NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

Minutes of Board Meeting
February 6, 2015
Santa Fe, New Mexico

Synopsis of Meeting Topics:
Opening Business
Policy and Proposals
New Business
Board Comments/Announcements
Adjournment

Board Members Present:
Michael Bodelson, Chair
Raymond Vigil, Vice Chair, Architect Member
Jim Oschwald, Architect Member
Robert Calvani, Architect Member
Tara Rothwell-Clark, Architect Member
Mark Glenn, Public Member

Board Members Absent:
Geoffrey Adams, Secretary/Treasurer, Educator/Architect Member

Staff Present:
Wren Propp, Director/CFO
Jackie Holmes, Investigator
Michele Barela, Compliance and Records Clerk/Receptionist

Others Present:
Joseph Dworak, Assistant Attorney General
Peggy Jeffers, Assistant Attorney General
Charles Edgar “Ed” Boles
Michelle Boles Jimenez
NEW MEXICO BEA Minutes February 6, 2015

A. Meeting Called to Order/Roll Call

Mr. Bodelson called the meeting to order at the approximate hour of 10:09 a.m. Roll was taken and a quorum was determined to be present. Mr. Bodelson welcomed the Public Member, Mark Glenn to the Board.

B. Opening Business

1. Approval of Agenda

Mr. Bodelson asked for a motion to approve the agenda. Ms. Propp had a few changes to the agenda. The first change is under item B-4, where it should say December 19, 2014. The second change is under item D-3B; that item is not available.

Motion: Motion to approve the agenda as amended
By: Robert Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

2. Introduction of Guests

(See item 3 below)

3. 2014 Outstanding Service Award

Mr. Bodelson announced the 2014 Outstanding Service Award to Charles Edgar “Ed” Boles who was present. Annually, the Board chair honors an individual who has demonstrated outstanding service to the state of New Mexico throughout their career. Mr. Boles has been a valuable resource for the public through his work with the state of New Mexico. He has been an even-handed and skilled public servant. Mr. Bodelson mentioned that Mr. Boles has made a difference in this community.

Mr. Boles stated that he came into public employment because of the late Lt. Governor Mike Runnels, who initiated the statewide beautification project called the Main Street Program where Mr. Boles was hired. Mr. Boles worked on the design work from the beginning. He considered the timing to be the luckiest stroke in his career because it got him out of an unpredictable private market into a solid, long-term job for several years. He then transferred to the State Preservation Office for another five years and he had some great experience there. He traveled the state and experienced the amazing environment and culture. After that, he worked for the City of Albuquerque as the Historic Preservation Planner for seventeen years. He was honored to be recognized. Mr. Boles added that
NEW MEXICO BEA Minutes February 6, 2015

Michael Runnels insisted that his own work with the Main Street Program aided its launch, and that it was important to him to hear that from Mr. Runnels. Mr. Vigil added that he had worked on a project in southern New Mexico and it was refreshing to go to a state agency and speak to someone who was practical and professional. Mr. Boles’ exuded passion and interest in the profession. He has been a wonderful resource for Mr. Vigil and his staff. Mr. Boles’ reputation for being helpful and straight forward has made him well known in the architectural community.

4. Approval of Minutes from December 19, 2014

Mr. Bodelson asked for a motion to approve the December 19, 2014 minutes.

Motion: Motion to approve the December 19, 2014 minutes as presented.
By: Robert Calvani
Second: Ray Vigil
Board Vote: Passed unanimously

5. Public Comments

Ms. Propp mentioned that Victor Johnson may come in to speak but he is not in attendance. Mr. Bodelson said that they will keep that item open if Mr. Johnson does show up.

C. Policy and Proposals

1. Proposed Changes to the NM Architectural Act

Ms. Propp updated the Board on the status of the proposed changes to the Legislature. She has been working with the Governor’s Office to try to find amendments that they would be comfortable with and then to find someone to support them in the Legislature, in order to sponsor the bill. The window closes on February 17 to propose legislation. She has not heard back from Nick Piatek, deputy secretary of the Governor’s Boards and Commissions, to let him know if they were comfortable with section 61-15-6 J through L. The proposed change had been scaled back from the last board meeting, as the Governor’s office did not like that version. After another discussion, they asked why it kept coming back to them. After speaking to Rules and Regulations Committee members, Michael Bodelson, Bob Calvani and Ray Vigil, Ms. Propp explained that the Governor’s office may accept a scaled back version. So, under Section J, it is the same as the current statute. Section K is slightly different as prescribed by rule of the Board. Section L is completely different, where she had been trying to convince them that the Board should get out there as far as design/build firms that hire architects. Ms. Propp has not heard back from Governor’s Office but Mr. Piatek was not sure if this scaled back version would be something that they could support. That was the update for the executive branch. As far as the legislative branch, Ms. Propp spoke to
NEW MEXICO BEA Minutes February 6, 2015

Representative Larry Larrañaga, a Republican and chair of the House Appropriations and Finance Committee, and he said he is very busy and cannot sponsor the bill. Rep. Larrañaga suggested Sen. Joseph Cervantez to assist the Board. Ms. Propp also sent an email to Sen. Griego and he has not responded back but he may still be interested in sponsoring the Board’s proposal. As soon as Ms. Propp receives clearance or some response from the Governor’s office, then she will try to find a sponsor. Ms. Propp asked the Board if they want to still pursue this proposal in this legislative session.

Mr. Bodelson stated that this is the beginning of the process and it is expected that there will be negotiations. It is not surprising that they would have an issue with the Section K and if the Board needed to put that aside, that is ok, in order to get the other mechanical changes accomplished. He considered this an educational opportunity and that the Board will basically make a more logistical approach to those items, during the Sunset hearing. He suggested that the Board push forward as the Board will still get the bill in but it may be scaled back. He felt positive in that the mechanical changes to the statute, if not the structural ones and they are still in a good position.

Ms. Propp stated that Mr. Platek asked about the intent of the change in section K. She described the cases that the Enforcement Subcommittee dealt with regarding Section K as it is written, without “as prescribed by rule of the Board.” Therefore, the Board needed to set out by rule what architects are required to do under Section K. Mr. Platek implied that it is too broad and they do not want the Board to regulate businesses.

Mr. Calvani added that this goes back to the initial discussion about 2/3rds ownership. If there is only one partner that needs to be licensed, then fine. Mr. Calvani emphasized that the Board needed to emphasize the health, safety and welfare of the public.

Mr. Vigil said that if Section K proceeds that way, would it jeopardize anything else?

Mr. Bodelson answered that he did not think so and it was not worth throwing out the whole approach. He suggested expressing to Mr. Platek that if they have an issue with K and L, then the Board was fine leaving it so that the Board could move forward with other changes. Mr. Bodelson asked if they understand that it is an ethics influence issue.

Ms. Propp answered that she will state that to them. Now that everything else is streamlined, L may be a big deal for them. Mr. Platek seemed to be more concerned about section K and what is the Board’s intent. So she explained it to him, that there are businesses operating in New Mexico that may have an architect in the background and the architect has not given the Board an affidavit. The Board does not know if that architect really can bind the authority by contract and that is important to the Board.

Mr. Vigil added that it may be helpful to explain that the reason it is in there is because of “P3” or Public Private Partnerships legislation. It is along the lines of the design/build firms, where it is not following state procurements. They are letting more of the private industry run with the money and once you do that, then you start eliminating the need to keep within the boundaries of what QBS was established for. That would be a potential for a firm to hire whomever they want, just to get the work done and it doesn’t need to be a licensed professional, other than our regulation.

Mr. Bodelson agreed but that unfortunately they have a screen for regulation.
NEW MEXICO BEA Minutes February 6, 2015

Mr. Vigil stated that they know it is a big issue. On the other side, pro business looks like more work and it looks good to them. This goes along with that and they may now have a better understanding. Ms. Propp asked how much longer should she try to negotiate?
Mr. Bodelson said the Board was at the point where if the Governor’s office does not like it, the Board will take it out.
Mr. Vigil would still like to see if it will be met positively.

Mr. Bodelson introduced Peggy Jeffers, the Board’s new prosecuting attorney from the Attorney General office.
Ms. Jeffers commented that she is with the Litigation Division at the Attorney General’s office and she has three of our cases right now. She hoped to be able to keep projects moving. Ms. Jeffers stated that if she has any cases where there is interest in a settlement, who should she run it by?
Ms. Propp answered that is the Enforcement Sub-committee.
Mr. Bodelson stated that the committee is Bob Calvani, Michael Bodelson and Ray Vigil. The contact for the committee will go through Jackie.

2. Discussion of NCARB BEA/BEFA Proposed Change

Mr. Oschwald stated that NCARB has been in the process of trying to revamp the BEA/BEFA program to make it less costly and more palatable to all jurisdictions. NCARB came out with some changes in the annual meeting that were panned. He explained the previous proposal, which would have granted an NCARB certificate based on licensure in another jurisdiction for one year. He said it does not level the playing field for what most individuals are lacking, which is a NAAB degree.
NCARB made a new proposal earlier this year at a regional meeting: NCARB certification with current licensure for two years, review of the non-NAAB accredited degree, and assessment of twice the amount of IDP based on the education. Under the supervision of an architect, they have a mentor who is overseeing the work and signing off on the work. Those candidates would have double the hours, someone with a non-architectural degree that has received licensure, would have to do the same but triple the IDP hours. This is the IDP proposal but it will not come through as a resolution because it is in the policy. Changes to the BEFA include requiring candidates that come with a professional degree and are licensed in that country, they would have to take the ARE to be licensed in the U.S. With the BEA, it puts the categorization of the work effort that individuals put forth towards licensure, into a realm the Board could understand. If they are logging out of an IDP, there are lots of ways they can do it retroactively but the rolling clock and sixth month rule does not apply in some situations where someone is trying to cover that gap.
Mr. Calvani mentioned that the IDP hours are going down.

3. Continuing Education Reporting at Renewal
Ms. Propp asked for direction from the Board regarding a process that does not immediately drop people out if they have not completed the twelve hours of continuing education each year, but could affirm that they have completed twenty-four for two years.
NEW MEXICO BEA Minutes February 6, 2015

Mr. Bodelson stated that the proposal was to keep people in the online renewal and not kick anyone out unless they have to, than to do a paper process. The consensus of the Board was to proceed.

Mr. Bodelson stated that when the staff gives notice of this, in subsequent years, the Board could include fines and penalties for not meeting this requirement. They need to be notified and include what the impact will be.

Mr. Calvani asked what is the audit percentage?
Ms. Propp answered that it is 2 percent.

Mr. Oschwald asked if there is a way to quote the statute language.
Ms. Propp answered that yes and that the language will be inserted so licensees will be informed. Her other concern was that when the Board adopted the new rules about the twelve credits/hours per year, there was an area where if a person was initially licensed in the first year of the two-year cycle, they only had to provide twelve continuing education credits, but that was removed from the rules. It is between 25-30 people who will be affected by this. Most of the people who are licensed initially in the first year of the two-year cycle, through reciprocity, are already acquiring continuing education at the professional level. The initially licensed individuals who have completed their exams may have an issue.

Mr. Bodelson suggested giving them some kind of waiver.
Ms. Propp stated that staff could try to give them a level of knowledge about needing the twenty four credits, rather than preventing them from renewing.

Mr. Bodelson commented that in these first cycles, the Board needs to take an educational role rather than punitive one.
Mr. Bodelson stated that after all the statute changes, the Board will look at rule updates.

4. State Use Act

Mr. Vigil said that he and Ms. Propp will meet with the Horizons group next week. He explained that the Board has concerns that Horizons is offering architectural services. The State Use Act, under which Horizons is the third-party organization, allows providers with disabilities the first right of refusal for service contracts with state government and local public bodies. Horizons' list of providers includes architects, and self-regulated, they determine whether they are qualified to provide architectural services for projects. If they say no, then it goes out to a Request for Proposals. The issue came to the attention of the Board’s Enforcement Subcommittee last year, when Horizons was advertising on their website for architectural services. They are not supposed to advertise unless they are registered. As a result of the Board’s inquiries, they did make some modifications. The Board was also in communication with the Joint Practices Committee. There have been several meetings with the Council for Purchasing from People with Disabilities, which oversees Horizons and Horizons which has made a lot of changes in regards to the advertising on the website. Many other people came to the meetings who were technically offering “professional” services, such as information technology, but aren’t regulated or licensed. They debated for a long time and in the last Council meeting, the Council stated that they would put together a subcommittee to resolve this issue. They
NEW MEXICO BEA Minutes February 6, 2015

want to work with the Board and other groups to come up with a process to meet the intent of QBS (Qualification Based Selection) in some way. Mr. Vigil continued by stating that in more recent meetings, the Council decided to include architectural services, with the caveat that they are going to figure out the issue and come up with a process that everyone can buy into. Now, Horizons wants to meet with the Board to discuss the process and for the Board to help with that. After looking at the next meeting agenda, Horizons wants Mr. Vigil to review the process for a scope of services on a project. Mr. Vigil was not interested in that. Board members discussed the State Use Act and the work by the Council for Purchasing from People with Disabilities. Ms. Propp provided a handout summarizing minutes of the last three meetings of Council for Purchasing from People with Disabilities. The Council has not awarded any architectural services for the last four months. Mr. Vigil added that there is one coming up. Mr. Bodelson stated that this is because they need to take their cut off the top.

D. New Business

1. Reciprocity, Reinstatement and Exam Applicants

Mr. Bodelson asked Ms. Rothwell-Clark to make the motion for approval of applicants reviewed by the Exam and Reciprocity Committee due to Mr. Adams absence. Ms. Rothwell-Clark read the list of applicants for licensure prior to making the motion for approval:

RECOMMENDED APPLICANTS FOR REGISTRATION BY RECIPROCITY

Committee Review November 21, 2014

Lennard Davis
Albuquerque, NM

Richard Emery
St. Louis, MO

Jill Fudo
Auburn, NY

Jon Gambrill
Denver, CO

David Kim
New York, NY

Gabriel Massa
Neptune, NJ

Jennifer, Nye
Portland, OR

William Pounds
Lewisville, TX

Committee Review December 19, 2014

John Ashworth
Beaver Dam, WI

Martin Sell
San Francisco, CA

Kirk Williams
Oklahoma City, OK
NEW MEXICO BEA Minutes February 6, 2015

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

Wendy Laura Natividad  Vanessa Garcia  Owen Kramme
Las Cruces, NM  Rio Rancho, NM  Albuquerque, NM

Mary Rose Cacchione-Anderson
Honolulu, HI

Motion: to approve the applicants for Registration by Reciprocity as listed in the above report
By:  Tara Rothwell-Clark
Second: Robert Calvani
Board votes: passed unanimously

Mr. Calvani mentioned that one candidate on the list had some disciplinary action, has he paid his fine?
No verbal answer given  but Ms. Propp nodded her head yes.

Motion: to approve the applicants for Registration by Examination as listed in the above report
By:  Tara Rothwell-Clark
Second: Jim Oschwald
Board votes: passed unanimously

2. Registration/Application Quarterly Report

Ms. Propp asked Ms. Holmes to give a Quarterly Report regarding registration.
Ms. Jeffers leaves the meeting (11:15 am)
Ms. Holmes stated that the Registrant, Reciprocity and Candidate report shows the numbers of registrants, and pending applicants.

REGISTRANT/RECIROCITY/CANDIDATE REPORT
NOVEMBER 22, 2014, THROUGH FEBRUARY 5, 2015

REPORT CATEGORIES  TOTALS
1. Number of Active Registrants..............................................................2,156
2. Number of In-State Registrants............................................................698
3. Number of Out-of-State Registrants....................................................1,458
NEW MEXICO BEA Minutes February 6, 2015

4. Number of Reciprocity Applicants Pending.......................................................23

5. New Registrations for the Period.................................................................16
   a. Resulting from Examination.................................................................5
   b. Resulting from Reciprocity..............................................................11

Historical Perspective: Active Registrants by Year:

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The following people have passed the A.R.E between November 22, 2014 and February 5, 2015:

- Mary Rose Cacchione-Anderson
  Honolulu, HI

- Owen Kramme
  Albuquerque, NM

- Timothy Rybarczk
  Albuquerque, NM

- Mildred Ortiz
  Albuquerque, NM

- Ian McNairy
  Santa Fe, NM

- Tomas Sanchez
  Albuquerque, NM

3. Disciplinary Matters


Mr. Bodelson stated that they will not go into Executive Session. There is only one item and it is a settlement agreement.

Ms. Propp stated that this was a settlement agreement with a person who had been licensed. A complaint was filed against them because of their business dealings with other professionals for public contracts. The number of complaints in NMBEA 2013_21, 2014_10 and 2014_12 reflect that after the initial complaint, the Board’s investigator filed two more because this individual had not responded to the Board’s certified mail in a timely manner. The second complaint was filed after this person attempted to renew their license and did not note that they had been subject to a Board investigation on the renewal form. The registrant was not responsive so the Board voted to issue a
NEW MEXICO BEA Minutes February 6, 2015

Notice of Contemplative Action against this individual in May 2014. And the Board was prepared to go to a hearing on this, however, the Board was able to work out a settlement that was reasonable to the Enforcement Subcommittee, excluding Mr. Calvani, who recused. This person signed a settlement agreement that was worked out between the Attorney General’s office and the Enforcement Subcommittee. As far as settlement agreement, this person will report their business dealing to the Board to make sure that this person is following the Code of Conduct and pay a fine of $1,500.00 and make adjustments to their individual business.
Ms. Holmes added that this would be considered disciplinary action.
Board members discussed the settlement agreement.

Motion: to approve settlement agreement in NMBEA 2013_21, 2014_10 and 2014_12
By: Jim Olschwald
Second: Mark Glenn
Board votes: passed unanimously

E. Reports

Chairman

Mr. Bodelson stated that the Board’s discussions so far in the meeting have covered everything that is current and one of the highlights the Board is working on is on the statute. The Board continues to stay focused on enforcement issues and our Board is glad to have an attorney that is engaging immediately.

Secretary/Chair

Mr. Bodelson stated that Mr. Adams is absent.

Finance and Operations Committee

Ms. Propp noted that Melanie Gonzales is ill today, so Ms. Propp will give a brief report. She passed out a proposed calendar for FY16 that includes six Board meetings for the year. The FY16 budget hearing was yesterday (February 5, 2015), in front of a subcommittee of the House Appropriations and Finance Committee. The Subcommittee voted to recommend that the Board would go with the executive’s budget which is $370,000. This is about $9,000 less than what the Board had requested. However, the Department of Finance and Administration analyst suggested that the Board ask for a special appropriation in November, for funding the technology infrastructure. As a reminder, between FY11 and FY13, because of vacancies, the agency reverted between $40,000 and $60,000. She said there was enough room with the fund, which is up to nearly $600,000 that the Board would be able to draw on some of that money, not exceeding $10,000.
NEW MEXICO BEA Minutes February 6, 2015

Director

Ms. Propp announced that Robert Mallory, who was the long time public member of the Joint Practices Committee, has resigned. Mr. Mallory served a public volunteer member for fourteen years and was never paid any per diem. He did it out of his own interest in the profession and Ms. Propp will be writing him a letter. Members of the Joint Practices committee should be thinking about trying to recruit someone to fill the position. In addition, she mentioned that Ms. Holmes attended the Federated Association of Regulation Boards conference (FARB) in Tucson in late January. The conferences are good environments for learning and finding out how other boards commissions involved in professional regulations work. Ms. Holmes added that one of the items addressed at the conference was de-regulation. Many states are considering doing away with certain boards, in certain professions, like the cosmetology field. People are feeling that states are over-regulating professions and it is causing hardship in people being able to work. They have to spend years of training and going to school for a license, in order to have a job.

Mr. Vigil mentioned that the Joint Practices Committee has discussed concerns with national legal issues regarding regulation. He mentioned the tooth-whitening case heard in the U.S. Supreme Court. If it turns out something that the Board should be concerned about, Mr. Vigil will send that information out.

Ms. Holmes spoke in regards to several issues raised at the conference, including ensuring that statutes and rules are similar; gathering information from applicants regarding past disciplinary issues; precedent and other issues.

Mr. Vigil noticed on the website, that there is a link that gets you to disciplinary actions and when you open it up, it is not updated.

Ms. Propp mentioned that it is not updated. Ms. Propp and Ms. Holmes have been talking about updating that.

Mr. Bodelson asked to see the historical trends on the Board’s fund, for the financial reporting. He assumed they were increasing.

Ms. Propp answered yes.

Mr. Bodelson continued and stated that the bigger they get, the more they become a target. Ms. Propp added that she will ask Ms. Gonzales to provide a historical report for the next board meeting to be held on April 30th.

Mr. Bodelson stated that for finance and operations, the Board should be actively engaged in strategies to manage the balance.

Ms. Propp had a few more items. The staff is continuing to work with the Department of Information Technology on the preparation of the Board’s new website. This will include the ability to update items on a regular basis. There is no launch date yet but Ms. Propp was hopeful it will be in March 2015. On a staff level, they have worked on moving old equipment, files and paper out of the office. The disposal of certain items is highly regulated in state government. Ms. Propp is also working on a plaque and that is on her list. For the calendar,
NEW MEXICO BEA Minutes February 6, 2015

the Board had been talking about having six meetings a year. Ms. Propp passed out a proposed handout.
Mr. Vigil suggested having a Board meeting outside of Santa Fe in FY 15.
The Board discussed possible southern locations, including Roswell, Ruidoso, Socorro, or Las Cruces, and discussed which month would be best.
Ms. Rothwell-Clark said that she thought that if the Board wanted to go to Ruidoso, October would make more sense, due to weather.
Ms. Propp will develop a revised calendar to reflect this discussion. In addition, Ms. Propp stated that Ms. Rothwell-Clark has spoken to her about organizing a board retreat at some time. Ideas are being proposed between Ms. Propp and Ms. Rothwell-Clark and they will bring forth those ideas at a later date.

a. Current Status Budget Report

Ms. Propp announced that the budget is on track.
Mr. Dworak stated the Attorney General’s office is working on providing greater consistency for representation of boards and commissions. The Attorney General’s office may begin offering half-hour programs to explain its work, which could be part of a Board retreat.
Mr. Calvani added that NCARB had breakout sessions where new board members are aware of what it is to be a board member, limitations and liabilities, conflicts of interest, etc.
Mr. Bodelson stated that if any office has a process to engage the Board, staff can schedule that. If the Attorney General’s office would like to expand it to a retreat, that would be even better.

Rules and Regulations

Mr. Bodelson stated that it was already covered. He complimented Ms. Holmes on her work.
All current cases are being addressed actively and the case load is no longer backed up. The Board does have quite a few cases at the AG’s office. He was encouraged that there will be more movement in those areas.
Ms. Holmes stated that there are eleven cases at the AG’s office.
Mr. Bodelson mentioned that before Ms. Holmes started working at the Board, they were holding cases because the prosecuting attorney was very busy. Now, the staff has sent everything and put it on the Attorney General’s office, in order to deal with prioritization on these cases. He was hopeful that with the new prosecuting attorney, that there will be movement on them.
Mr. Dworak stated that there is a focus to get those resolved.
NEW MEXICO BEA Minutes February 6, 2015

Joint Practices Committee

Mr. Vigil stated that Ms. Propp had already mentioned the highlights. It was a good idea to try to fit someone to the new board position as Mr. Mallory had retired and it needs to be someone who cares about what our Board does.

Board members discussed issues related to the Joint Practices Committee, including tracking discussions and results of discussions, involving more outside agencies, such as CID, and reviewing the resolution that established the JPC.

Ms. Rothwell-Clark added that they have a lot of history and it pulled everyone back to what the focus should be.

Mr. Vigil noted that the original mission – as outlined by a long-time JPC member – was to clear up any disputes regarding complaints.

Ms. Rothwell-Clark mentioned that she agreed with Mr. Bodelson that the JPC has an important mission, and especially in moving forward with a lot of these issues that the Board is talking about. There is a lot of overlap in the State Use Act and some of the other applicable things the Board is talking about.

Mr. Bodelson continued by saying that there is so much that the Joint Practices can be influential with, so the continuity of the membership is important. As the Board goes forward in the year, Ms. Rothwell-Clark should be thinking about a candidate for chair of the Joint Practices.

Mr. Bodelson asked Mr. Glenn if he was interested in any particular committee?

Mr. Glenn answered that he did not know what was available but he would like to help out.

Mr. Bodelson mentioned that he was glad Mr. Glenn was on the Board because our Board is always interested in a new perspective. He asked Mr. Glenn that if he was interested in something particular like financial operations, Enforcement sub-committee, Joint Practices Committee, please talk to him about it.

F. Board Comments/Announcements

Mr. Bodelson announced the NCARB Regional Summit in March.

The Board decided that Mr. Calvani, Mr. Oschwald and Ms. Rothwell-Clark would attend the Regional Summit in Long Beach, Calif. Ms. Propp will not attend.

Mr. Calvani and Mr. Oschwald will attend and their reservations and payment comes through NCARB and WCARB.

Ms. Propp mentioned that if Mr. Oschwald had recommendations regarding the resolutions?

Mr. Oschwald mentioned that there is an opening for a new member, in addition to the scholarship.

Ms. Propp understood but said then thenBoard would be sending quorum.

Mr. Bodelson asked if Nick was specific on whom the Board could send?

Ms. Propp stated yes he was specific.
NEW MEXICO BEA Minutes February 6, 2015

Mr. Dworak mentioned that someone could raise an Open Meetings Act issue with this but to avoid an issue, just fully disclose it. As long as a statement is being made, no action can be taken and it is business related to the Board but it is a national organization. If there were prior complaints, he suggested that the Board may want to be cautious but ultimately it is a disclosure issue. As long as the Board is open about it and it did not look like the Board was trying to hide it, the Attorney General’s office is the one who enforces it, would not be an issue. Ms. Propp had tried making all of those arguments but Mr. Platek still said that no board gets to send a quorum out of state. She has been trying to talk to him about expanding it and he has said no. The Board is limited to three attendees.

Mr. Calvani stated that it is unfortunate because two Board members are elected and serving at the regional and national level – they must attend the meetings.

Mr. Dworak stated that the irony is that it is the Attorney General’s office that takes in those complaints and it does not go anywhere else. He would be able to look into this with upper chain of command and find out if there is a reason why concerns like these are there or is it simply a perception issue and they are worried about any vulnerability of making it seem like a meeting is happening elsewhere.

Mr. Bodelson stated that he thought that may be issue with the Governor’s Office. He suggested to Mr. Oschwald that if he was unable to travel, Mr. Glenn could go as an alternate. Mr. Oschwald said he would probably need to travel because he is doing a presentation. The unintended consequences of the Governor’s Office in this situation, is that our Board is very well represented at the national council level but it will drop off. They do not have the background of people attending these meetings and getting exposure, building reputations and repore with other members, in order to be able to move up towards leadership. It is unfortunate.

Mr. Dworak suggested “noticing” the national meetings as in a legal advertisement.

Ms. Propp added that the Governor’s office has asked for legal notices, agendas and minutes of every meeting.

Mr. Dworak stated that he would work on that. He noted that the Board’s meeting minutes are very substantive, but to comply with the Open Meetings Act, they could be a list of matters discussed. It is not a legal requirement that the minutes state does not need to state what each person said.

G. Adjournment

Motion: to adjourn the meeting at 11:56 a.m.

By: Robert Calvani

Second: Jim Oschwald

Board Vote: Passed Unanimously
NEW MEXICO BEA Minutes February 6, 2015

Whereupon the regular open meeting of the New Mexico Board of Examiners for Architects adjourned by Chair Bodelson at the approximate hour of 11:56 a.m.

Respectfully submitted,

Michael Bodelson, Chair

Geoffrey Adams, Secretary/Treasurer

05-01-15
Date

4/30/15
Date