New Mexico Board of Examiners for Architects

Minutes of Board Meeting
November 21, 2014
Las Cruces Workforce Center Las Cruces, New Mexico

Synopsis of Meeting Topics:
Opening Business
Policy Discussion
New Business
Reports
Board Comments/Announcements
Adjournment

Board Members Present:
Michael Bodelson, Chair
Raymond Vigil, Vice Chair, Architect Member
Geoffrey Adams, Secretary/Treasurer, Educator/Architect Member
Jim Oschwald, Architect Member
Robert Calvani, Architect Member
Tara Rothwell-Clark, Architect Member

Board Members Absent:
Mark Glenn, Public Member

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

Others Present
Joseph Dworak, Assistant Attorney General
Amias Gomez
Jeremy Ortiz
Jim Vorenberg, American Institute of Architects (AIA) member
A. Meeting Called to Order/Roll Call

Mr. Bodelson called the meeting to order at the approximate hour of 9:06 a.m. Roll was taken and a quorum was determined to be present.

B. Opening Business

Mr. Bodelson asked for a five minute break for Board members to meet individually with people in the audience.

A break was taken at 9:07 am

The meeting returned in session at 9:19 am

1. Approval of Agenda

Mr. Bodelson asked for a motion to approve the agenda.

Mr. Calvani asked to amend the agenda under Public Comment to allow NCARB representatives to address the Board.

Mr. Bodelson agreed that would be appropriate.

Motion: Motion to amend the agenda
By: Bob Calvani
Second: Tara Rothwell-Clark
Board Vote: Passed unanimously

Mr. Bodelson asked if there are any other items on the agenda for discussion. He asked for a motion to approve the agenda.

Motion: Motion to approve the agenda.
By: Bob Calvani
Second: Geoff Adams
Board Vote: Passed unanimously

2. Approval of Minutes from October 24, 2014

Mr. Bodelson asked for a motion to approve the October 24, 2014 minutes.

Motion: Motion to approve the October 24, 2014 minutes as presented
By: Jim Oschwald
Second: Ray Vigil
Board Vote: Passed unanimously

3. Introduction of Guests

Tomas Mendez introduced himself, architect with the city of Las Cruces and a past member of the Board for two terms. Mr. Bodelson recognized and thanked Mr. Mendez for being on the Board. Mr. Mendez publically recognized the service of the late John Alejandro on the Board.

Jim Vorenberg, AIA-NM, treasurer of AIA-Southern NM chapter.
Manuel Alvidrez, ASA Architects and AIA-Southern NM Chapter Board as district representative.
Robert Williams, architect and president of AIA Southern NEW MEXICO chapter and served on the board as student observer 2004-2005.
Armanio Arman, pre-architecture student at Dona Ana Community College.
Adam Martinez, pre-architecture student at Dona Anna Community College.
Adrian Hernandez, pre-architecture student at Dona Anna Community College.
Laura Evans, pre-architecture student at Dona Anna Community College.
Karla Padilla, pre-architecture student at Dona Anna Community College.
Derek Haease, NCARB Assistant Director to Member Board Relations.
Kathy Hillegas, NCARB Council Relations Director and with Member Boards.
Michael Armstrong, NCARB Chief Executive Officer.
Michael Bodelson thanked NCARB representatives for being present and welcomed them to New Mexico, a stop on their mission to attend the board meetings in each of the 54 jurisdictions which are members of NCARB.
James Satzinger, current president of AIA-NM. He thanked NCARB and the students for attending.
Greg Walke, university architect at New Mexico State University.
Jeremy Ortiz, architect in Texas and Colorado and has a 4 year degree from the University of New Mexico. He emphasized his need to be registered in New Mexico.
Richard Haas, architect in Las Cruces and president-elect of AIA Las Cruces and was past president of AIA New Mexico.
Julia Kirton, Dona Ana Community College architecture instructor who is licensed (elsewhere?). She would like to see a connection with education and NCARB reciprocity.
Robert McCarter, senior student at Dona Ana Community College.
Mias Gomez, pre-architecture student at Dona Ana Community College.
Luis Rios, architecture instructor at Dona Ana Community College. He mentioned his support for AIA and for the students.

4. Public Comment

Mr. Bodelson announced that anyone can come up to speak. He mentioned that NCARB will also speak at this time.
Mr. Armstrong of NCARB thanked the students for being committed to a future in architecture. He stated that there a national organization on community colleges of architecture. As education evolves, there are different and alternative paths and NCARB will be a part of the evolution. The important factor is facilitating licensure. NCARB is open to alternative paths.
Mr. Armstrong thanked the Board for accommodating their schedule to meet their mission to visit all jurisdictions. He added that NCARB exists to create models for law and regulation and to provide services. Historically, NCARB had engaged with Boards through volunteer committees and annual meetings. NCARB is now attending Board meetings in order to understand the unique nature of each board with issues specific to each jurisdiction.
Mr. Armstrong stated that at the national level, things are happening that may impact licensees. New Mexico is a national leader in relation to licensure. He mentioned that Robert Calvani is on the national board. Jim Oschwald is the Chair of Region 6 of the national board. Ray Vigil has served on committees, as has Wren Propp. Michael Bodelson and Geoffrey Adams have attended meetings.
Mr. Armstrong mentioned that NCARB is focused on the future of the profession. NCARB is challenged with the preservation of the rigor of what is necessary to get a license, yet looking at streamlining programs so the impediments are not because of bureaucracy or process.
Mr. Armstrong continued by saying NCARB also exists to help applicants prepare for the profession. NCARB was founded in 1919 as an organization to create a consistent path to licensure across state borders. In 2016, the ARE will be six divisions, not seven. He said he
hoped to keep the costs consistent. The new methodology would still require graphic
representation of what one comprehends but exams will be scored more quickly and
logically. NCARB also has transparency and Boards and track student progress. The intern
program has created an IPhone application.
Mr. Armstrong said there has been a huge shift to streamline the ability of interns to
complete IDP more quickly. In addition, Mr. Armstrong mentioned that statistically, it now
takes over five years after graduation before an intern completes the IDP. It takes another
two years to complete the ARE. The average person is taking over seven years, after
graduation, to get a license. The profession is changing and NCARB is evolving. NCARB
will propose fewer hours to complete the IDP. Mr. Armstrong said that NCARB is now
looking at overlapping education and IDP hours through accredited schools. Schools are at
different levels and there is time for these conversations.
Mr. Armstrong said that in relation to the broadly experienced portfolio, an alternative path
was needed to get an NCARB certificate. The programs are time-consuming and costly.
NCARB’s Board of Directors proposed that foreign candidates work for two years, under a
licensed U.S. architect. Membership will vote on all these proposals.
Mr. Armstrong continued and commented that for the broadly experienced architects,
NCARB had proposed a series of steps for the BEA program, but there was not a
consensus. A new proposal is being developed and the NAAB accredited degree was still
the preferred educational path. NCARB still needs to be verified. New proposals will be
announced in the future.
Mr. Satzinger, president of AIA-New Mexico, said that they have been working on the idea
of alternative paths to licensure from AIA point of view for two years. Now that there are
proposals on the table he stated that on behalf of the AIA New Mexico, the Board of
Directors is against opening the Architectural Act prior to its sunset in 2017 for any reason.
Mr. Satzinger said some of the proposals could be dealt with administratively in section
behind the Act, particularly with the desire to have increased penalties for violations. Mr.
Satzinger continued that these could be in the rules, like the registration fees, for both in-
state and out-of-state. He said NCARB was proposing streamlining paths and AIA believes
that a successful completion of ARE is a measure of competency to practice architecture.
In addition, the AIA Board believes that until there is an attainable alternative to NCARB
certification, without a NAAB-approved degree, AIA would oppose any effort to remove
New Mexico BEA option 61-15-6 G. Organizations need to acknowledge the different
paths, places and experiences. Many people here are licensed elsewhere and are unable
to get a license in New Mexico. NCARB is heading up that effort, similar to AIA views, so
the path to licensure is a fair one.
Mr. Vigil asked Mr. Satzinger if he canvassed the other local chapters, chapters like
Albuquerque, and the Southern chapter.
Mr. Satzinger stated that he had been talking with other chapters all along about Option G
and about the new NCARB proposals. A number of letters went out to address the issue.
AIA Santa Fe, AIA Southern New Mexico and AIA-New Mexico support these views. AIA Albuquerque is more reluctant because of the University of New Mexico.
Mr. Vigil asked, in order to be clear, did Mr. Satzinger speak about Option G to the entire AIA membership in New Mexico?
Mr. Satzinger said that this was from the AIA New Mexico Board at Saturday’s meeting, which was a summation. The strongest feeling was that under no circumstance, should the Board open the Architectural Act because of experience in the past.
Mr. Vigil asked whether it had been commented on by the Albuquerque chapter.
Mr. Satzinger stated that they have not talked to the Albuquerque chapter about that.
Mr. Vigil asked what is the number of architects who are members of AIA?
Mr. Satzinger stated that in Albuquerque it is about 250, Santa Fe is about 100, southern chapter is about 50.
Mr. Ortiz spoke next: He said he is licensed in Texas and is interested in the BEA process. He said he felt the requirements for New Mexico licensure is very difficult because he does not have a graduate degree. It should be looked at through experience.
Mr. Mendez stated that his concerns about broadly experience architects is that there seemed to be less need for tracking the applicants original state of licensure. He asked if NCARB was tracking those requirements.
Mr. Rios, an instructor in the pre-architectural program at Dona Ana Community College, spoke about education in architecture. He passed out a handout. He mentioned the difficulty in access to architecture education because of the rural nature of the state. He also mentioned that AIA and the New Mexico Board should start a dialogue to bring awareness of architecture and engineering studies to high schools. Also he mentioned that pre-architecture courses have been cut from local schools and new strategies are needed.
Mr. Calvani said that the IDP process can help students get experience and that NAAB was working with community colleges to solve some of these issues.
Mr. Armstrong stated that there is a national organization of community colleges working in a ‘feeder system’ to position students to move into accredited programs. If students do not know the path to licensure, they could be wasting time. NCARB is looking at their Outreach Program to reach colleges and educate high schools.
Mr. Adams stated that Mr. Rios has brought students to the University of New Mexico and they have explained the process. UNM is working on an articulation agreement with community colleges throughout the state. He also mentioned that architecture is fundamentally competitive and not all students will get in the program.
Mr. Calvani asked if the University of New Mexico accepts credits from Dona Ana Community College toward a degree.
Mr. Adams said yes. The issue is whether the students come in at the second or third year when they transfer.
Mr. Haas commented that he is the president-elect of the Southern AIA Chapter and they support AIA’s position in regard to the broadly experienced architect portion of the statute.
The Southern AIA Chapter is more sensitive to the BEFA because of the surrounding states. Mr. Alvidrez stated that he is an AIA member and his passion for architecture keeps him moving toward licensure. He was not clear about the process at first but he understands the process now. Mr. Hernandez, a student, mentioned that today he has learned how rigorous it is to be licensed. He also stated that there are very few classes in high school that are offered for architecture. Ms. Padilla, a student, stated that because of dual credit courses, it will help her get architecture credits. Mr. McCarter, a student, stated that NCARB is on a good track to streamline the process. He felt that there should be more value placed on experience. Mr. Bodelson stated the students face changes in the future and wished them well. Ms. Propp introduced the staff members, Jackie Holmes, Investigator/Compliance Officer and Michele Barela, Receptionist/Compliance Clerk. She also introduced Joe Dworak, Assistant Attorney General.

C. Policy and Proposals

1. NCARB Proposed Changes to IDP, BEA/BEFA

Mr. Calvani stated that these topics are in relation to the New Mexico Board. The first subject is IDP and IDP streamline which eliminates the elective hours. He described the historical changes to IDP. Mr. Calvani said that NCARB thinks about reducing rigor for a reason. The Board is not trying to reduce stress, they are trying to reduce rigor; that is rigor for rigor’s sake. This Board agrees with that, as does the five in the region (Region 6). Mr. Calvani also mentioned that in relation to the IDP overhaul, there are 17 existing categories. The Board would take those 17 and align them with the six categories with the ARE 5.0. The New Mexico Board took no position on that. Ten of the regions have accepted it. Mr. Calvani explained that in relation to the BEFA proposal, eligible candidates would document two years of active, licensed practice in another county or two years working in the United States under an architect’s responsible control. The eligible candidates would have to complete the ARE. Eligible candidates would be those who are credentialed to practice architecture in a foreign country after having met that country’s requirements for education, experience and examination. The country would have to have formal record-keeping of disciplinary actions. The New Mexico Board said no to that, as did Nevada, but the other states in the region did agree with the proposal. The Board should wait to see what NCARB says. Mr. Calvani explained the proposal to change the BEA process. The proposal would require that an individual meet the educational and experience requirement of any member board, complete the ARE, and maintain a registration in the jurisdiction of initial licensure in good standing for a year – no disciplinary action. Mr. Calvani suggested that the Board and AIA wait on this issue. The BEA
proposal was not accepted by this Board. Our Board wanted NCARB to act as the verifier, not our Board, as far as experience and education.

D. New Business

1. Resolution of Proposed Changes to the New Mexico Architectural Act

Ms. Propp announced that this resolution is a proposal and it can be edited here or at another point in a board meeting.

Mr. Vigil mentioned that from the comments made earlier in the Public Comments section, it may be helpful to clarify that the Board has not opened the Act just because the Board wants a recommended change. There is a purpose for every change that is being discussed. He was not sure if the Board should get into some discussion as to how this came about. He wanted to make clear that the proposed changes are necessary.

Mr. Bodelson stated that he appreciated AIA New Mexico and the other chapters in questioning these proposals. He asked himself asked why the Board wanted to take time to open the statute. With fifteen years as a state architect, he can understand what can happen when someone goes to the legislative session and all options are on the table. Unless the Board goes in with an organized presentation, the Board could be in for trouble. He said he feels that the Board has a solid reason for taking the statute to the session because there are some very serious structural issues that are causing legal problems in terms of enforcement.

Mr. Bodelson also stated that the BEA needs attention. If the Board goes in with a unified approach, along with AIA and state chapters of AIA, there would be a better prognosis for success. He added that the Board has thought about this carefully. And with the sunset of the law approaching, the modifications the Board was making would be good and would allow the Board the time to make any other edits needed.

Section 61.15.6 Requirements for Registration F through G:

(F.) A person registered as an architect in another jurisdiction who has been certified by the national council of architectural registration boards may apply for registration without an examination by presenting for review and on which the Board shall act:

(1) a certificate of good standing issued by the national council of architectural registration boards or its equivalent as prescribed by rule;

(a) In the case of an applicant with an NCARB certificate issued following the broadly experienced architect or broadly experienced foreign architect process, the board shall require satisfactory evidence that the applicant has served at least three consecutive years in responsible charge while licensed in another jurisdiction, subject to rule of the board;

(2) evidence satisfactory to the board of qualification in comprehensive design for-seismic forces.
A person registered as an architect in another jurisdiction who has held the registration in a position of responsibility for at least three years five-years and who does not have a certificate issued by the national council of registration boards may apply for registration by presenting evidence of broad experience as an architect, as required by rule of the board, of academic training and work experience directly related to architecture, including evidence satisfactory to the board of qualification in comprehensive design and on which the Board shall act.

Ms. Propp announced that everyone has access to these documents. These are amendments the Board is going to look at. The underlined areas were additions to the current Act. The Rules and Regulations committee made a recommendation for the changes that were underlined. She explained that under F, it would require the Board to act upon a person who has an NCARB certificate and she read the underlined area. She summarized that NCARB’s work on this is still going on. The Rules and Regulations Committee suggested that if NCARB comes up with an idea of what the broadly experienced architect process should look like, the Board wanted to be able to ask anyone with a certificate that comes from the BEA process, to show three consecutive years in responsible change while licensed in another jurisdiction, subject to rule of the Board. She then mentioned that in addition, (2) adds comprehensive design.

Ms. Propp stated that in G, this was a new proposal to maintain G but amend it in order to require three years for a person who does not have a certificate issued by NCARB. They would have to follow G, as it is written but if passed, they would have to show qualifications in comprehensive design.

Mr. Bodelson stated that there was no discussion to delete G, the discussion was if the Board retained G, they needed to retain the real process for people to access it. The Board might not have been fully compliant in the past years and this is more in alignment with NCARB and current status of the state of architecture in New Mexico. This would create a reasonable and fair path for people.

Mr. Satzinger apologized because of the previous writings that he had seen until this meeting, those writings had G struck. He stated that he was pleased to see this and it had seemed to him, looking at F, it seemed that the Board was anticipating the NCARB move in this direction. He also stated that the original proposal was strong enough. He recommended that this turn into an effort to lobby NCARB for this language for the BEA requirement. He wanted to see options and he asked if that portion in the Rules and Regulations that basically makes G irrelevant, be removed because if it is left to stand as it is, G doesn’t mean anything.

Mr. Bodelson stated that the intent was that G is a valid process.

Mr. Satzinger commented that G is talking about doing some interviewing. He thought it was a great change.

Mr. Mendez stated that he would like to follow up on Jim Satzinger’s comments. He stated that it would require the re-writing of the section of the rules. He suggested not eliminating G and H of the statute.

Mr. Bodelson said NCARB may have more revisions of the BEA procedure and the rewrite of the statute would be more compatible. If NCARB made a decision that was not strong enough, then the
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Board would make a moderate change to F. He anticipated that there is a possibility that F would be updated again once the Board gets NCARB’s revision.
Mr. Vigil stated that in light of the information provided today from NCARB, should the Board have discussion relative to leaving this section for the interim? The Board is looking at June before knowing whether not the NCARB proposal would be along that line and make the change at that time. Or does the Board need to make the decision sooner rather than later?
Mr. Bodelson stated that because of the upcoming session the Board is obligated to make a submission and that would occur before the national board meets. The Board would at least have the information that NCARB was proposing at that point.
Mr. Adams asked if it is possible to amend that submission after it has been presented?
Mr. Bodelson stated that this is the concern that Mr. Satzinger stated. He said there is another board meeting in between the session.
Mr. Adams said he is nervous about this thing because it has been vestigial for a number of years. It says something that was not the practice of the Board. He was worried about ending up with something vestigial from the start because NCARB sounded encouraging at looking at it again. It would be nice to just have an NCARB certificate, and some folks have issues and that process addresses their needs in a responsible manner and does not cost an arm and a leg and allows them to get licensed. He would not suggest that the Board have another set of rules on top of that.
Mr. Bodelson clarified that what the Board does have in F and G right now, if accepted, would be subject to another edit at a future meeting prior to the session.
Mr. Calvani stated that the Board should act on it at this meeting because the Board does not know what is coming out of NCARB, or what the proposal is and what is going to be changed. Hopefully the Board will accept it.
Mr. Bodelson stated that he preferred that the Board accept the proposal. He also stated that Mr. Vigil would like to speak to Mr. Mendez and others about the intent of this edit in relation to the rule.
Mr. Vigil stated that the purpose included an introductory paragraph and the Board added an underscore “the Board shall act upon.” These sections of the Act would then commit the Board in saying that they would follow this process and “the Board shall act upon,” as opposed to other language in the rules.
Mr. Bodelson stated that this would give the Board stronger language.
Mr. Vigil stated that the Board was trying to reinforce the language to make sure if the Board was going to have this in the Act that this was something the Board would use in the Act and it is valid.
Mr. Bodelson added that by inserting that language, the intention is that fixing the Board with a shell act, obligates the Board to basically process any of these applications that are received under G.
Mr. Satzinger added that, rather than under current language which is “or by rule of the Board,” which basically allows the Board to do whatever it wanted; he asked if there were specific language in the rules that when the Board change, what would be deleted? Because the rule states that you must have an NCARB certificate.
Mr. Bodelson answered and stated that the Board does know that there will be rule updates but the Board wanted to settle on statute changes first, and then assess the rules. It would be the easier
portion of the two. He added that the proposal on this one was that the Board accepts it and moves ahead on it with the knowledge that there will be edits.

Mr. Armstrong of NCARB, stated that NCARB could offer an observation on how these kinds of discussions are occurring around the country. Derek could provide examples and is interacting with the Attorney General and others on how that works.

Mr. Haese of NCARB, mentioned that this was the first time he had seen this language. He asked if the Board has thought about the notion of keeping things at a higher level in the statutes and then having stricter regulations that the Board can then modify.

Ms. Propp said the Board is responding to a moment in time.

Mr. Haese said and regulations should be used to respond to changes such as that, but the Board may be restricting themselves if it is placed in the statute. He commended the Board on the language ‘the Board shall act upon’ (someone with a certificate); however he was concerned that the Board gets so prescriptive in subsection (a). He said if the Board had language that said “shall act upon someone with a certificate who meets other requirements deemed applicable by the Board,” or something similar, it would grant the Board flexibility in being able to modify accordingly in the regulations without having to open up the practice act in the future. He stated that he always makes that recommendation to Board.

Mr. Calvani asked Mr. Haese to repeat the language.

Mr. Haese answered by stating that this was the first time he has seen this language but along the lines of “shall act upon the certificate and who meets requirements established by Board rule,” or something high level. He said he could go back and assist to re-craft that, if the Board would be interested.

Mr. Vigil commented that he understood when the Board was writing that and discussing it at the sub-committee level, the words “shall act upon” was not necessarily saying the Board would grant this, it was saying that the Board needed to make a decision or determination. If the information was not provided at the committee level, then it would have to be determined. He described the additional language as a way for applicants to go forward where the Board could ask them to resubmit the documentation.

Mr. Adams suggested that the language would get rid of the issue of what NCARB is going to do in the interim and this allows the Board to make change to the rule. And then the Board will have flexibility in the future to modify the rules, if there are problems and not be tied to open up the statute in order to change something specific.

Mr. Oschwald stated that the three years that the Board was quoting in F and in G is pinning the Board into a corner, depending on NCARB, what the Board finds that the practices actually revealing candidates that have that level of experience. He preferred to remove that from this language in the Act, in that the Board keeps it in the Board rules.

Mr. Vigil asked for clarification and does the Board mean to remove the stipulation on the amount of time?

Mr. Adams stated, yes the number of years. So the Board should not be specific about it and the Board should re-craft this language with the support of NCARB.
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Mr. Calvani stated that what Mr. Haese was saying was that the NCARB study was fine but in the end, instead of the Boards required satisfactory evidence, put in something like “requirements as established by rule.” That way the Board could get rid of the statement about three consecutive years in responsible charge.

Mr. Bodelson entertained a motion to accept the edits to 61.15.6 Requirements of Registration F through G, with any amendments that might be proposed, such as modified by staff and accepted by the Rules and Regulations sub-committee.

Ms. Propp asked for clarification in that did Mr. Bodelson mean that he is going to ask the Board to approve it and then leave the modifications based on the discussion today by the Board to staff, that would then be submitted to the Rules and Regulations committee for a final?

Mr. Bodelson answered yes.

Mr. Dworak clarified that the resolution that was proposed, does not go into all of the very specific details that were listed in both changes that were discussed and voted on in the Board’s last meeting. It is up to the Board, but an easier process could be to clarify that statement of rationale and some of the broader ideas conveyed in that resolution and then the Board could vote to delegate the duty of crafting additional recommendations to the sub-committee. Then the Board does not need to worry about proving in part and then allowing a certain level discrepancy given back to the sub-committee. Then it would be clear what the Board is doing. He continued by saying that, ultimately if the Board’s intent is to delegate the duty of coming up with a final recommendation, the Board should delegate the whole duty to the committee and then the recommendations come from the committee and not the Board itself. The resolution, the general big picture concepts could be voted on and improved by the Board and the resolution.

Mr. Bodelson added that it covers the intent.

Mr. Vigil motioned to accept the changes with general modifications and the intent being that the Board state and follow more specific requirements in the rule.

Mr. Dworak answered by stating that the Board would have to have a separate meeting.

Mr. Calvani stated that the Board wanted to approve this now with modifications.

Mr. Vigil agreed and added to approve it now with the intent, showing the modifications are the intent and delegate it to the sub-committee. That would be the motion.

**Motion:** Motion to accept the Proposed Changes to Architectural Act Section 61.15.6 F through G Requirements for Registration

**By:** Raymond Vigil

**Second:** Robert Calvani

**Board Vote:** Passed unanimously

Jim Oschwald indicated to staff that he has abstained.

Ms. Propp asked Mr. Bodelson to clarify that the motion is specific to 61.15.6 F and G in the record.

Mr. Vigil asked to modify or clarify his motion that this was specific to consideration Section 61.15.6 F and G.
Section 61.15.6 Requirements for Registration J through K

H. No sole proprietorship, partnership, corporation, association, or other business entity shall be registered under the Architectural Act. No sole proprietorship, partnerships, corporation, association, or other business entity shall practice or offer to practice architecture in the state except as provided in Subsections I, J and K of this section.

I. Registered architects may practice under the Architectural Act as individuals or through partnerships, associations, corporations, or other business entities.

J. In the case of practice through a partnership where at least one of the partners is a licensed architect, offering architectural services, at least one of the partners shall be a registered architect under the Architectural Act. The partnership shall be owned by no less than 50 percent of the partner or partners who are licensed architects. All plans, designs, drawings, specifications or reports issued by or for the partnership shall bear the seal of a registered who shall be responsible for such work.

K. Business entities owned by New Mexico currently licensed architects and engineers are exempt from the following:

In the case of practice through a business entity, services or work involving the practice of architecture may be offered through the business entity, provided the registered architect in responsible charge of the activities of the business entity involved in such practice is an employee of the business entity with the authority to bind the entity by contract. Architects may join or form business entities of registrants and licensees outside of their field of practice or with persons who are not registered or licensed, if control and two-thirds ownership or membership of the business entity is held by persons registered or licensed in this state pursuant to this chapter. Proof of ownership following registration of the business entity with the New Mexico secretary of state shall be required. All plans, designs, drawings, specifications or reports that are involved in the practice and issued by or for the business entity shall bear the seal and signature of a registered architect in responsible charge of the work when issued. The architect in responsible charge of activities of the business entity offering architectural services shall provide the board with an affidavit documenting the authority and shall notify the board of a termination of the authority. “Design/build” means a business entity offering architectural services together with construction services which may offer to render architectural services only if:

(1) an architect registered in this state or otherwise permitted to offer architectural services participates substantially in all material aspects of the offering;

(2) there is written disclosure at the time of the offering that such architect is engaged by and contractually responsible to such business entity
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(3) such business entity agrees that such architect will have responsible control of the architectural work and that such architect's services will not be terminated prior to completion of the project without the consent of the person engaging the business entity; and

(4) the rendering of architectural services by such architect will conform to the provisions of the architectural registration law and the rules adopted thereunder.

Ms. Propp stated that this is the same section of the Act but this goes further under Requirements for Registration and the Board was looking at expanding the view of oversight to ensure business practice met architectural licensure standards. The first one is letter J, where the Rules and Regulations committee would like to recommend modifying that in a partnership; no less than 2/3 of the partnership shall be owned by the licensed architect. And that all plans, designs, drawings, specs or reports issued by or for the partnership shall bear the seal of a registered architect who shall be responsible for such work.

Ms. Propp continued and mentioned that the other part under K, had been problematic for the Board because it is a pseudo registration of companies that provide architectural services. The Board would like to require some level of reporting by business entities that offer these services. She read the underline area of section K. Ms. Propp then added that this would be a substantial shift that the Board would be requiring business owners to provide a report to the Board and then the Board would then have oversight. Then the Board would take out the fact that an architect who works for a company that was not owned by an architect, no longer would provide an affidavit.

In addition, she mentioned that the Board took NCARB law regarding design build and proposed to put that in the act to show that there is some responsibility of an architect to maintain a relationship with a client.

Mr. Bodelson asked for questions from the Board.

Mr. Haese had a question in regards to engineering and surveys practice, why are you including that?

Mr. Bodelson answered that the intent was to recognize the fact that there is an inherent relationship between architects, engineers and business and there are dominant engineering firms such as Merrick (AE firms) and the intent was to capture those groups.

Mr. Haese asked for clarification in that K really deals with AE firms and J deals with architecture firms?

Mr. Calvani added that the Board was proposing that the majority of the ownership be licensed architects.

Mr. Bodelson added that the intent here is to ensure that architects, who are ensuring safety and health, are driven primarily through their own professional practice code of ethics and not business practices.

Mr. Satzinger added that he is dealing with this in the “3P” issue, in making sure that architects have a major place at the table in these negotiations regarding the public/private sector and that it is not just a construction company or developer who has an architect on board to offer services.
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Mr. Bodelson added that this is an instance where architects are directed to perform a certain manner in business practice, which may not fall in alignment with professional practice. This is what the Board is trying to avoid.
Mr. Bodelson entertained a motion on J and K.

**Motion:** Motion to accept the Proposed Changes to Architectural Act Section 61.15.6 J and K Requirements for Registration
**By:** Robert Calvani
**Second:** Tara Rothwell-Clark
**Board Vote:** Passed unanimously

**Section 61.15.8 Section Exemptions from Registration A**

A. The following are exempt from the provisions of the Architectural Act:

1. architects who have no established places of business in this state and who are not registered under the Architectural Act may act as consulting associates of an architect registered under the provisions of the Architectural Act, providing the architects are registered as architects in another jurisdiction; and

2. architects acting solely as officers or employees of the United States or any interstate railroad system.

3. an architect who is an employee of a federal agency or an operator of a federal reservation, who performs architectural services limited to the operation and services of the federal agency or federal reservation shall be exempt from the provisions of the Architectural Act; provided that the architectural services fall under the jurisdiction of the federal government.

4. an architect who is an employee of a Federal Agency or an operator of a Federal Reservation, who performs architectural services limited to the operation and services of the Federal Agency or Federal Reservation shall be exempt from the provisions of the Architectural Act; provided that the architectural services fall under the jurisdiction of the Federal government.

Ms. Propp commented that under 61-15-8 section A, the Rules and Regulations committee proposed to review the exemptions that have been on the books for some time to address the fact that New Mexico does have federal property on which private enterprise occurs. This looked at if a person is an employee of a federal agency, performing architectural services solely for this federal agencies, they shall be exempt from provisions of Act, providing the architectural services fall under the jurisdiction of federal government. This clarified that the Board has not had authority, people who are working for universities on federal property who are private contractors, to be licensed and not exempt.

Mr. Bodelson added that this does address employees at Sandia, Los Alamos National Laboratory, Kirtland Air Force Base and White Sands Missile Range. These entities have staff that performs architectural services and engineering services but they do not seal drawings for permitting and they
conduct services for their own operation. This exemption clarified practice that has already occurred but is basically a void in the statute. This did not apply to contract or sub-contract employees.

Mr. Mendez agreed with the intent of the proposal. He asked about the premise of the jurisdiction as opposed to the responsibilities of the individual? He suggested for clarification of the language because it is stated that federal reservation refers to the property, as opposed to the individual or the organization. Is the intent to limit that exemption to the geographical area where that individual is working?

Mr. Bodelson answered yes, that is the intent.

Mr. Mendez suggested that then it should say “services of the federal agency and on the federal reservation.”

Ms. Propp asked where it is being suggested?

Mr. Mendez said it is located on the third line down. It talks about geographical area as opposed to the individual.

Mr. Satzinger stated that since this person is not subject to provisions of the Act, are they an architect necessarily or a design professional?

Mr. Bodelson answered that in his experience, it could be either. Normally, it was someone who was doing architectural services under the supervision of an architect who was licensed in the state but not necessarily.

Mr. Satzinger asked if the Board is saying that they do not need to be an architect to do this work for a federal agency?

Mr. Bodelson said yes it is true in the provision, as long as it is under the jurisdiction of the federal government.

Mr. Osswald stated that it is outside of the Board’s jurisdiction.

Mr. Bodelson stated that those provisions are more stringent than the Board can all imagine.

Mr. Vigil asked if the concern is that it refers to an architect?

Mr. Satzinger stated that where it says “not subject to the Architectural Act,” it tells him that one does not need a license. So, should say architect or design professional?

Mr. Bodelson stated that perhaps another tweak could clarify that further.

Mr. Osswald stated that the language is taking the Board backwards in that the Board is not requiring a professional involved in projects on federal reservations. One concern he had is because he does work for a large corporation that does work on federal installations and that not all states require that they be licensed in that state to do work on that reservation and he felt that it is wrong. The intent of licensure was to ensure individuals working in that locality, understand all the rules. He felt that the language was leaving it open for a corporation on federal reservations for a federal government to work there without being licensed in that jurisdiction.

Mr. Bodelson stated that was why they included the language “of the employees.” They have to be direct employees.

Mr. Osswald stated that he understood the employees, in relation to Mr. Satzinger’s comments and in the past the Board took on the charge many years ago, under his father’s direction, to ensure licensure hold some responsibility or charge over individuals and this is going backwards from that.
Mr. Bodelson stated that over the years, it hasn’t been the practice because Sandia, Los Alamos National Labs and Kirtland conduct architecture that was not under the purview of the Board.

Mr. Vigil stated that he did understand because the Board was talking about installations or locations where the Board does not have jurisdiction, under federal requirements. Or does the Board have a say in regulating individuals that are on federal land?

Mr. Oschwald said that the state does not regulate the facilities on federal reservations. Therefore licensed individuals are not required to seal documents. He added that they do that as professionals but it is not required because it is not going before a code official of traditional understanding. The point of the language that was changed many years ago was to license those individuals, such that they operate under the rules and regulations of the rest of the professionals.

Mr. Vigil asked if they could be regulated?

Mr. Oschwald stated that the Board could regulate their license, if they did something outside federal fence.

Mr. Vigil stated that this is inside the fence and that it has to be within federal grounds.

Mr. Oschwald said yes it does. This was saying that they are not going to need to be licensed because they are “working behind the fence.”

Mr. Bodelson mentioned that Mr. Oschwald is correct.

Mr. Oschwald stated that the Board could be encouraging the wrong behavior.

Mr. Bodelson said he disagreed because the Board was basically stating that as long as individuals are doing work “behind the fence,” it is not under the Board’s jurisdiction. It also aligns with current practices. The sub-contractors seal their work and they fall under the jurisdiction, but the internal groups that conduct architectural and engineering projects that are smaller in scale, they would not.

He clarified by adding that as long as they are in the fence and doing work as an employee. The work is reviewed under federal requirements. They do not fall in the Board’s jurisdiction when they are “inside the fence.”

Mr. Oschwald agreed.

Mr. Bodelson said that was the intent. The way the law is written now these individuals are in violation of the Act and the Board was not doing anything about it. He was not suggesting that the Board do something about it because what they are performing is not an issue of life, safety and health.

Mr. Vigil suggested a motion on G through H that the Board would take the intent to include the piece that had been missing. He would like to take that back and the Board had an earlier vote on the other items as well. He was concerned that there may be a need to run some of the language in the previous item and in this item by the Board’s legal counsel to make edits. He stated that with these items, the Board should vote on the intent and allow the Board the opportunity to get input on language and address the concerns the Board might have. He asked if this was possible?

Mr. Bodelson said yes it is possible and advisable.

Mr. Bodelson suggested that the Board take action on the current one (61-15-8 Section A).

Mr. Vigil made a motion to take 61-15-8 Section A and allow the committee to re-draft taking into account the Board members’ concerns for the basic intent in regards to covering those individuals who work in federal institutions.
Motion: Motion to approve the intent of the Proposed Changes to Architectural Act Section 61-15-8 Section A Exemptions from Registration
By: Mr. Vigil
Second: Board Vote: Motion failed due to lack of second

Mr. Dworak stated that it is important for the Board to clarify that if the Board adopts a resolution, the resolution just covers big picture ideas and some of the key changes without getting into the detail. The resolution will likely have to be amended to explicitly state that the Board does not have a formal recommendation from the Board. He clarified by stating that the Board was just recommending general changes to the Act, without saying that the Board has voted unanimously, which is the intent of having a resolution with specific changes. Without these recommendations, if they go back to committee and then it is forwarded without a Board vote, they are not the voice of the Board. The resolution should state that, so if it was the intent of the Board to have the committee present it, the resolution can be the voice of the Board but the specific language of the recommendation would not be. The Board can call a special meeting.

Mr. Bodelson stated that there was a motion and is there a second? No comments. The vote died due to lack of a second.

Mr. Calvani asked for clarity.

Mr. Bodelson stated that they had a motion and does the Board have a second or let the motion fail?

Ms. Propp asked what was the motion? Is the motion from Mr. Vigil?

Mr. Vigil stated that the motion is similar to F and G, that the Board approves the language to be taken to the committee for minor edits that address the intent and allow the committee to work on bringing the intent of the Board’s discussion today to the items previously approved.

Mr. Dworak asked for clarification. He stated that the motion on the table for the Board was that the Board members are voting to adopt the intent of the proposed language and then also refer the language back to the rules committee for additional revisions.

Mr. Bodelson said yes that is the motion.

Motion: Motion to approve the intent of the Proposed Changes to Architectural Act Section 61.15.8 Section A Exemptions from Registration
By: Mr. Vigil
Second: Board Vote: Motion failed due to lack of second.

Mr. Bodelson stated that the motion has died again due to a lack of a second. Any other discussion?

Mr. Adams stated that it is clear what it was saying and he would move to adopt it. He asked Mr. Calvani for his thoughts on it.

Mr. Calvani said the amendment addresses where architects may be working.
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Mr. Oschwitz stated that his concerns were that they were unlicensed in the state of New Mexico. He read the statement as they were not unlicensed, they were licensed somewhere but not in New Mexico.

Mr. Adams said he was confused because if the Board does not have any jurisdiction, the Board could tell them to do something but they will not do it. So this is just recognizing that the Board doesn’t have jurisdiction and this is an exception.

Mr. Vorenberg stated that he has done work “behind the fence” as a registered architect, contracted to do work. The procedures to get approvals are more rigorous than state or local regulations require. He did not see a concern.

Mr. Bodelson agreed.

Mr. Vigil asked if legal counsel could share concerns so that the Board could understand why the Board should make some edits.

Mr. Dworak was concerned that if the Board adopted the exact language of some of these proposals without all of them, it then would be disjointed. He suggested that the Board approve the exact language and then forward it to Legislature as an attachment to the resolution and it should be done at the same time. The alternative would be to adopt a resolution that would be the general intent of the Board and the details of the specific language can be worked out later. He had thought that there were some things, like new words, that are not defined very well. There were still questions about jurisdiction but the Board was not putting specific parameters on what the actual federal property. Also, he said it is not the Board’s intent to have these people exempt from non-federal property projects but this might infer that. He had not spoken to the committee before this meeting and his office can provide some feedback in order to support the Board’s language.

Mr. Bodelson stated he anticipates that the language will go back to the Rules and Regulations Committee with comments and edits, then the Board would call a special meeting and get explicit approval on these as well as the resolution.

Mr. Adams stated that after hearing the legal commentary, Mr. Vigil could re-motion and he will second.

Mr. Vigil motioned to accept the intent of item G and allow the re-writing of specific language for that intent to be through the sub-committee in consultation through legal.

**Motion:** Motion to approve the intent of the Proposed Changes to Architectural Act Section 61-15-6 Section A Exemptions from Registration

**By:** Mr. Vigil

**Second:** Mr. Adams

**Board Vote:** passed unanimously

Mr. Bodelson asked for any other discussion.

Mr. Calvani asked for clarity on the motion. The Board already decided to go back and re-write and do some of the requirements by rule on G. The Board passed (amendments to) H and K and that was not back for discussion. Now, even though it is passed, you want to rewind it, he asked? Even though it was passed on 61-15-6 F though G, is the Board going to re-write that?
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Mr. Vigil stated that the Board is only addressing 61-15-8 and he asked earlier if the Board could go back to the previous section because of information by counsel. Mr. Bodelson would like to go back at the end of the statute discussion and summarize it. He mentioned that the Board has a motion, a second and a discussion. Mr. Vigil stated that the Board was only voting on 61-15-8 Section A.

Section 61-15-9 Section B Project Exemptions

B. A person who is not an architect may prepare building plans and specifications unless the building plans and specifications involve public safety or health but the work shall be done only on:
   (1) single family dwellings not more than two stories in height;
   (2) multiple dwellings not more than two stories in height contacting not more than two dwelling units of wood frame construction; provided, this paragraph shall be construed to allow a person who is not registered under the Architectural Act to design clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four dwelling units on any lawfully divided lot;]

Ms. Propp announced that this was re-drafted after the last board meeting. She wanted to let the audience know that in these last four sections, these issues were discussed at the October 24, 2014 meeting and they were tabled for re-crafting by the Rules and Regulations committee. What is in the Board book now was the re-crafting in that there was some activity by the committee. She stated that the Board proposed to remove a project exemption, which meant an architect would have to design it. In addition she mentioned that the only project exemptions allowed under the Act if amendments go forward, would be that single-family dwellings not more than two-stories in height, could be designed by someone who is not an architect. Multiple family dwellings, not more than two-family units on one legal lot of record and not more than two-story of height and other exceptions, like garages, remain. That removes from the Act, the ability of people who are not licensed to design multi-dwelling units of four duplexes.

Mr. Calvani would like to make a motion to accept.

Motion: Motion to accept friendly amendment to the Proposed Changes to Architectural Act Section 61.15.9 Section B Project Exemptions
By: Mr. Calvani
Second: Mr. Oschwald
Board Vote: Passed Unanimously

Section 61-15-4 Section J Powers and Duties of the Board, Section 61.15.5 Section D and E Additional Duties of the Board and Section 61.15.12 Section A Disciplinary Action
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Ms. Propp pointed out that the next section under the October 24, 2014 meeting, these are sections that were approved by the Board. She believed that Mr. Dworak has a proposed resolution. She then asked if the Board wanted to address the resolution now or wait for a special meeting and adopt a resolution that has a greater connection to the changes to the Architectural Act from that special meeting?

Mr. Bodelson asked Mr. Dworak if there was a need for the Board to take any action on the resolution?

Mr. Dworak stated that it is a preference but due to timing as the legislative session is coming up, the Board could discuss this. The Board felt that it was necessary to have something that spoke for the entire Board. The Board would like someone to start taking up proposed changes that the Board is working on, then the Board would have the resolution sooner than later. That was the benefit of this. This resolution just included basic general thoughts of intent of changes that the Board has voted on today. So, then the Board could use them, even if additional changes were to come out of the next month, that would not affect too much of the language of this. The benefit of waiting would be that The Board could, by reference, incorporate an addendum that would be the exact language of those recommendations. He added that the Board has this to start off, and then the Board could say the entire Board did not vote on this but that this is a working draft that is a formal adoption.

Mr. Bodelson asked if the Board could adopt this as a general outline and have the Board recommend that we continue to work on a resolution in conjunction with legal input.

Mr. Dworak said that he did not feel that the resolution would change much. The idea of sending it back for additional edits and maybe add something that incorporates an attached exhibit or addendum that explains all changes could work. He advised that if the Board wanted to adopt it, to review it and then see if there are additional clauses to be included or excluded.

Mr. Bodelson asked the Board to briefly review the proposed resolutions.

Mr. Oschwald asked if unanimous has to be in there?

Mr. Dworak stated that he would request that ‘it therefore that it be resolved’ clause be amended slightly and then he could assist to come up with some language. If it is not unanimous, then he could just strike that.

Mr. Oschwald moved to approve the resolution.

**Motion: to accept the Proposed Changes to Architectural Act Section 61-15-4 Section J Powers and Duties of the Board, Section 61.15.5 Section D and E Additional Duties of the Board and Section 61.15.12 Section A. Disciplinary Action**

*By:* Jim Oschwald

*Second:* Robert Calvani

*Board Vote:* Passed Unanimously

Mr. Calvani asked if the two other proposals that the Board approved in the last meeting, will they be a part of the resolution? He stated that on 61-15-5 where the Board talked about the roster going to NCARB. There had been discussion from NCARB about Social Security number and the Board had
refused to do that. In Additional Duties of the Board, it talked about giving NCARB a roster which
go out as emails, etc. but not the last four digits of the Social Security numbers.
Mr. Armstrong mentioned that data is something everyone is interested in. As a condition of
membership, NCARB shares data. Data specific to registered architects was not housed by NCARB.
NCARB only holds data of those that have a relationship with NCARB, or they may have an NCARB
certificate or maintain a record because of internship or with an exam candidate. It was the licensing
board that maintains the data. NCARB had asked the jurisdictions to share data. Forty-two
jurisdictions already share data in regards to licensed accounts. There is a legal precedent here. But
there are individual states with privacy acts, legal opinions from attorneys generals, incompatibility of
data compatibility between NCARB and state systems and there are unique impediments to negotiate
on a case by case basis.
Mr. Armstrong continued by stating that the best way to make sure that this is the correct individual is
that they have a unique identifier, which is a Social Security number and the date of birth. With IT and
legal counsel, on a case by case basis, NCARB was working to develop alternative ways to work
around hurdles. This board has not addressed the survey that NCARB sent out. With issues of
gender equity, other demographic issues, measuring demand on services and NCARB by the
Numbers publication that they publish every year, the trends and analysis comes from there. New
Mexico could have one too but NCARB does not have the data.
Ms. Hillegas added that the need for a Social Security number is the unique identifier to make sure an
individual is the correct individual. NCARB was aware of the sensitivity of the information and they are
working with their legal counsel, in order to develop an agreement that outlines the terms of what
NCARB would be doing with the data.
Mr. Armstrong stated that this is not a new issue and it is a common issue around a government
entity and a non-government entity.
Ms. Kurtin stated that she heard on NPR where national security should have confidence in how the
information is handled. And if there is no security structure for how it is going to be protected from
hackers, this should be addressed. If only people would feel more confident.
Mr. Armstrong stated that they have to deal with credit card numbers already. The technology is there
and they can assure data will be safe but the discussion is there and hopefully they do not give up.
Mr. Bodelson stated that he would be glad to look at that. He has asked Mr. Oschwald or Mr. Calvani
to look into that also.
Mr. Calvani stated that he thought they are modifying 61-15-6 and 61-15-8?
Mr. Bodelson mentioned that it was not on the agenda.
Mr. Dworak stated that it was not an agenda item and he would not recommend it to be discussed. It
is all going back to committee and any of it can be on the table. Specifically because the Board is not
approving exact language, only intent of these changes and then a final revision will come back.
Mr. Vigil asked that even though the proposals are being voted on, can the Board be allowed
flexibility since the Board is doing little pieces? Could we have the ability of the Board to go back to
that one item?
Mr. Calvani stated that further on in the meeting, he will address the Rules and Regulations
committee and give a format of what is going to happen.
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Mr. Vigil asked if he could make that motion?
Ms. Rothwell-Clark stated that the Board already has a motion on the table?
Mr. Dworak stated that he thought there was a motion and it was seconded to approve this?
Mr. Bodelson said yes the Board got into a discussion on the resolution.
Mr. Dworak recommended that he would do one revision. He would like to add one more ‘therefore’ clause before the final one. It would state that “Therefore be it resolved that the Board approve the general intent of the recommended changes presented at its November 21, 2014 meeting and direct the Board’s Rules and Regulations committee to incorporate final revisions’. The final one would be changed to “Therefore be it further resolved”. And that it would end with “Consider its recommendation and amend the Architectural Act during the 2015 legislative session”.
Mr. Vigil asked who made the original motion?
Mr. Bodelson said that Mr. Vigil did.
Mr. Vigil said he didn’t think he did.
Mr. Calvani amended his original motion to include the language of the legal counsel.
Mr. Bodelson stated that there is an amendment to the motion; we have a concurrence on the second. Any further discussion?

Motion: Therefore be it resolved that the Board approve the general intent of the recommended changes presented at its November 21, 2014 meeting and direct the Board’s Rules and Regulations committee to incorporate final revisions to the Proposed Changes to Architectural Act Section 61-15-4 Section J Powers and Duties of the Board, Section 61-15-5 Section D and E Additional Duties of the Board and Section 61.15.12 Section A Disciplinary Action

By: Robert Calvani
Second: Jim Oschwald
Board Vote: Passed Unanimously

Mr. Satzinger mentioned that before the Board finalized this, it is important to have the ammunition to go back to the AIA Board for support for opening the Act. He felt he was neutral in relation to this but he would like to know that when the Board modifies F and G, that it includes modifications to 61.30.3. 10 B. which is the part of the Rules and Regulations that said an applicant shall have an NCARB certificate. In addition, he said that in order for it to work, he would like to go to the Legislature and say that the AIA is in concurrence with NMBEA, for a smooth presence. He asked to be informed as the Board moves on the modifications.

Mr. Bodelson responded that yes if the Board does not go into the Legislative session with alignment, then the Board will have a problem from the start. There is direction from the Board to go back to the Rules and Regulations sub-committee. He recommended to the sub-committee that they consult with the AIA on any input they might have, prior to the Board’s final resolution in December.

Mr. Satzinger said that he would like to go to his southern New Mexico chapter board in December and say that they worked all this out and he could assure the Legislature that everything is fine and these are fine-tuning provisions to make the Act stronger.
Mr. Vigil questioned Mr. Satzinger regarding the changes being discussed today would require any further review by AIA. Mr. Vigil noted that the current changes return the section to its original intent. Mr. Vigil said he is concerned about any hesitancy on the part of Mr. Satzinger and AIA because there is nothing going on "behind the scenes" on the part of the Board. Mr. Satzinger stated that the intent is very clear. The issue was that some of the old-timers do not want the Act opened. Mr. Haas stated that he also sits on the AIA board. It was presented that the Board was opening the Act up just to increase penalty fees and as you know the AIA is the chief lobbying board for architects in the state and resources are stretched very thin. It was a concern, but he does not see the concern now. The AIA could help lobby the bills. He asked if the Board has a lobbyist or sponsors? Mr. Bodelson said Rep. Larry Larrañaga and Sen. Phil Griego will be asked to provide support to the proposed changes to the Architectural Act or have volunteered to do so. Mr. Vigil asked counsel to address the difference between act changes and rule changes? Mr. Dworak responded that ultimately if the statute is changed, there would have to be a rule change also. The idea that the statute would change and then there is conflict with the rules that happens when statute changes and this obligated the Board to amend their rules and that is a separate rule hearing process. If in the interim period before the rules are changed, in some type of conflict, the conflict would be in favor of the statute because of the ways law work. He continued by stating that you cannot have a rule that contradicts statute and that would supersede it in any way. The Board would have to address this and he advised the Board to start looking at this ahead of the rule change. The Board could contemplate it but no formal action would be taken by the Board until after that change has been made by the legislature. It would then take a quick turnaround to make sure the rules are in line with the statute.

Reciprocity, Reinstatement and Exam Applicants

RECOMMENDED APPLICANTS FOR REGISTRATION BY RECIPROCITY

Committee Review October 24, 2014

Rick Annunzio
San Antonio, TX

Fred P. Bejcek
Wadsworth, OH

Brian Michael Linc
North Canton, OH

Alan Plutowski
Minneapolis, MN

Bryan Rhodes
Amarillo, TX

Jon Tankersley
Montgomery, AL

Everett VerSchave
Lakewood, CO

David Wolterstorff
Saint Paul, MN
APPlicants for reinstatement

James W. Bell
Austin, TX

Mr. Adams motioned for the board approval for the recommended applicants for New Mexico Registration by Reciprocity as listed in the report dated November 21, 2014. Mr. Adams read the names of applicants from the Committee Review November 21, 2014.

Mr. Adams moved for board approval for the recommended applicants for Applicants for Reinstatement as listed in the above reports above. Mr. Adams read the names of applicants from the Committee Review November 21, 2014.

Motion: Motion to approve Recommended Applicants for Registration by Reciprocity and Applicants for Reinstatement as listed in the report dated November 1, 2014.

By: Geoffrey Adams
Second: Tara Rothwell-Clark
Board Vote: Passed Unanimously

Disciplinary Matters

Mr. Vigil motioned to move into a closed Executive Session as authorized under the licensing and litigation exception of New Mexico Statute Section10-15-1 Paragraph H Subsection I and 7 of the Open Meetings Act to discuss matters listed on the agenda.

Motion: to move into a closed Executive Session as authorized by licensing and litigation exception of New Mexico Statute Section10.15.1 Paragraph H Subsection I and 7 of the Open Meetings Act to discuss matters listed on the agenda.

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

Mr. Bodelson then asked for a roll call.
Ms. Propp did roll call.

The time was 12:19pm.

At 12:40 p.m. Mr. Bodelson announced that the Board is now in open session. The items discussed in the Executive Session were limited to those specified in the motion for closure and that no votes or official action were taken during the closed session.

Mr. Vigil made a motion for NMBEA Case Nos. 2013_21, 2014_10, 2014_12, that a request for Hearing be granted.

**Motion:** Motion to approve a request for hearing in the matter NMBEA Case Nos. 2013_21, 2014_10 and 2014_12.
**By:** Ray Vigil
**Second:** Jim Oschwald
**Board Vote:** Mr. Calvani was recused from voting.

b. NMBEA Case No. 2015_12 Settlement Agreement

Mr. Vigil made a motion for the settlement agreement in NMBEA Case No. 2015_12 be accepted.

**Motion:** Motion to approve Settlement Agreement in NMBEA Case No. 2015_12
**By:** Ray Vigil
**Second:** Geoff Adams
**Board Vote:** passed unanimously

2 REPORTS

i. Chairman-
Mr. Bodelson stated that he would like to make a presentation at the next regular scheduled meeting for a service award. He would like to entertain any nominations.
Mr. Calvani expressed the recommendation of Mr. Alejandro and the Board should do something for Sam Valencia also. Ms. Propp announced a new public member Mark Glenn, an attorney out of Albuquerque and with his appointment, Mr. Valencia’s service ends. Mr. Calvani asked for a draft laudatory. Ms. Propp will work on that.
Mr. Bodelson stated that in regards to the service award, there should be ground rules for it. He would like it to be an annual award used to designate members, members of Board or the public who had provided service to the state.
Mr. Calvani added that the Board should discuss how the format would work and the eligibility.
Mr. Vigil would like to nominate Mr. John Alejandro also.
Mr. Bodelson asked if the Board should take a vote on this to make the award?
Ms. Propp stated that as Chair he has the right and authority to take recommendations and make a decision on his own. She added that the Board may want to consider Ed Mazria and his long time work on the 2030 Climate Initiative.
Mr. Calvani stated that the last award went to Mr. Bob Campbell and maybe the Board could incorporate an award like our certificates.
Mr. Oschwald recommended that the website could announce the names.
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   ii. Secretary/Treasurer
Mr. Adams deferred to finance committee report.

   iii. Director
Ms. Propp announced that the staff is working on a photo montage of iconic architecture in New Mexico for WCARB and to be used for the NMBEA website. She also had been attending the State Use Act meetings, along with Mr. Vigil last Wednesday, and they met with a committee that was looking at the Board’s request that the Council for Purchasing from People with Disabilities take architectural services off of their providers list. Horizons, New Mexico, which is a third party working with state agencies and local public bodies, is not an architectural firm. Horizons changed their website so it did not seem to be offering architectural services. The State Use Act requires state agencies to go to Horizons if they have a need for services. She said that they did listen, but they were looking for a compromise so that they are not challenged in the Legislature.
Ms. Propp announced that a reporter, Richard Metcalf contacted her and he wanted to talk about the NCARB initiative to fast track licensure. This should be in next Monday’s paper. She communicated to the reporter that the Board is neutral on this but they agreed that it will be the schools that will change what they are doing.

   iv. Exam and Reciprocity Committee
Mr. Adams mentioned the names of the individual who passed the ARE recently: Melissa Garcia of Rio Rancho and Matthew Miller from Albuquerque. He also referred to the Registrant/Reciprocity/Candidate Report.

   v. Enforcement Committee
Mr. Vigil stated that they are continuing to find similar offenses from the past. In regards to the Horizons issue, in the past, JPC sent a letter which was co-signed by Board Chair. It will be a tough political battle to take a position to have them remove all professional services because when went to the meeting, folks were talking about their disabilities and that they needed the help. Politically it is going to be difficult.
He stated that a positive, is that Horizons has distinguished between professional services related to licensed professionals and non-licensed professionals. And that Horizon is concerned about Qualifications Based Selection. They were talking about a better vetting process.
Ms. Rothwell-Clark asked whether AIA has raised concerns about State Use Act.
Mr. Satzinger said that AIA supports changes to the State Use Act.
Mr. Bodelson asked Mr. Dworak if in the case of the State Use Act, it says services. They include professional services but clearly under the Procurement Act, professional services are exempt. The definitions or services do not apply.
Mr. Dworak stated that he is not familiar with that Act but he will look into it.
Ms. Propp noted that one of the issues is multi-seal projects with an architect who is a provider, yet there is not a provider of land survey or engineer services on the Horizons provider list.
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During the discussions, it was revealed that there was an internal process where the architect selects people that meet some internal standard. Mr. Vigil concluded that Horizons does want to be in compliance with the Act.

vi. Rules and Regulations committee
Mr. Calvani mentioned that the committee will take the statutes that have been passed or discussed and they will meet on December 2 in Santa Fe with the attorney. They will make modifications. Then Derek and Kathy from NCARB will review the proposals. Then he suggested a special meeting by phone to finalize and approve these once and for all. The Board should solicit comments from AIA.

vii. Finance and Operations Committee
Ms. Propp reviews the financial section handout. Within personal services, the Board has expended a little less than half. There will be a little left over from that line item by the end of the year. The Board has spent contractual services and we have much to spend on IT, like website development. This year is a fifty percent rule year – where only half of the budget can be spent before January 1. The Board’s spending is on target with the rule.

viii. Strategic Planning Committee
Mr. Oschwald stated that the committee had not met. He did suggest that additions and changes to the NMBEA website and would like Board staff to add a memorial for past Chairs and members of the Board who are deceased.

iv. Joint Practices Committee
Ms. Rothwell-Clark announced that the committee had met on October 8, 2014. Reports were made and they received current members of JPC and updated the roster. It was an introductory type meeting. The current chair is an engineer. It is good that the meeting is on a quarterly basis. Mr. Calvani wanted to make sure they are continuing on some projects like the qualification based selection with home rule, was that ever resolved? In addition, someone was supposed to assemble a committee to talk to the Fire Marshall about issues architects may have. The State Use Act and the possible inner-disciplinary legislation with QBS design build.
Mr. Bodelson stated that in regard to statute changes, they did speak to CID about exemptions, that CID was fundamentally in favor of exemption modifications but they indicated that the overarching direction is from administration. He suggested opening up a conversation with CID in regard to statute changes, and seeing if the Board gets any scrutiny. There is a TAC meeting on December 8 and the Board could bring it up then.
He concluded by stating that on the qualification based selection, in the budget hearing, Representative Larrañaga strongly implied that he was going to carry a bill that addressed this issue, on home rule.
F. Board Comments/Announcements

Mr. Calvani thanked NCARB for attending the meeting.

Mr. Bodelson motioned to adjourn.

Motion: To adjourn the meeting at 1:35 p.m.
By: Mr. Oschwald
Second: Tara-Rothwell-Clark
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 1:35 p.m.

Respectfully submitted,

[Signature]
Michael Bodelson, Chair

[Signature]
Geoffrey Adams, Secretary/Treasurer

Date
12/19/14

Date
12/19/14