NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

Minutes of Board Meeting
April 28, 2016
Santa Fe, New Mexico

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

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

Staff Present:
Melanie Gonzales, Interim Director
Jackie Holmes, Investigator
Michele Barela, Compliance and Records Clerk/Receptionist

Others Present:
James Torres, Assistant Attorney General
Mona Valicenti, Assistant Attorney General
Heather Winkel, Paralegal, Attorney General Office
Pat McMurray, Director, Construction Industries Division/RLD
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A. MEETING CALLED TO ORDER/ROLL CALL

Mr. Vigil called the meeting to order at the approximate hour of 10:02 a.m. Roll was taken and a quorum was determined to be present.

B. OPENING BUSINESS

1. Approval of Agenda

Mr. Vigil moved to approve the agenda.

Motion: to approve the agenda.
By: Michael Bodelson
Second: Jim Oschwald
Board Vote: Passed unanimously

2. Introduction of Guests

James Torres, Assistant Attorney General, Mona Valicenti, Assistant Attorney General and Heather Winkel, Paralegal for the Attorney General’s Office introduced themselves. Mr. Torres stated that the replacement for Mr. Joseph Dworak is still pending.

3. Approval of Minutes from February 5, 2016 meeting minutes

Mr. Vigil moved to approve the February 5, 2016 meeting minutes as presented.

Motion: to approve the February 5, 2016 meeting minutes as presented.
By: Michael Bodelson
Second: Tara Rothwell-Clark
Board Vote: Passed unanimously

4. Update on Office of the Attorney General Representation

As mentioned above, Mr. Torres stated that the replacement for Mr. Joseph Dworak is still pending.

5. Public Comment

There was no public comment.
C. POLICY AND PROPOSALS


Mr. Vigil stated that Mr. Dworak had been assigned to another project and he may be replaced but that is pending. Prior to today, Mr. Dworak met with the Rules and Regulations committee members to get the language for the proposed changes prepared and drafted for today’s meeting.

Mr. Adams attended the meeting at 10:08 a.m.

Ms. Holmes stated that the Rules and Regulations committee met on March 15, 2016. Most of the proposed changes were reviewed at the meeting in Ruidoso but there were some concerns that Mr. Dworak had regarding language. The changes that appear in blue are the recommended changes by Mr. Dworak, with the approval from the Rules and Regulations committee. They are as follows:

PART I GENERAL PROVISIONS
16.30.1.7 DEFINITIONS
A. “Architect”-add, “as defined in” after New Mexico and strike, “Subsection A of”.
D. “Consulting associate architect”- add “as contemplated in” after registered architect.
E. “Felony Conviction”- strike the subsection of the statute.
F. (1) “Gross negligence”-add, “toward professional responsibilities in the practice of architecture as determined by the Board;”
G. (2) Strike the subsection of the statute.
H. (3) C. strike “of Paragraph (3) of Subsection G of 16.30.1.7 NMAC”
G. (3) D. is where Mr. Dworak is recommending to add, “general Title 14, Chapter 7 NMAC”, in order to define it more specifically.
H. (2) strike the subsection of the statute.
I. “Intern Architect”-strike the subsection of the statute.
J. (2) add “as defined herein”, before responsible charge and strike the subsection and strike the subsection of the statute.
J. (15) Ms. Holmes stated that Mr. Dworak suggested having a definition for NCARB. Ms. Holmes will add “National Council of Architectural Registration Board”.
Mr. Bodelson recommended adding NCARB’s purpose.
Ms. Holmes will add the information to section K and the others will be re-numbered.
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K. “The Practice of Architecture”- add "as defined in Section 61-15-2 NMSA 1978” and add, “architectural” after render. Strike, “described in Subsection B of section 61-15-2 NMSA 1978 in connection with the design, construction enlargement or alteration of a building or group of buildings and the space within the site surrounding the buildings which have as their principal purpose human occupancy or habitation Subsection G of Section 61-15-2 NMSA 1978”.

L. “Project”- strike the subsection of the statute.

M. “Responsible charge”- strike the subsection of the statute.

PART II ORGANIZATION AND ADMINISTRATION

16.30.2.10 DUTIES OF OFFICERS

A. (2) add, “and subcommittee members”, strike, “subject to confirmation vote of the Board”.

Ms. Holmes stated that Mr. Dworak is unsure if the practices of the Board align with all requirements in this part and it is worth discussing in order to determine if amendments should be made. The requirements are the duties of the board.

16.30.2.11 COMMITTEES

Add, “in addition to committees listed herein, the Board may vote to establish subcommittees as it deems necessary”. Strike the last sentence.

A. (1) Add, “proposed” before statutory changes.

A. (2) Add, “proposed” before amendments and change to read, ..“repeals or changes to board rules”.

A. (3) Add, “review and draft” before responses, add, “if appropriate” before “to complaints to the Board”.

A. (4) Add, “review” before investigations, add, “and refer complaints to the board with its recommendation for subsequent action” after architecture.

Mr. Bodelson asked if the Board would want to add language that states that the Rules and Regulations committee is interpreting the rule. It is not unusual to ask the Rules and Regulations committee to make interpretations of the rules.

Ms. Valicenti stated that it is not necessary, it is already implied.

Mr. Vigil recommended looking at what the Board says that they are doing.

B. (1) Add, “and recommending board action to deny permission to take an examination for individuals entitled to an opportunity to be heard pursuant to the Uniform Licensing Act”.

Mr. Bodelson stated that the Exam and Reciprocity committee approves individuals but they cannot alone deny someone, the Board has to deny them. If the Board denies an individual, then they are eligible for a hearing.

Mr. Vigil asked if the committee relies on NCARB to determine if an individual is eligible for testing. There is a certain interpretation of the rule to say if they are or are not eligible.

Mr. Bodelson stated that the committee would not receive applicants without going through NCARB.

Mr. Adams stated that the changes the Board is making is for individuals who are licensed in another state. The Board has not discussed opening up the application process in another manner.

Mr. Torres asked if it is appropriate to limit it to denial of permission. Or is it something where you would also potentially recommend an approval. The language is confusing.
Mr. Bodelson stated that there has been discussions about this issue. The committee is just verifying that they met all the requirements but if the committee denies someone, it goes to the whole Board to make the final decision. It is then pending on the fact that if the Board denies someone, then they are eligible for a hearing.

Ms. Valicenti stated that it should say, “Review of applicants for registration to determine if they are qualified to take the examination and submit to the Board for any action pursuant to Section 61-1-3”.

Mr. Vigil asked where it is written that the Board is only looking at the reciprocal process. The way this is written, then what is preventing someone from submitting an application?

Mr. Adams stated that that is in part 3 of the rules.

Mr. Vigil stated that if the Board is saying that they can review applications to determine if they can qualify for examination, where does it say they are required to have a current license in another state before the Board will review the application?

Mr. Oschwald stated that is not here and that doesn’t happen until reciprocity.

Ms. Rothwell-Clark added that this section deals with what committees do. She suggested cleaning up the language and using the language that the attorneys recommend.

Ms. Holmes stated that it is confusing because it says that the “review of the applicants for registration to determine if qualified to take the exam” and that is not what the committee does. The Exam and Reciprocity committee reviews those who already have taken the exam and they are NCARB certified and the committee simply reviews the applications to make sure all NCARB documentation is in order: that they have taken the exam, that they meet the education requirements and that they have done the training. The committee recommends them to be licensed if they meet these requirements. The committee does not deal with ‘approving to take the exam’.

Mr. Oschwald stated that the Exam and Reciprocity committee used to approve candidates but now it is done through filing an NCARB record.

Ms. Holmes stated that the language should be taken out and should say, “review of applicants for registration to determine if qualified”, and strike, “to take the exam”.

Ms. Valicenti added, “if they meet the legal requirements under statute” (cite the statute). This helps people who are not familiar with the field to find out what they are supposed to do. If the process has changed, then this is the opportunity to update the rules to reflect the current requirements. The rest of the language can be striked.

Mr. Adams stated that the language could say, “ review of applicants for registration determine if they are qualified.”

Ms. Holmes stated “or if they meet the requirements of...” and site the statute.

Ms. Valicenti stated that maybe something to the effect like, “forward to the Board for an issuance of an NCA in accordance with ULA”. Use the language she mentioned above.

Ms. Holmes stated that it is not always a Notice of Contemplated Action (NCA)

Mr. Glenn stated to say, “review of applicants for registration to determine if qualified and recommending Board action subject in accordance with the Uniform Licensing Act (ULA).”

Ms. Valicenti stated that yes, this is good.

Mr. Torres stated to use the language “to meet the requirements of section...”
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Ms. Winkel stated that she has a question in regards to process. Architects from other states have taken the NCARB path and the committee then reviews applicant requirements and if someone does not meet one of those requirements, what happens?
Ms. Holmes stated that the committee and staff does not go back to the applicant.
Mr. Adams stated that if an applicant is NCARB certified, then they have met all the requirements.
Ms. Rothwell-Clark stated that if something is missing, Ms. Holmes will go back to NCARB to ask for more specific information.
Mr. Vigil asked how this impacts the Broadly Experienced Architect (BEA) process.
Mr. Oschwald stated that BEA candidates will be licensed individuals anyway, so much of this is overcome by the process. They will be licensed somewhere and vetted by NCARB potentially or they won’t be. If not, then it will be an internal BEA process and the committee will set up a vetting process. He is concerned that there may be unintended consequences of striking that language and doing away with this by virtue of that fact that the Board has always relied on NCARB to vet our candidates. Is the Board saying to somebody who has graduated, that the only way they can be licensed by our Board is that they get an NCARB certificate first? Or could they come and petition to be licensed and go through the exam process?
Mr. Adams stated that they just have to do the IDP. You have to get your license first before you can be NCARB certified.
Mr. Oschwald stated that an individual will file for a NCARB record and that requires fees and that they have to keep it up every year. Because the Board is requiring the ‘three legged stool’, there is no option for them to come to us and get licensed without filing an NCARB record first.
Mr. Adams stated that even if someone is getting a license from another state for the first time, they still need to complete the IDP. If they do not want to get NCARB certified and they want to do the new process that the Board may open up again, then they can do that.
Mr. Calvani stated that someone can take the exam without completing IDP.
Mr. Bodelson stated that in other states, you can take the exam.
Mr. Vigil stated that the Board may want to look at the name of the committee. Is this committee approving individuals to take the exam?
Ms. Holmes stated that the exam part makes reference to the fact that the committee does approve exam candidates to be licensed once they have passed all divisions of the ARE through NCARB and once they have provided proof that they have completed IDP. Then they are sent to the Exam and Reciprocity committee for approval. The candidates do not have to of passed every division of the exam. She felt that the name is appropriate because they approve both types of applicants.
Mr. Glenn re-stated the language. “review of applicants for registration to determine if qualified and recommending Board action in accordance with the ULA”. Take out everything in between.
Mr. Torres stated that the word ‘qualified’ seems to be vague. He would like to hear language about applicants to determine if applicants meet the requirements of section (name the section) and recommend Board action pursuant to the ULA.
Ms. Valicenti stated that is always good to reference the statute because changes happen and no one can argue if it is clear.
Mr. Torres stated that it looks like many statutory citations are being striked.
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Ms. Holmes stated that striking the citations was a suggested change by Mr. Dworak.
Ms. Winkel stated that if at any time, the statute changes and it is no longer a subsection, it is still the main statute number.
Ms. Holmes stated that when she makes these changes, she would like to run the final changes by an attorney.
Ms. Valicenti recommended sending the final version to her and Mr. Torres.
Mr. Vigil recommended keeping Mr. Dworak in the loop since his new assignment has not been finalized.

16.30.12 MEETINGS
A. (1) Add, “the Board shall hold at least four regular meeting during each fiscal year; at least one meeting shall be held each quarter”.
Mr. Vigil asked for clarification. Today’s meeting is labeled as a quarterly meeting.
Ms. Valicenti stated that they all should be labeled as regular meetings.
Mr. Vigil requested to change the name to regular meetings for the future.
Mr. Bodelson stated that the committee took action a while back to deal with disciplinary action in a timely manner, so they went to bi-monthly meetings.
Mr. Vigil does not remember if it was prescribed or as needed.
Ms. Gonzales stated that she thought that was why they started titling the agendas as quarterly because when the Board discussed having more meetings, they wanted to have them every quarter. Since committees would meet before the meetings, then they could still be called regular meetings or a special meeting, depending on what the Board wanted. If there was something imperative to bring up, it could be brought up at that time.
Mr. Bodelson stated that the idea was to have quarterly meetings and then transition into this heavier meeting schedule through special meetings.
Mr. Vigil stated that if that is the case, then the proposed schedule that was assigned last year meets that because they preliminarily need more time than other deadlines and requirements.
Ms. Gonzales stated that it is fine to say ‘regular’ board meetings for FY17, the Board can decide on five of the regular board meetings and then have three special board meetings.
Ms. Rothwell-Clark stated to say at least ‘four’ meetings and that could be the minimum, knowing that each year, the Board could determine if more meetings are necessary.
Ms. Valicenti clarified that a special meeting, under the Open Meetings Act, is a meeting that is called upon three days’ notice. All the meetings that our Board is holding are regular meetings. You can have as many meetings as you want, the statute requires that the Board holds at least four meetings. The Board does not need to have it in rule.
Mr. Torres stated that under F. 2., it should be referred to as a regular meeting.
Mr. Vigil stated that this is an issue that the Board will discuss. It has to do with how the previous scheduling that had occurred in the past. It also coincides with committee schedules. It is nice to have that flexibility.
Mr. Bodelson stated that it involves more than action for the NCA’s.
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Ms. Gonzales stated that the Board needs to look at this section because it is redundant that on A (2), for special meetings it says, “the Board shall approve an Open Meetings Resolution in writing and all members shall sign it in the first regular meeting”. And then, for A (3). b, it says, “to adopt it at the last regular meeting”. In speaking with Mr. Dworak, he said that the signatures of all the members is not required and should be removed unless the Board feels strongly about this and to have the Board chair sign the Open Meetings Resolution.

Mr. Vigil stated that he is fine with that.

Ms. Holmes asked Ms. Gonzales if they have discovered that either our rules or the statute says that all Board members must sign the document.

Ms. Gonzales stated that it is in the rules on page 21.

Mr. Vigil stated that on page 2, under Secretary/Treasurer C (4)., it says that the secretary/treasurer presents a budget for each fiscal year to recommend to the Board approval at its last meeting of the year. The Board will comply with that.

Ms. Gonzales stated that the timing is good for the budget to be presented at the last meeting of the fiscal year because it has to be approved in order for her to meet deadlines with DFA.

Ms. Holmes stated that the Board needed to clarify the Open Meetings Resolution.

Ms. Gonzales asked if the Board Chair could sign the Open Meetings Resolution.

The Board agreed to have the Board Chair sign the Open Meetings Resolution.

Ms. Valicenti stated that the Board needed to adopt it by motion and then the Board Chair signs it.

Ms. Gonzales stated that it gets confusing because under A (2), it is under a special meeting and then A (3). it is under the last regular meeting to adopt it.

Ms. Valicenti recommended striking out the whole section. The more you have in rules, the more you have to worry about. This really is procedural matters and the director is able enough to handle these matters, as long as you do it once a year. Having the agenda here is restraining, especially if you want to deviate from it and you cannot, it is too much regulation. It is in statute that the Board has to hold at least four meetings and that is it.

Ms. Rothwell-Clark asked if the term quorum is in the statute.

Ms. Valicenti stated that a quorum is the majority of the membership of the statute and that is what our statute says. That is all you need.

Ms. Gonzales asked the Board to approve to strike out the “meetings” section.

All Board members agreed.

Ms. Valicenti stated to reserve the Meetings section and not re-number the entire document.

Ms. Winkel said as far as Records and Archives, it is easier to leave it as “reserved” and keep everything else the same.

Ms. Holmes stated that she will talk to our analyst about this issue.

16.30.2.13 BOARD RESPONSIBILITIES

C. (1) Mr. Calvani asked if the Board has communicated with NCARB regarding the sharing of data.

A diagram that NCARB dispersed, showed our state was working with an attorney. In addition, NCARB is looking at the last four digits to social security numbers for proper identity purposes.
Ms. Gonzales stated that she has seen no information on that or any correspondence with NCARB about that. Mr. Calvani will introduce Ms. Gonzales to staff at NCARB at the annual meeting, to discuss this.

C. (2) Ms. Holmes stated to add under Annual report, “and the public through the Board office pursuant to Section 61-15-5 NMSA 1978)” after all registrants.
Ms. Valicenti stated that if this is public record then it is available to the public already, so it isn’t needed.
Ms. Holmes stated that the sentence will end: “with available to the registrants”.
Mr. Vigil stated that it is contrary to what Mr. Dworak is recommending. Mr. Vigil is fine with it either way.
Ms. Valicenti changed her recommendation and requested to leave it in.
Mr. Glenn stated that Mr. Dworak’s comment on the side was saying what form the Board wants to make it available because he is tracking the language to the statute.
Ms. Gonzales stated that she has received the IPRA request on the Board’s annual report, she has sent it to them, there are hard copies here and it is available on the website. In addition, a copy goes to the Governor’s office every September with the appropriation request for the next fiscal year.

C. (3) Ms. Holmes stated to add, “in a form and method determined by the board and board office”, before “will be published”. Also change to, “reasonable efforts shall be made to provide notice to registered architects..” after “in addition”.
Mr. Pat McMurray arrived at 11:03 am.
Mr. Vigil introduced Mr. McMurray, Director of Construction Industries Division.

PART III REGISTRATION AND RENEWAL, DUPLICATE CERTIFICATES, SEAL SPECIFICATIONS AND DOCUMENT IDENTIFICATIONS
Mr. Vigil recommended discussing only items that have been changed since our last revision.
Ms. Holmes had a question about whether or not the term endorsement should be deleted because it did come up. It came up because there was a question as to what it means and does the Board get applicants by endorsement? Mr. Dworak had stated that he intended to delete that but he forgot to do that.

16.30.3.10 B. The Board agreed to delete the term endorsement.
Ms. Holmes stated that Mr. Dworak had comments about this section. He wanted to know how applicants can apply for licensure and say that they have to of been licensed in another jurisdiction and they have to of held such registration in a position of responsibility. Should the Board define what that would have been?
Mr. Bodelson suggested dropping this because the Board is going to find people that are principles, project architects, government and not all of those people seal drawings.
Mr. Calvani stated that the issue is whether individuals ‘practice’ or are ‘registered’ in that state and that is the key. When you say, ‘position of responsibility’ that means you are practicing architecture. They may be licensed elsewhere and working in New Mexico and these are the people that want this resolution. The only other issue is that if it is voted on at this meeting, NCARB will vote on this at the June meeting and the Board might be setting up a duplicate in-house method. The Board can then go
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through NCARB and the Board does not have to do this in-house process. Mr. Calvani is concerned that when the Board says: “so on a form prescribed by the Board..”, is there a form? Ms. Holmes stated that the Board will need to create some type of form for it. Mr. Calvani stated that by the time the Board gets this all done NCARB will have a BEA. Mr. Vigil stated that there is an opportunity in the rule hearings to make changes. Ms. Valicenti clarified that during the rule hearing, the only changes that can be made are non-substantive or semantic changes, otherwise you have to provide a 30 day notice again to the public before you can make more changes to the rule. At the rule hearing, rules should be ready for adoption. The Board may decide not to adopt a change because of too much opposition or the Board may consider postponing a decision because of concerns from members of the profession. As a Board, there cannot be any changes other than the items already here (in red and blue). Ms. Rothwell-Clark asked if it could merely state “or as determined by..”, so that the methods are either here or as approved by NCARB. Ms. Valicenti stated yes, the Board can do that but it needs to be in the final document that will be published. Mr. Torres stated that if there is something really good that comes out of NCARB, then the Board will have to re-publish and have another rule hearing. Mr. Adams recommended holding off on the hearing until July 15, 2016. If NCARB resolves this issue in June, then the Board does not need this. The Board can make a decision right after that, then publish it and have a meeting on July 15 with a clean slate going forward, instead of an ‘either/or’ issue.

Mr. Oschwald stated that it may be good to have both opportunities available. Regardless what NCARB comes up with, it may or not be something that works for us. Mr. Calvani suggested to un-strike the first sentence and add, “or an individual..”. Then the first sentence is relevant with the BEA, like it was before. Mr. Oschwald had an issue with the first sentence. It says, “an individual who cannot meet the requirements for an NCARB certificate..”. He stated that the Board is not looking for individuals who cannot meet the requirements because it means that they do not have a NAAB degree or IDP. It should say, “individuals who does not currently hold an NCARB certificate and who are seeking registration for reciprocity endorsement...”.

Mr. Calvani mentioned that these are the individuals who do not have an NCARB certificate but are licensed elsewhere. He had an issue with “these individuals cannot meet the requirements”. Ms. Rothwell-Clark stated that these individuals could get an NCARB certificate if they pay for it. Mr. Vigil stated to change it to what Mr. Oschwald is suggesting. Mr. Oschwald stated that the Board is unintentionally opening it up more if the Board says that they cannot meet the requirements. Mr. Adams stated that the question lies with does the Board want to open it up to someone who meets the requirements but doesn’t want to pay to join NCARB, in order to prove the requirements. They may want to come in through another process that they think may be cheaper. Mr. Oschwald suggested saying that they hold a valid registration initially and that they do not have an NCARB certificate.
Mr. Calvani stated that this applies to some individual who is not required to have an NCARB certificate.
Mr. Oschwald stated then strike all the NCARB language.
Mr. Calvani stated that it does not matter if a candidate has or does not have an NCARB certificate, it means this individual went to high school in California and got licensed in California without a NAAB degree but they passed the ARE and they have met the IDP.
Ms. Valicenti asked why it is there because it says “an individual who cannot... must hold”, so there can be an individual who is coming in through reciprocity. Put the requirements that the Board wants to see there. If it doesn't matter if they have the certificate, then do not put it in.
Mr. Calvani stated that the whole idea about not meeting the NCARB certificate just means they do not have a NAAB accredited degree.
Ms. Valicenti stated that they can still apply if they meet requirements.
Mr. Bodelson stated that if that is the issue, then it should say “without a NAAB accredited degree”.
Mr. Calvani stated that in New Mexico, the Board requires an NCARB certificate or they must meet the requirements, like a NAAB accredited degree.
Ms. Valicenti stated that this is not going to prevent them from filing an application. So regardless of whether they have it or not, it does not affect the application, provided they meet these other requirements.
Mr. Calvani stated that he would recommend the position of responsibility should be striked and it should say that they have to hold registration for at least five years.
Mr. Adams is concerned about an applicant not having a NAAB accredited degree because if the Board is letting people from out of state, who got licensed elsewhere and who do not have a NAAB degree, come in and yet our Board requires a NAAB degree to get a license in that state, that is a double standard. This could be challenged.
Mr. Vigil suggested keeping it with NCARB. The Board should start off with, “a registrant in another state who does not currently have an NCARB certificate and is seeking registration through reciprocity...”
Ms. Valicenti stated that sections G in the statute for registrations says that “a person registered in another jurisdiction who has held the registration in a position of responsibility of at least five years and who doesn’t have a certificate issued by NCARB, may apply for registration by presenting evidence”, so even if the Board does not open this up, an individual could still apply.
Mr. Vigil stated that there has been public awareness issues around this topic. He recommended clarifying the rule.
Mr. Adams asked if they are going to strike the position of responsibility.
Mr. Vigil stated yes.
Mr. Adams stated then that means that when someone is coming in with a license from another state, the committee will do a thorough review of the file and not ask for drawings, etc.
Mr. Calvani stated that the committee will ask for evidence of training or experience. The committee will develop the criteria.
Mr. Glenn asked if it is appropriate to take out position of responsibility from the rule if it is in the statute.
Mr. Oschwitz stated that the statute takes precedence over the rule.
Ms. Valicenti stated that the rules should mirror the statute.
Mr. Vigil asked how does someone show responsibility, like a project manager overseeing and they can’t stamp the drawings. He recommended to have a clarification process that goes along with that.
Mr. Calvani stated that the registration ties into responsibility.
Ms. Valicenti stated that the rule has to state what the Board would want to see. This is where the interpretation of the statute comes in, to decide what it is you think you need to see from the applicants, so list them.
Mr. Calvani stated that is about being registered not practicing.
Mr. Vigil stated that the position of responsibility is in the statute, so keep it in.
Mr. Glenn asked if the Board should define position of responsibility?
Mr. Vigil asked if there should be another definition to Part 1.
Ms. Valicenti asked what would satisfy you all, as members of the profession, in seeing someone from another jurisdiction coming in, based on this criteria in the statute?
Mr. Bodelson stated that instead of trying to be specific, just say, “as accepted by the Exam and Reciprocity committee”. It could be a judgment call.
Mr. Oschwitz explained that part of the process of accepting someone through reciprocity, is understanding that they are and have been current with the codes, requirements and the needs for someone to be able to practice architecture and be responsible. If someone has been licensed in another state for five years but they have been living in New Mexico, and working in an office and have never had to seal, the committee cannot tell how much experience they really have.
Mr. Calvani still recommended striking “position of responsibility” because it is only for our own BEA.
Mr. Vigil suggested saying, “issued by a licensing authority of another jurisdiction for at least five years. A candidate shall have had a position of responsibility as acceptable to the Exam and Reciprocity committee”. The Board ties in the responsibility piece here.
Mr. Calvani asked if the committee is going to look for evidence that they have had a position of responsibility in a firm here in New Mexico, without a license (inaudible).
Ms. Valicenti suggested that the Board looks at how other states conduct this process.
Mr. Oschwitz stated that it varies from state to state. The ones that license individuals without the requirement of the NCARB certificate, have a BEA process like in the past. The applicants were evaluated through records. The issue has been that the process was subjective.
Mr. Calvani stated that the Board does not want this responsibility, the Board wants NCARB to vet the applicants.

At this time, Mr. Vigil introduced Mr. Pat McMurray, Director of Construction Industries Division. At some point in the past, Mr. McMurray reached out to our past director to let her know that there is space available at the Regulation and Licensing Division for our agency. It would be a good, from a public perception to have these two agencies in the same general vicinity. The area available has been viewed by staff and the Chair.
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Mr. McMurray stated that state administration is trying to consolidate locations for efficiency and trying to get out of leasing. Construction Industries Division already pay the same amount of rent whether our agency goes with Regulation and Licensing Division or not. There are issues with the HVAC but the building is nice. He assured the Board that the Regulation and Licensing Division is not considering to put our agency under the Regulation and Licensing Division, they have too many Boards to manage. He offered the open space to us, as it makes sense to have these two agencies together and it is free rent, that is it. He recently met with the General Services Department and that space will be filled up within a few months if our agency does not take it. There is plenty of conference space.

Mr. Calvani stated that in the past, the Board had discussions with D. Dennis. The issue is that the Board wants to remain autonomous. This is a standalone Board, as it receives fees to run the agency. Mr. Calvani asked if the Board could save about $35,000 a year, would that money get swept?

Ms. Gonzales stated that the money does not get swept from the account-400 Other category and it could be used for other services. At the end of the fiscal year, whatever remains from the operating budget, reverts back to the fund balance.

Mr. Vigil stated that he has met with Mr. Mike Upthank, Superintendent at Regulation and Licensing Division and he has been very clear about remaining autonomous. In regards to budget, the Board needs to keep an eye on that. As a result of the audit last year and the recommendations in the findings, this is an opportunity for us.

Mr. McMurray leaves the meeting at 11:45 a.m.

Continued Part III B. Mr. Vigil suggested that unless there are any other major parts to the revisions, the Board should move along.
Mr. Calvani summarized by recommending bringing back the first sentence because there will be a national process in place soon and leave it all the same as is. Strike, “position of responsibility”.
Leave it like a dual path.
Mr. Bodelson suggested changing “cannot” to “does not”.
Mr. Glenn stated that he recommended to not take out “position of responsibility” because it is in the statute.
Mr. Oschwald stated that potentially if the Board has our own BEA, then the Board will change the statute. The reality is that our Board will probably follow the NCARB path.
Ms. Holmes clarified that it will include the original language or if a person does not hold a certificate, then this will apply. And striking “position of responsibility”.

G. Mr. Vigil stated that comment #2 [JMD2] on the same page is subjective allowance. Isn’t this the details that the Board talked about?
No answer.
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Mr. Adams stated that the applicant can demonstrate that whether they had position of responsibility or not.
Mr. Bodelson stated that the comment about a written oral exam is covered by the fact that it says, “the Board may..”

16.30.3.11 REGISTRATION RENEWAL
(4) d. Ms. Homes stated that for the comment on page 5 and she will add, “American Institute of Architects”.
(7) Mr. Oschwald recommended to strike “all” from the first sentence. Is the Board going to require them to provide all continuing education back to when their license lapsed or continuing education for that past year or…? He recommended to have them provide documentation of continuing education for a year.
Ms. Holmes confirmed to strike the word “all”.

16.30.3.12 C. Ms. Rothwell-Clark stated that yes, these applicants will be treated as new applicants because their license has lapsed for a long time.
Ms. Holmes will add “as a new applicant” language.

16.30.3. 15 ARCHITECT EMERITUS
Mr. Calvani requested to change “and” to “or” in the first sentence. If NCARB passes a new resolution in June, the language will change to “or”.
Mr. Oschwald recommended to keep “in New Mexico”. If they are practicing architecture in another state but they want emeritus in New Mexico, it should be ok. The language should stay there.

Part V ENFORCEMENT
16.30.5.9 SETTLEMENT AGREEMENTS
Ms. Valicenti asked why it says “and consent of the Respondent?”
Mr. Bodelson stated that it implies that it does not come to the Board unless respondent has already signed it.
The Board is ok with the changes to this section.

16.30.5.10 NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB) CERTIFICATE REVOCATION
Mr. Calvani suggested to change “or other” to, “words of that nature”

a. Consideration of setting a schedule for rule hearing and b. Rules hearing schedule

Mr. Vigil stated that the Board should discuss consideration of a setting for a rules hearing.

Ms. Homes stated that she is no longer worried about the timeline. If the Board adopts the proposed changes today, based on the State Records Center calendar, the submittal and publication deadline
is Monday, May 2, 2016. Then the notice would be published on May 13, 2016. The rule hearing would be thirty days after that on June 13, 2016. There is an NCARB function about that time and maybe the Board can have the rule hearing at the end of June, after the NCARB meeting. Mr. Dworak suggested having a combination rule and Board meeting on the same day. The Board could adopt the rules at the Board meeting following the rule hearing and then staff could get them filed and then become law in thirty days after filing. If the Board postpones the hearing until the August meeting, then the Board has to wait to adopt the changes it could potentially become effective in September. It was recommended by Mr. Dworak to have the full Board participate in the public hearing and for the Chair to act as the Hearing Officer. It would be advertised as a meeting, with a Board meeting to be held after the hearing.

Mr. Torres said that the disadvantage is that if the Board would want to give a greater deal of thought to some of the public comments, you may want more time.

Ms. Holmes stated that she thought the Board is moving too fast because now, the hard part begins after Board approval. The Records and Archives process is cumbersome, with semantics and technicalities, and may take some time.

Mr. Bodelson suggested to advertise the hearing at the August 5, 2016 meeting.

Ms. Holmes suggested to have the hearing and Board meeting at the University of New Mexico and she has spoken to Mr. Adams about a venue.

The Board agreed.

Mr. Vigil will not be present at the August 5 meeting. Therefore, the meeting was changed to August 12, 2016.

Mr. Bodelson entertained a motion to accept the proposed changes NMAC 16.30.1, 16.30.2, 16.30.3, 16.30.4, 16.30.5 and 16.30.6, as indicated on the agenda and to accept the rules hearing date for August 12, 2016 to coincide with the Board meeting.

**Motion:** to accept the proposed changes NMAC 16.30.1, 16.30.2, 16.30.3, 16.30.4, 16.30.5 and 16.30.6, as indicated on the agenda and to accept the rules hearing date for August 12, 2016 to coincide with the Board meeting, as amended today.

**By:** Michael Bodelson

**Second:** Geoffrey Adams

**Board votes:** passed unanimous

Ms. Rothwell-Clark clarified to add, “as amended today”.

### 2. Continuing Education Audit

Ms. Holmes stated that the Continuing Education committee met on April 5, 2016. There were 42 licensees that were audited and 40 of the 42 individuals submitted documentation by the deadline. Two of the licensees were sent certified letters requesting to receive documentation. 95% of those audited responded to the initial request and 67% of the 42 people audited, met the requirements.
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33% of the audited individuals did not meet the requirements. There is one person that may need to go to the Enforcement subcommittee.

3. NCARB Resolution

Resolution K: Mr. Oschwald stated that this resolution is asking Boards if they agree that it makes more sense for Board members to vote on changes that happen to the IDP program, rather than those changes happening administratively at NCARB's level. There were some changes that changed the structure of IDP from a three year internship to a two year internship. It removed all of the electives from the requirements. It has become an issue because some Boards have that language in their Act. This resolution will come forward, it will have Region 6's statement of support. Below that, will be a statement of opposition by the Board of Directors. The vote was 10-3. Mr. Calvani's recommendation to the Board is that the Intern Development Program (IDP) was created by NCARB to heal a condition of the non-passing of the license exam and the changeover to electronic, and the need for mentorship of interns. It is now something that the regulatory Boards have to deal with and therefore, Boards should have a say in how that program is administered. The Board should support this. The resolutions will be sent out on Monday, May 2, 2016.

A. Mr. Calvani stated that in section A is an agreement with Australia/New Zealand where it says, "US jurisdictions that choose to be signatory as to an MRA will recognize an NCARB certificate issued in accordance with that MRA". The Board needs to decide to become a member or not. He recommended to accept it. This document was sent out in the past. Ms. Gonzales stated that she has not seen the document before today. She stated that she needed to know the three individuals and the voting delegate to NCARB by today.

B. Mr. Calvani stated that section B talks about architects with a four year BA degree in an architectural related program, they do two times the IDP and they have to have three years of continual license in any jurisdiction with no disciplinary action. Those that do not meet those requirements will go into an ESA evaluation and they will do a portfolio. It is the same thing our Board does but the question is 'architectural related programs' and that will be up to staff to determine what that looks like.

C. Mr. Calvani stated that this deals with the ARE exam equivalence from 4.0 to 5.0 and every time they go to a new exam, they want to make sure that all the exams that have been taken in the past, follow the same content.

D. Mr. Calvani stated that this resolution has to deal with the rolling clock and expiration dates, to avoid any confusion.
E. Mr. Calvani stated that this resolution will allow access to ARE for students enrolled in an IPAL. There are a few schools participating in a program that allows a candidate to be licensed after graduation. They would be taking the exam, IDP and getting a NAAB degree while they are in school.

F. Mr. Calvani stated that this is the Architect Emeritus status issue that the Board discussed earlier. It involved 65 years of age or not practicing anymore.

G. Mr. Cavani stated that this is the military trained applicants for model law, where licensure includes an NCARB certificate. Mr. Oschwald added that many states received the same order from the national government to implement a program that would give these candidates immediate licensure. Many states assumed that architects who were licensed by the military, had a license and they do not. With model law, NCARB requires a degree or if they have the education, experience and IDP must be met.

H. Mr. Cavani stated that the IDP program is changing and will now be called AXP Architectural Experience Program.

I. Mr. Calvani stated that the Intern committee will change to the Intern Experience committee.

J. Mr. Calvani stated that there was a Resolution where they wanted to get rid of the term “intern” and that has been pulled. There will be a discussion at the June meeting.

Mr. Calvani stated that these are the resolutions and they include what Mr. Oschwald presented. Mr. Calvani motioned to accept all the resolutions from NCARB.

**Motion:** to accept all the resolutions from NCARB

By: Robert Calvani

Second: Michael Bodelson

Board votes: passed unanimously

Mr. Calvani stated that the Board needed to discuss who will be attending the meeting, who will be the voting delegate and when they caucus and there are amendments from the floor, how is this handled? Mr. Calvani motion that those attending the NCARB meeting, use their professional judgement to deal with caucusing and handle amendments from the floor.

**Motion:** those attending the NCARB meeting, use their professional judgement to deal with caucusing and handle amendments from the floor

By: Robert Calvani

Second: Tara Rothwell-Clark

Board votes: passed unanimously
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Mr. Oschwald suggested noticing the national meeting as a meeting and that our Board should send more than two representatives.

Mr. Calvani stated that he had tried to meet with the Governor’s office and they could not meet until after the legislature and he wasn’t sure if Mr. Dworak was leaving our Board.

Mr. Vigil stated that there is a NCARB resolution that was voted on already and that there was another secondary item to vote on.

Mr. Torres stated that the agenda should be more specific, if the Board is going to take action like that. It can be argued that it falls under the NCARB resolution.

Mr. Calvani motioned to give Board approval to vote on amendments from the floor to the individuals designated as our representatives.

**Motion:** to give Board approval to vote on amendments from the floor to the individuals designated as our representatives  
**By:** Robert Calvani  
**Second:** Tara Rothwell-Clark  
**Board votes:** passed unanimously

D. **NEW BUSINESS**

1. **Disciplinary Matters/Executive Session**

Mr. Vigil entertained a motion to move into closed Executive Session.

a. **NMBEA 2015-03 Settlement Agreement**

Ms. Rothwell-Clark moved that the Board enter into closed Executive Session as authorized by the licensing exception of the Open Meetings Act to discuss disciplinary matters listed on the agenda.

**Motion:** to move into closed Executive Session to deliberate over matters listed on the agenda  
**By:** Tara Rothwell Clark  
**Second:** Michael Bodelson  
**Board votes:** passed unanimously

Roll call was taken. There was a quorum. Executive session begins at 12:32 a.m. Recorder off.
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Mr. Vigil announced that the Board is back in open session. The time is 12:44 a.m. The matters discussed in the Executive Session were limited only to those specified in the motion for closure and that no votes or official action was taken during the Closed Session.

2. Possible action on matters discussed in closed session.

Mr. Bodelson is recused from voting. He motioned to recommend the Settlement Agreement NMBEA 2015-03.

Motion: to recommend the Settlement Agreement NMBEA 2015-03.
By: Michael Bodelson
Second: Geoffrey Adams
Board votes: Ms. Rothwell-Clark opposed.

The vote was 3-1. Motion carries.

Ms. Valicenti requested to go over the Open Meetings resolution so that the attorneys could leave.

5. Open Meetings Resolution

Ms. Valicenti stated that the Open Meetings Act requires each public body to adopt an Open Meetings Resolution annually. As this is the last meeting of the year, the Board is adopting the Resolution. It sets forth the notice requirements. Emergency meeting are to be held if there are unforeseen circumstances that if not addressed immediately by the Board, will cause harm to the public or financial loss to the public body. As the Open Meetings Act does not allow for telephonic ability, the Board will need to have that put into the provision in the Open Meeting Resolution. She will amend the resolution to provide by appearance of telephone, if it is difficult or impossible for a member to appear. For rule hearings, there is a mistake in the resolution provided. The Board must provide a thirty day advance notice requirement, not ten days as it is stated. She will add a paragraph about rule hearing requirements.
After these few changes have been made, Ms. Valicente will email the resolution for signature. She recommended for the Board to adopt the Open Meetings Resolution.

Ms. Gonzales stated that there is a signature page and it can be circulated for signature today.

Mr. Vigil motioned to accept the Open Meetings Resolution as amended.

Motion: to accept the Open Meetings Resolution as amended
By: Jim Oschwitz
Second: Michael Bodelson
Board votes: passed unanimously
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Mr. Vigil asked for a break at 12:50 p.m.
Mr. Torres, Ms. Valicenti and Ms. Winkel left the meeting at 12:50 p.m.

The meeting is back in session at 1:02 p.m.

3. Election of Officers for FY 17

Mr. Calvani made a motion to nominate Mr. Vigil as Chair, Ms. Rothwell-Clark as Vice-Chair and Mr. Adams as Secretary/Treasurer. Mr. Calvani moved to accept the slate by acclamation.

Motion: to nominate Mr. Vigil as President, Ms. Rothwell-Clark as Vice-Chair and Mr. Adams as Secretary/Treasurer and accept the slate by acclamation.

By: Robert Calvani
Second: Jim Oschwald
Board votes: passed unanimously

Mr. Vigil stated that it is time to select committees. The committees are:

Exam and Reciprocity committee: Mr. Adams Chair, Mr. Oschwald and Ms. Rothwell-Clark.

Finance and Operations committee: Mr. Adams Chair, Mr. Bodelson and Mr. Oschwald.

The Rules and Regulations committee: Mr. Calvani Chair, Jim Oschwald and Mr. Glenn.

The Enforcement sub-committee: Mr. Glenn Chair, Mr. Oschwald and Mr. Calvani.

The Legislative sub-committee: Mr. Oschwald Chair, Mr. Glenn and Mr. Calvani.

Planning and Development committee: Ms. Rothwell-Clark Chair, Mr. Bodelson and Mr. Oschwald.

Joint Practice committee: Mr. Vigil Chair and Mr. Calvani.

4. FY17 Calendar

a. Meeting Locations

Mr. Vigil stated that using last year as a model, there are a few special meetings in the calendar that are not correct. These meetings were set last year and there is no special meeting in May. This current calendar was set up around deadlines and requirements from staff and their recommendation. There will only be regular meetings, they may end up
being once a quarter or not. The next meeting will be August 12 and that change will be made. In addition, Mr. Vigil stated that if the Board is going to set the Seattle NCARB conference as a meeting, the Board should wait to see how that issue works out.

Mr. Bodelson would like to add that there is a potential for a special meeting for an NCA that needs to be issued and the Board would need to take full action on it. The Board just needs to keep that in mind.
Ms. Gonzales recommended to take out the May 26 Board meeting and change the August 5 Board meeting to August 12, 2017. The Board agreed. On a side note, Ms. Gonzales spoke to Sunny Liu, Legislative Finance Committee Analyst and he said that within a couple of weeks, he will send out information regarding the procedures for the Sunset hearing and as of now, they do not know when the September meeting will be, so it is tentative on the calendar.

Mr. Vigil motioned to accept the FY17 calendar as amended.

Motion: to accept the FY17 calendar as amended.
By: Ray Vigil
Second: Michael Bodelson
Board votes: passed unanimously

Mr. Vigil stated that the Board has not discussed the locations for the meetings. The Board does try to have at least one meeting in the southern part of the state. The Board is having the August 12, 2017 meeting at University of New Mexico because of the rule hearing. The April 2017 board meeting will be in Albuquerque/University of New Mexico again. The October meeting will be in Las Cruces.

6. CFO Delegation

Ms. Gonzales stated that the Board needed to assign a Chief Financial Officer and to sign the compliance statement for the upcoming fiscal year.

Mr. Bodelson motioned to delegate Ms. Gonzales to the Chief Financial Officer duty.

Motion: to delegate Ms. Gonzales to the Chief Financial Officer duty.
By: Michael Bodelson
Second: Jim Oschwald
Board votes: passed unanimously
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7. Compliance Statement

Ms. Gonzales stated that this is a document that the Board has always put in conjunction with the Chief Financial officer delegation. It explained that the Chief Financial Officers manages all the budget and financials and that the Chief Financial officer carries all the education and experience to handle the duties.

8. FY17 Operating Budget

Ms. Gonzales stated that the handout describes the operating budget for FY17. The total is: $387,700 and it has increase 5% from the last fiscal year. The 200 category is the highest because of raises in some of the staff’s salary and because of that, benefits have increased. The contractual services are the same. The 400 category was decreased, however that is fine because if the agency does move, money will be saved and it could be used for special appropriations for FY18.

Mr. Vigil asked if the 200 category is where the salary line item is?

Ms. Gonzales stated that whenever agency has a vacancy they are required to put that vacancy at mid-point and since the previous director’s current salary was not at mid-point, they allowed Ms. Gonzales to keep that salary, instead of forecasting it higher (or else the budget would have been in the red). The money stays there until the position is filled.

Mr. Bodelson motioned to approve the FY 17 Operating Budget as submitted.

Motion: to approve the FY 17 Operating Budget.
By: Michael Bodelson
Second: Geoff Adams
Board votes: passed unanimously

9. Audit Firm Selection for FY16 Audit

Ms. Gonzales stated the Board has completed the contract with the last CPA audit firm, which are done around October and need to be complete by December. She reached out to four new firms and there were no responses. In order to be compliant with the Procurement Code, Contracts Division and Office of the State Auditor, she will have to go back out for a bid from Albuquerque firms. This is a professional serve contract, so the procurement process requires three quotes, where the most suitable bid is selected. She checked with Paul Kippet, the General Council member at the Department of Finance and Administration on the process of receiving quotes and this was his recommendation.
10. NMBEA office location

Mr. Vigil stated that he has attended several meetings regarding the move and has shared the information with the Board. He shared concerns with Mr. Mike Upthank, Superintendent of Regulation and Licensing Division and his deputy Director to get a face to face response and they clarified that they have no intentions of ‘taking our agency over’. In fact, it was mentioned they wanted to give us a board, as there are too many. Mr. Vigil stated that moving to the Regulation and Licensing Division, is a healthy decision for the agency in terms of budget, the flexibility it will allow and the access to the general public. In addition, Mr. Vigil stated that there is a 90 day notice that the (FMD) Financial Management Division will submit our termination lease to our current landlord. The Board needed to make a decision at this time.

Mr. Bodelson motioned to make the move and begin the process to transfer our location to the Regulation and Licensing Division at the Toney Anaya building.

Motion: to make the move and begin the process to transfer our location to the Regulation and Licensing Division at the Toney Anaya building
By: Michael Bodelson
Second: Tara Rothwell-Clark
Board votes: passed unanimously

Mr. Bodelson stated that the Board needed be cautious about being assimilated. He has no doubts that the current administration has no plans for that but administration is always changing. The Board should have some exit strategy, like some agreement with General Services Department. The Planning and Development committee should work on this issue.

Mr. Vigil stated that he did not think that the Board will get anything in writing. He has tried to cover all the issues through face to face discussions.

Ms. Gonzales has asked Elizabeth Jeffries at General Services Department if our agency would have to pay for custodial services or rent and Ms. Jeffries stated “none”. In addition, the agency had Mr. Dworak and Jim Bordegaray, lease bureau chief at General Services Department, look at the terms of the lease and the 90 day notice issue. General Services Department has to terminate the lease with the landlord. As far as the cost incurred for the move, the lowest quote came in from Delancy Street Movers @ $1757.00 to move to Toney Anaya building and to storage as all the physical items will be going to storage. For the storage units, the lowest bid was from Academy Storage at $175.00 month.
12. Disposition of Surplus Property

Mr. Bodelson suggested disposing of the physical office items.

Ms. Gonzales stated that there is a committee that will look at the items and sign the spreadsheets in order to get rid of these items. If the General Services Department does not take the items, then they can be donated to Delancy Street. There is no wall space at the Toney Anaya building for the art, so the art may go into a climate controlled storage unit.

Mr. Vigil suggested talking to Mr. McMurray to see if he can offer any ideas for wall space.

Ms. Gonzales stated that the agency did a quote for a climate controlled storage space for the art. The artwork was donated to the Board at some time in the past and is owned by the Board.

Mr. Bodelson suggested to look into a loan with the Governor’s Gallery.

Mr. Oschwald and Mr. Calvani suggested to not store or loan the artwork.

Mr. Calvani stated that if the agency disposes of the furniture and if the agency moves out, then the agency would have to buy all new furniture.

Mr. Bodelson though that the offset of the rental costs could help with buying new furniture.

Ms. Gonzales stated that the other cost incurred for the move to the Regulation and Licensing Division, is moving the copier @ $270.00, as the copier is on lease.

Mr. Vigil stated that one of the biggest costs will be IT.

11. DOIT Cost Proposal on Server, Internet and Website

Ms. Gonzales stated that there has been a few IT issues. There is a server that backs up all of the data and network drives. A vendor by the name of Ralph Vincent created the server plan and there is no maintenance agreement. Recently, the server was not connecting to the scanner and Rocky Mountain, our copier leasing company came to fix it because DOIT could not resolve the issue. Then DOIT tried upgrading the desktop to Windows 10 and since there is very slow internet here, it affected database connectivity, internet and email. DOIT was here for three weeks trying to resolve all the glitches; however it is the server that is an issue.

Currently, the server is only being backed up to a tape and without a maintenance agreement; no one can look into it without a risk of damaging something. If the server crashed, the agency’s data would be in jeopardy. State Records and Archives are storing the backup tapes but they are not backing up
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the data. DOIT does not know if the backup tapes are working to back up every day, as they should. DOIT has never handled our data. Ms. Gonzales has received cost proposal from DOIT to see what it would take for server assessment and maintenance while at this building and the server assessment is $376.00 not exceeding $564.00 for 8 hours of work not exceeding 12 hours. The feedback from DOIT was that they cannot guarantee that the server will or will not crash because they will need to ‘dissect’ the server. They would try to back up everything and make sure everything is running properly.

Mr. Vigil thought there was approval from the Board in the past, about moving to a cloud and he thought that the transition was already made. It may have been tied to the website development. What was supposed to have been done, was not.

Ms. Gonzales stated that the internet connection will be better with DOIT but right now DOIT can only provide us what internet connectivity we currently have, they cannot put the server or data on a cloud until the agency moves because our location is not in the region for a circuit to be under DOIT’s contract. Currently the agency is under CenturyLink, so the connectivity is slow. If the Board votes on the availability for DOIT to come assess the data in the meantime, as a maintenance agreement, that would work. When the website was updated, DOIT took everything off the server somehow and put it in a new website with the database on a VPN.

Mr. Vigil stated that there is no reason to have it local if it is on DOIT’s cloud, right?

Ms Gonzales stated yes but that is for the database, it is not for our desktops. They are two separate issues. It is the desktops for the agency that are currently not backed up.

Mr. Vigil asked if we are talking about disc space, where the agency stores files locally and that could be on the local computer but the agency has some old antiquated server where everybody is storing data, right?.

Ms. Gonzales stated yes.

Mr. Vigil asked if other agencies have communication on the cloud because they are all web-based, right?

Ms. Gonzales answered yes and she stated that this is what the agency is trying to do when the agency moves. The agency does not have the ability at this time. When the agency moves in FY17, the internet will be faster with wi-fi, DOIT will take over the internet and the server. The total cost for faster internet, wi-fi and to get the server on their cloud would be $703.00 a month, when the agency moves.
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Mr. Oschwald stated that this is substandard because technology has advanced so much and DOIT may not really know what is going on and he is concerned about giving them our data. There are concerns for security and the Board should look at other options.

Ms. Gonzales also mentioned that it will cost in FY16, $7600.00 to have the website become mobile-compatible. She has tried to debate with DOIT about the language in the contract to allow for mobile compatibility under the maintenance contract since DOIT never informed BEA that the website would not be mobile compatible, in addition to creating the website but they said no, it is not included. If the Board waits until FY17, it will cost $10,640.00.

Ms. Gonzales stated that if the Board went with another option, there may be IT compatibility issues at the Toney Anaya building. The third party entity would have to work with DOIT and Regulation and Licensing Division to meet compatibility and that may cost more. Ms. Gonzales added that the data needed to be backed up as soon as possible.

Mr. Oschwald stated that first, the data needs to be secure and accessible now. A third party could do that without a heavy price tag. The website is a separate issue.

Ms. Rothwell-Clark stated that maintenance is important right now, in order to make sure the server does not crash. But $703.00 a month to have DOIT provide server space and backup is absurd. An internal drive can do that.

Ms. Gonzales stated that she did purchase a hard drive and the issue is that they cannot back up everything because the server is so slow and there are connectivity issues. There is money in the 400 category to pay the $7600.00 to make the website mobile compatible and to do to the maintenance agreement.

Mr. Vigil stated that the thing to do is be clear of the process and costs associated with IT issues. He suggested to get the transfer of data done and the move, then the agency can look at other IT improvements, like the cloud.

Ms. Barela was concerned about enough space and the storage of files.

Mr. Vigil stated that the agency should have all the files in digital format.

Ms. Gonzales stated that the agency will be able to do that when there is faster internet and through a cloud. Our agency would be the one scanning and shredding files and documents but the information will be housed in a cloud at DOIT’s site. Staff could hire someone to do this for us in the future, as long as we follow the procurement code and verify if Horizons of New Mexico offers any of these services first.
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Mr. Bodelson stated that the staff should look in to these services and costs and timeframes to scan records for the future. He recommended to check with Records and Archives regarding destruction of files, they may require hard storage for a period and then after that they can be destroyed.

Mr. Vigil stated that for now, keep the files in the extra room at the Regulation and Licensing Division and do not put them in storage. The agency can deal with them after the agency is settled.

Ms. Holmes just would like to select her new office space.

Mr. Vigil stated that the office space can be worked out by the staff.

Mr. Bodelson stated that he has to leave so he provided an update for the Planning and Development committee. He is refining the descriptions on some of the new projects that the Board would like to do. He stated that there needs to be a meeting with Ms. Gonzales about schedules, in terms of expending those monies, how they are presented, etc.

Ms. Gonzales stated that since the special appropriations were declined for FY17, these special appropriations would have to be done in September FY17 but special appropriation wouldn't be until FY18.

Mr. Bodelson leaves at 2:16 p.m.

Mr. Vigil motioned to authorize Ms. Gonzales to expend costs as outlined for the move. The costs have been discussed.

Ms. Gonzales stated that there is two months left in the fiscal year and there is over $23,000.00 left in the 400 category.

Motion: to authorize Ms. Gonzales to expend costs as outlined for the move
By: Ray Vigil
Second: Geoff Adams
Board votes: passed unanimously

Ms. Gonzales stated that there are spreadsheets that list the physical property to get rid of or for storage.
Mr. Vigil needed to appoint a committee to review and approve the items, in accordance with the State Auditor’s office. If the committee signed the spreadsheets today, they will be attached the approved meeting minutes from the next Board meeting, to this document for the Auditor. It will probably will not take effect until FY17.
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Mr. Vigil appointed Mr. Bodelson and Mr. Calvani to the committee. The spreadsheet will be emailed to the committee members by Ms. Barela.

Ms. Rothwell-Clark motioned to give staff the authority to initiate the disposition of surplus property.

Motion: to give staff the authority to initiate the disposition of surplus

By: Tara Rothwell-Clark
Second: Geoff Adams
Board votes: passed unanimously

E. REPORTS

1. Chairman

Mr. Vigil wanted to thank the staff for handling the change in personnel effectively and for preparing for the move. If possible, he asked the Board to try to pitch in money for snacks. He thanked the Board members for all the hard work and for the progress the agency had made this year. He also thanked Mr. Glenn as the new public member, as he has been very valuable to the Board.

2. Secretary/Treasurer

Ms. Rothwell-Clark thanked everyone for assisting in her absence, as she was unable to participate for a while. In addition, he stated that $300,000.00 of the budget did get swept. The Board should stay on top of that and try to not lose the money next fiscal year.

3. Director

Ms. Gonzales passed out a handout. She stated that a gentleman called and he was informed from the previous director that she would put out a release statement and post the following information to the Board’s website but that never happened. He contacted Ms. Gonzales to see if and when it would be posted. The handout is recognizing his significant contributions to the profession and to the Institute. Can information like this be advertised on the Board website?

Mr. Oschwald stated that this is more appropriate for AIA.

Ms. Gonzales state that she did not give him an answer because she wanted to consult with the Board first.

Mr. Adams suggested sending him an email thanking and congratulating him. The Board agreed.
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Mr. Vigil stated that he would be glad to sign a letter on behalf of the Board, recognizing and congratulating him for his contribution to the profession.

Ms. Gonzales will draft something up and Mr. Vigil will sign it.

4. Exam and Reciprocity committee

a. Reciprocity, Reinstatement and Exam Applicants

### RECOMMENDED APPLICANTS FOR REGISTRATION BY RECIPROCITY

<table>
<thead>
<tr>
<th>Committee Review February 5, 2016</th>
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<tbody>
<tr>
<td>Clifton Austin</td>
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<tr>
<td>Austin, TX</td>
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<tr>
<td>Damian Louis Bieker</td>
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<tr>
<td>Denver, CO</td>
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<tr>
<td>Douglas Brooks</td>
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<tr>
<td>Rockford, IL</td>
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<tr>
<td>Lauren DuCharme</td>
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<tr>
<td>Kansas City, MO</td>
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<tr>
<td>Evan Eglin</td>
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<tr>
<td>Tucson, AZ</td>
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<tr>
<td>Nestor Infanzon</td>
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<tr>
<td>El Paso, TX</td>
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<tr>
<td>Benjamin Koster</td>
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<tr>
<td>Eagan, MN</td>
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<tr>
<td>Jeffrey Likes</td>
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<tr>
<td>Eagle, ID</td>
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<tr>
<td>Geoffrey A. Lisle</td>
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<tr>
<td>Indianapolis, IN</td>
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<tr>
<td>Charles Mercer, Jr.</td>
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<tr>
<td>Austin, TX</td>
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<tr>
<td>Mothusi Phometsi</td>
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<tr>
<td>Tucker, GA</td>
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<tr>
<td>Stanley Ramaker</td>
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<tr>
<td>Fon du Lac, WI</td>
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<tr>
<td>Michael Stills</td>
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<tr>
<td>El Paso, TX</td>
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### Committee Review March 22, 2016

| Jeffrey De Mure                  |
| Granite Bay, CA                  |
| Kenneth Eller R.                 |
| Tempe, AZ                        |
| Ted Hyman                        |
| Los Angeles, CA                  |
| Damien Jackson                   |
| Los Angeles, CA                  |
| Richard S. Jackson               |
| Oklahoma City, OK                |
| Lelia R. Kamal                   |
| Boston, MA                       |
| James R. Kimball, Jr.            |
| Duxbury, MA                      |
| Jay J. Lems                      |
| Salt Lake City, UT               |
| Robert C. McLaughlin             |
| Buda, TX                         |
| Christopher P. Meyers            |
| Columbus, OH                     |
| Robert B. Pitt                   |
| Austin, TX                       |
| Derek L. Selke                   |
| Fishers, IN                      |
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Russell Todd Swindle        Peter J. Theodore
Arlington, TX               Des Plains, IL

EXAMINATION CANDIDATES RECOMMENDED FOR LICENSURE PENDING COMPLETION OF THE
A.R.E

Hilary Noll
Albuquerque, NM

Hannah Feil
Albuquerque, NM

Mr. Oschwald moved to approve the names of the applicants for Registration by Reciprocity as listed in the above report.

Motion: to accept the applicants for Registration by Reciprocity as listed in the above report.
By: Jim Oschwald
Second: Geoffrey Adams
Board votes: passed unanimously

Mr. Oschwald moved to approve of the applicants for Registration by Exam as listed in the above report.

Motion: to accept the applicants for Registration by Exam listed in the above report.
By: Jim Oschwald
Second: Geoffrey Adams
Board votes: passed unanimously

b. Registration/Application Quarterly Report

Ms. Holmes stated that there are currently 2069 registrants: 671 are in-state and 1398 are out of state. There are 9 applications pending. The number of new registrants for the quarter is 27, two of them are from exam candidates and 25 were reciprocity applicants. There were three people that have passed all divisions of the ARE between February 6, 2016 and today: Bryan Barnes, Hannah Feil and Neil Werbelow.

c. Licensing Request letter

Mr. Oschwald stated that there is a request for licensure from someone who lives in Santa Fe. She was licensed in Arizona but she let that license lapse about five years ago. She has never been
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licensed in New Mexico. She had an NCARB certificate in the past. The only path for her is for her to sit for the exam in Arizona. Mr. Oschwald suggested that she can sit for the ARE and get licensed in Arizona, get her NCARB certificate back, then apply for licensure here. The other option is that the Board has the power to license qualified applicants. Given that she has met the ARE, IDP and a NAAB degree, the Board would have her complete a code course and license her. (Now, the BEA process is different, and that is where someone does not meet the requirements). In order for her to get an NCARB certificate, she needs to be licensed somewhere first. The Board has done this process in the past. She was fully credentialed in Arizona.

Ms. Rothwell-Clark stated that she should sit for the ARE in Arizona.

Ms. Oschwald was concerned with whether she is current with codes? He recommended that if she can show competency in current codes, the Board could license her.

Ms. Rothwell-Clark stated to have Ms. Lamb work with Arizona and let their Board make a decision. Our Board is having to make a special accommodation for her but Arizona could make an accommodation for her there too. Our Board could offer her a free year of registration.

Mr. Adams and Mr. Glenn recommended for her to sit for the exam in Arizona.

Mr. Calvani stated that if someone is fully credentialed, they should be able to go to any state for a license. He does not want to deal with licensing one person and not another.

Mr. Oschwald agreed. Ms. Lamb’s initial conversation stated that she would be an applicant because she has passed the ARE, IDP and she has a NAAB degree.

Ms. Holmes stated that our rules say they have to have an NCARB certification. They can come in either through reciprocity or an exam candidate and that is it.

Mr. Oschwald motioned to license Ms. Lamb through requiring an additional code update course that allows her to be current with code knowledge and allow her to be licensed in New Mexico at standard price.

**Motion:** to license Ms. Lamb through requiring an additional code update course that allows her to be current with code knowledge and allow her to be licensed in New Mexico at standard price

**By:** Jim Oschwald

**Second:**

**Board votes:**

No one seconded, the motion dies.
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Mr. Rothwell-Clark motioned to offer Ms. Lamb the ability to sit for the ARE, in order to get her license back, then apply to our state via reciprocity and to allow her one free year of registration in New Mexico.

Motion to offer Ms. Lamb the ability to sit for the ARE, in order to get her license back, then apply to our state via reciprocity and to allow her one free year of registration in New Mexico.

By: Tara Rothwell-Clark
Second: Geoffrey Adams
Board votes: passed 4-1.

Mr. Oschwald opposed.

5. Finance and Operations Committee

   a. Current Budget Status Report

Ms. Gonzales stated that there is $82,028 available for the rest of this fiscal year. The Board has spent $221,768.00 in the 200 category, $6000.00 in the 300 category and $77,903.00 in the 400 category.

6. Planning and Development Committee

Mr. Bodelson gave his update prior to leaving.

Mr. Vigil stated that there are long terms projects that need to be planned for in the future. The Board will need to make a recommendation to request the monies in September and that these projects will be a year out.

7. Rules and Regulations Committee

Mr. Calvani stated that the proposed rule changes were already discussed.

8. Joint Practices Committee

Mr. Vigil stated that there was a final JPC meeting in January 2016. This year, the committee updated the Handbook for Building Officials and is now tracking all correspondence and projects.

F. BOARD COMMENTS/ANNOUNCEMENTS

   1. Attendees of NCARB Annual Meeting
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Mr. Vigil stated that the NCARB meeting is June 16-18, 2016. He had some concerns for posting it as a meeting. The Board recommended to send Mr. Glenn, Ms. Gonzales and himself to go to the NCARB meeting. There could be one more representative.

Mr. Glenn was concerned about the quorum issue.

Mr. Adams motioned to send Mr. Glenn, Ms. Rothwell-Clark and Mr. Vigil as representatives of the Board to the NCARB meeting.

Ms. Gonzales stated that she will give the representatives the NCARB registration information, in order to register for the conference.

Motion to send Mr. Glenn, Ms. Rothwell-Clark and Mr. Vigil as representatives of the Board to the NCARB meeting
By: Geoffrey Adams
Second: Jim Oschwald
Board votes: passed unanimously

2. Special Meeting May 27, 2016

Mr. Vigil stated that all issues were taken care of today and there is no meeting in May.

G. ADJOURNMENT

Whereupon the regular open meeting of the New Mexico Board of Examiners for Architects adjourned by Mr. Vigil at the approximate hour of 2.51 p.m.

Respectfully submitted,

Mr. Raymond Vigil, Chair

Ms. Tara Rothwell-Clark, Secretary/Treasurer

Geoffrey Adams

8/12/16

Date

8/12/16

Date