meetings Resolution. Mr. Calvani stated the Board could put this on its schedule and have two meetings, regional and national. Ms. Buzzard wasn’t certain about that because the meeting notice is for the purpose for advising people so that they can attend. Ms. Buzzard believed it is not feasible and might be criticized. Mr. Alejandro asked what the issue was if a quorum meets to discuss and establish policy because nothing takes place like that at conventions and regional meetings. He stated if there is an established agenda nothing will be discussed regarding established policy or issues pertaining to the Board.

Chair Bodelson asked if it can be stipulated for the purposes of travel and purposes of convention that no Board business is being discussed other than what’s on the agenda for the national meeting. Ms. Buzzard explained public business should take place in the open meetings. Mr. Alejandro stated the Board needs to work positively and see how it can do this. Ms. Propp asked the Board if they would like her to go to the Governor’s office because it wasn’t an executive order, it was a memo from the Governor’s chief of staff stating no travel unless the out-of-state travel was by law enforcement. Mr. Valencia suggested scheduling a meeting with the Governor’s office. Ms. Buzzard noted that in the Open Meetings Act compliance guide, which the AG’s office prepared, there is a paragraph or two regarding how members who unintentionally meet should behave, such as not talking about public business. Ms. Buzzard said these issues could become very high profile, where public officials could easily see their name in an editorial in the (Albuquerque) Journal. Ms. Propp explained she has come in contact with members of boards and commissions in New Mexico who are very conscious of unintentional quorums.

Ms. Propp asked Board members who attended NCARB whether there are changes in the ARE that are going to be important. Mr. Calvani stated they can only say what’s been published. Mr. Alejandro explained the point being is that they are educated on it and prepared to deal with it on a state level, but that’s only one issue out of many on a national level. He explained when electing officials, reviewing policy and voting on resolutions and rules for NCARB, if the Board doesn’t participate in this process, they are just observers and that is not fair to the people that the Board collects licensing fees from. Mr. Oschwald stated that New Mexico has been on the national
forefront regarding the Broadly Experienced Architect certificate, and no state is working at the level of involvement that the Board is currently doing. For example, he said, if he had not been on this Board early on and in the process, there wouldn't be enough time to develop this kind of report. Mr. Oschwald believed it is important that all Board members attend these meetings.

Chair Bodelson stated the Board needs to find a solution for sending people to these meetings so that the question of quorum is not an issue. Mr. Calvani explained the big issue that needs to be argued is the idea that conferences are not meetings. Chair Bodelson stated the most appropriate approach is to have a conversation about these issues with the Governor's office. Chair Bodelson pointed out when a Board member goes to a conference, the budget for it is derived from two out of three dollars coming from out-of-state registrants, therefore the Board's budget is adding to the economy, not draining it. Mr. Calvani asked if there are other agencies in New Mexico that have a relationship with a regulatory group like NCARB that are specific to what the Board does. Ms. Propp stated she has only heard negative stories, for example the Landscape Architects who are under the Regulation and Licensing Department (RLD) haven’t been to a meeting in three years because RLD stated they will not travel, and yet the landscape architects have money in their budget to do so. Ms. Propp noticed on the Landscape Architects recent agenda that they are requesting that RLD let them travel again.

Ms. Buzzard also stated that if there is a meeting with the Governor's office, one early point should be that the Board’s AG representative explained that if a quorum gets together and talks about public business that is a violation. Chair Bodelson asked Ms. Propp to go to Governor’s office. Mr. Alejandro suggested taking an architect to substantiate what Ms. Propp is stating. Ms. Propp suggested to the Board having Mr. Bob Campbell accompany her to the Governor’s meeting to discuss travel to provide perspective as to the necessary influence New Mexico’s architects have on NCARB. Ms. Propp will send out an e-mail with her understanding of what the Board’s direction is and make corrections if needed.

Ms. Propp identified the new agenda and asked for suggestions on the agenda format. Chair Bodelson asked the Board how they feel about the agenda format. Mr. Calvani said it was okay, but is concerned on the terminology of “consent agenda”. Mr. Alejandro and Chair Bodelson suggested a time frame notation to stay on track; Mr. Calvani suggested adding “new business” section before adjourning the meetings.

XIII. Adjourn

Motion: To adjourn the meeting at 12:07 PM.
NMBEA Meeting August 2, 2013

By: Robert Calvani
Second: Geoffrey Adams
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 12:07 PM.

Respectively submitted,

_________________________________  ____________________
Michael Bodelson, Chair            Date

_________________________________  ____________________
Geoffrey Adams, Secretary/Treasurer Date