NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

Minutes of Board Meeting
December 4, 2015
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, Architect Member
Michael Bodelson, Architect Member
Geoffrey Adams, Educator, Architect Member

Board Members Available by Teleconference
Tara Rothwell-Clark, Secretary/Treasurer, Architect Member
Mark Glenn, Public Member

Board Members Absent:
Jim Oschwald, Vice Chair, Architect Member
Robert Calvani, Architect Member

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

Others Present:
Joseph Dworak, Assistant Attorney General
A. CALL TO ORDER/ROLL CALL

Mr. Vigil called the meeting to order at the approximate hour of 10:09 a.m. Roll was taken and a quorum was determined to be present.

B. OPENING BUSINESS

1. Approval of Agenda

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

Motion: to approve the agenda.
By: Michael Bodelson
Second: Geoffrey Adams
Board Vote: Passed unanimously

2. Introduction of Guests

There were no guests present.

3. Approval of the October 23, 2015 Board meeting minutes

Mr. Vigil asked for a motion to approve the October 23, 2015 board meeting minutes.

Motion: to approve the October 23, 2015 board meeting minutes as presented.
By: Michael Bodelson
Second: Geoffrey Adams
Board Vote: Passed unanimously

C. POLICY AND PROPOSALS

1. Proposed Changes to the NM Architectural Act

Ms. Propp sent notification to the Governor’s office on November 19, 2015, regarding the Board’s desire to discuss the proposed amendments in the upcoming legislative session. She has not heard back from them.

Mr. Vigil stated that he will make an attempt to contact the Governor’s office. He followed up by contacting Senator Mary Kay Papen’s (D-Las Cruces) office. He spoke to Mr. Dennis Hazlett and Mr. Hazlett stated that Sen. Papen would be interested in sponsoring the bill, with the caveat that she has other commitments. Mr. Hazlett requested a narrative statement and
outline of what the Board is proposing, emphasizing health, safety and welfare. Mr. Vigil's continued by stating that he has successfully contacted the appropriate individuals and is hopeful the Board's proposals will be accepted but there is a possibility that the proposals may not be addressed in this legislative session. Mr. Vigil also met with the Governor's office and they have indicated that they will be willing to look at the proposals.

Ms. Propp stated that she will work on the narrative for Mr. Hazlett.

Mr. Bodelson recommended sending the Governor's office the same package that was sent to them last year, with a few minor changes.

Mr. Dworak stated that if there are no changes to the resolution, it is still a formal document. Having a new one could be helpful in terms of saying that the resolution has passed two years in a row by the Board.

Ms. Propp stated that the resolution is in the packet under C. 1.

Mr. Adams recommended re-ratifying the resolution.

Mr. Bodelson motioned to re-ratify the existing resolution for modifications to the statute and to recognize new changes to the Architectural Act.

Motion: to re-ratify the existing resolution for modifications to the statute and to recognize new changes to the Architectural Act.

By: Michael Bodelson
Second: Geoffrey Adams
Board Vote: Passed unanimously

Ms. Propp recommended noting that the Chair name has changed.

Mr. Dworak stated that date would be modified also.

2. Proposed Changes to NMAC 16.30.1 through 16.30.6

Ms. Propp stated that in recent discussions with Mr. Dworak, he had some reservations about some of the wording in the rules. She supported him in making more changes to the wording before the Board proceeds towards a rule hearing.

Mr. Dworak clarified that since the last Board meeting, the proposed changes were not followed up by both parties because of miscommunication. He recommended meeting with the Rules and Regulation Committee to discuss these issues. He made abbreviated track
changes to the proposal. Mr. Dworak suggested that if the Board was going to open up parts to the section of the rules, he noticed that there are discrepancies in other areas. In addition, he stated that he and Ms. Propp have worked out language for the renewal language and changed it to "bi-annually based on even and odd number birth years." He will send all the recommended changes to the Rules and Regulations Committee electronically.

Mr. Vigil agreed to clear up any ambiguous language to the rules. The Rules and Regulations Committee should meet with Mr. Dworak to work on clarifying the language to the rules and to be prepared to have those changes in final format, by the next Board meeting.

Ms. Propp stated that she will forward Mr. Dworak’s recommendations to the Rules and Regulations committee. She will also set up a teleconference meeting with this group.

Mr. Dworak stated that there has been confusion as to what was voted on at the last Board meeting. He understood that the Board tentatively voted to send the proposals to rule hearing, dependent upon one final approval for the renewal language. He suggested voting on it today and then tabling the approval of the proposed changes for the next Board meeting.

Mr. Bodelson made a motion for the Rules and Regulations Committee to conduct one last review and to table the changes to NMAC 16.30.1 though 16.30.6 until the February 4, 2016 Board meeting.

**Motion:** for the Rules and Regulations Committee to conduct one last review and to table the changes to NMAC 16.30.1 though 16.30.6 until the February 4, 2016 Board meeting.

**By:** Michael Bodelson  
**Second:** Geoff Adams  
**Board votes:** Passed unanimously

### 3. Special Appropriation Requests

Ms. Propp stated that she missed the deadline for the submittal of the special appropriation request. She spoke to the Deputy Secretary of the Budget Division at the Department of Finance and Administration and he gave an allowance to at least consider the request. She recommended that the Board approve the special appropriation request today. This item was tabled at the October 23, 2015, meeting.

Mr. Bodelson discussed the budget items:  
**Item 1-PSA Contract** for $100,000 to be set aside to contract with a company to help the Board with public outreach. It includes: advertising, radio spots, print materials, website advertising and any other media pertaining to health, safety and welfare. This is for engaging and
educating the public. The Board will need someone to hire someone to organize, produce and execute the materials for the Board.

Mr. Vigil added that North Carolina has sent out a nice document for public awareness and outreach. It is a good example for the Board to use.

Ms. Propp stated that she will forward the North Carolina publication to all the Board members. She pointed out that in the statute, the Board is required to produce a document and the agency has produced a publication on a regular basis.

Item 2-Three-year legal pilot $120,000 to be set aside to contract out legal services;

Item 3-Video teleconference $15,000 to be set aside in order to facilitate distance meetings;

Item 4-Continuing Education Ethicist $30,000 to be set aside to contract with a consultant in order to give a presentation on ethics for continuing education. He added that there was an individual who spoke at one of the NCARB meetings and perhaps this person could assist in this project;

Item 5-Welfare Impact Video $30,000 to be set aside for video production dealing with health, safety and welfare issues. This could be distributed out to various agencies and also it could be added on the website;

Item 6-Middle School Education $20,000 to be set aside for a grant program, specifically for middle school education on architectural professions;

Mark Glenn joins the meeting by teleconference around 10:30 a.m

Ms. Propp added that just this past week, educational media has stated that attracting middle grade students is the best way to start a track for them, capturing their imagination towards a STE(A)M, including architecture. This could be another video.

Mr. Bodelson stated that all the items are still being developed. This request is to get them into the budget. Once they are in the budget, then the Board can begin to develop financial plans for expenditures. If the Board does not expend the full amount, then the money will revert back into the fund. Mr. Bodelson made a motion to approve the Special Appropriation Request, as indicated in Items 1-6.

Motion: to approve the Special Appropriation Requests, as indicated in Items 1-6.
By: Michael Bodelson
Second: Geoff Adams
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Board votes: Passed unanimously

4. Changes to NCARB’s Educational Standards

Ms. Propp stated that this document was also in the October 23, 2015, meeting booklet. She has not received any comments from any Board members yet. The deadline for comments is January 12, 2016. If there are no comments, then the perception is that the Board is neutral on NCARB’s modifications.

Mr. Adams stated that he will review the information and may submit comments.

Mr. Bodelson stated that anything in the modifications that emphasizes accredited schools is a positive move.

Mr. Vigil stated that the Board will defer to Mr. Adams to give feedback. The Board will recommend what Mr. Adams suggests on behalf of the Board. Mr. Vigil asked the Board to send comments to Ms. Propp by the deadline.

D. NEW BUSINESS

1. Reciprocity, Reinstatement and Exam Applicants

RECOMMENDED APPLICANTS FOR REGISTRATION BY RECIPROCITY

**Committee Review October 23, 2015**

<table>
<thead>
<tr>
<th>Banik, Rafal</th>
<th>Blissett, James</th>
<th>Kern, Brian</th>
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<tr>
<td>Oak Lawn, IL</td>
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<td>Mahler, Stephen P.</td>
<td>O'Hay, Daniel T.</td>
<td>Reed, Jeffrey</td>
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<td>Lubbock, TX</td>
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<td>Remy, William</td>
<td>Terry, Harold</td>
<td>Whitney, Douglas</td>
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<td>Oklahoma City, OK</td>
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<td>Bradenton, FL</td>
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**Committee Review November 20, 2015**

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<tr>
<th>Cavell, Becca</th>
<th>Hall, Richard</th>
<th>Linn, Jason</th>
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<td>Portland, OR</td>
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<td>Green Bay, WI</td>
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APPLICANTS FOR REGISTRATION BY EXAMINATION
RECOMMENDED FOR LICENSURE PENDING COMPLETION OF THE A.R.E

Shantarahil, Thomas                Aragon, Fernando                Jenski, Wayne Anthony
Albuquerque, NM                    Albuquerque, NM                 Santa Fe, NM

Vigil, Antonio
Albuquerque, NM

Mr. Adams read 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: Geoff Adams
Second: Michael Bodelson
Board votes: passed unanimously

Mr. Adams read the names of the applicants for Registration by Examination, as listed in the above report.

Motion: to accept the applicants for Registration by Examination, pending completion of the ARE, as listed in the above report.
By: Geoff Adams
Second: Michael Bodelson
Board votes: passed unanimously

Mr. Vigil thanked the Exam and Reciprocity committee for all the hard work they have put into this process.

2. Registration/Application Quarterly Report

Ms. Holmes stated that the number of active registrants is 2,295. The number of in-state registrants is 717 and the number of out-of-state registrants is 1,578. The number of reciprocity applicants pending is five. The number of new registrants since October 23, 2015, is 13.

Ms Propp announced that the numbers reflect an all time high and it speaks to a better economy.

3. Disciplinary Matters

Mr. Bodelson stated that the items on the agenda are settlement agreements and he suggested taking these items into Executive Session.
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Mr. Dworak stated that on item d. Complaint No.2012_08, Mr. Spurlock went to the Supreme Court and they denied the petition for writ of certiorari. That was his final chance of appeal. By denying that, they upheld the District Court and the Board’s order.

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

Mr. Bodelson moved that the Board enter into closed Executive Session to deliberate over disciplinary matters, as listed on the agenda.

Motion: to move into closed Executive Session to deliberate over disciplinary matters, as listed on the agenda.
By: Michael Bodelson
Second: Geoffrey Adams
Board votes: passed unanimously

Roll call was taken. There was a quorum. Executive session begins at 10:45 a.m. Recorder off.

Mr. Vigil announced that the Board is back in open session. The time is 11:03 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.

a. NMBEA 2014_05 Settlement Agreement

Mr. Bodelson made a motion to accept NMBEA 2014_05 settlement agreement for the unlicensed individual indicating that they were practicing architecture.

Motion: to accept NMBEA 2014_05 settlement agreement for the unlicensed individual indicating that they were practicing architecture.
By: Michael Bodelson
Second: Geoff Adams
Board votes: passed unanimously

b. and c. NMBEA 2014_06 and 2014_07 Settlement Agreement

Mr. Bodelson stated that these are “mirror” agreements, where two individuals were practicing in the same firm. He made a motion to accept NMBEA 2014_06 and NMBEA 2014_07 settlement agreement with additional conditions, those being that one individual must surrender his current license and the other individual cannot apply for licensure in the state of New Mexico, in the future.
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Mr. Bodelson added that the settlement must include the statement that if it is negotiated between both attorneys, it needed to be reviewed by the Board’s attorney, Mr. Dworak, prior to signature by the Chair.

Mr. Dworak clarified that this was not voting on the current settlement agreement, this was to reject the settlement agreement and suggesting that additional terms be added. It is a hybrid determination because if the settlement agreement is renegotiated and additional terms come up, the Board may have to revisit it and conduct a new Board vote.

Mr. Bodelson re-stated the motion to reject NMBEA 2014_06 and NMBEA 2014_07 settlement agreement and offer a counter settlement that includes the conditions of the current settlement agreement plus those just stated above and include the review of the attorney.

Motion: to reject NMBEA 2014_06 and NMBEA 2014_07 settlement agreement and offer a counter settlement that includes the conditions of the current settlement agreement plus those just stated above and includes the review of the attorney.

By: Michael Bodelson
Second: Geoff Adams
Board votes: Mr. Vigil and Mr. Bodelson recused.

d. NMBEA 2012_08 Recent Court Action

This report was given by Mr. Dworak at beginning of agenda item 3. Disciplinary Matters.

E. REPORTS

1. Chairman

Mr. Vigil stated that in discussions regarding the possibility of the agency relocating, he has looked at some good options. By the next meeting, Ms. Propp could be available to look at those sites and then give that information to the Board. Construction Industries Division at the Toney Anaya Building had reached out to Ms. Propp in the past. Mr. Vigil has viewed the space. The only issue is that the agency does not want to lose any self-identity and does not want to be absorbed into another department. Mr. Vigil stated that at first, he was not enthusiastic about moving the agency but with issues in funding and with the attempt to pay staff, it could be a healthy move. In addition, as reported earlier, Mr. Vigil has successfully contacted the appropriate individuals for the upcoming legislative process.

2. Secretary/Treasurer

There is no report, as Tara Rothwell Clark had to leave the meeting.
a. Current Budget Status Report

Ms. Propp stated that the agency is on track with spending. There was a recent approval of both BARs where $3,000 was transferred from contracts to personnel and $18,500 was transferred into personnel. She stated that she is now able to fund personnel changes for this year. She has also applied for a deficit request for personnel services because the retirement fund was incorrect, lacking about $9,000. She hoped that this issue would be addressed by the Legislature as well. In regards to the Special Appropriations request, this is on top of the deficit that the agency needed from the Legislature.

3. Director

a. Renewal Report

Ms. Propp stated that renewals have started out very robust and there are about 300 renewals in the pipeline and 178 have been completed so far. She thanked Michele Barela for the surplus project and stated that no other staff in the past has been able to complete this huge project.

4. Rules and Regulations Committee

As mentioned earlier, Mr. Bodelson stated that the committee has discussed the changes to the Architectural Act and the rule changes. He requested that Mr. Dworak send his recommended rule changes electronically, as the committee is used to working in that manner. There can also be a teleconference if they need it.

5. Finance and Operations Committee

There is no report, as Tara Rothwell Clark had to leave the meeting.

6. Joint Practices Committee

Mr. Vigil stated that the committee has not been able to meet. The next meeting will be after the new year but it has not been scheduled. George Maldonado, director of the Landscape Architects Board has been notified of the meetings but has been unable to attend. Mr. Vigil may make a personal call to try to develop a meeting in the future. Mr. Vigil stated that he is concerned that annually, the head of the committee changes and next year, it is the Landscape Architects' Board turn. The database will assist to track progress for committee items but will the next agency continue to be as diligent? He would like to look at the rules and see if there is possibility for a two-year cycle, in order to have stability.
Ms. Propp suggested having the Landscape Architects' Board defer to the Engineers/Surveyors Board to head up the committee for one year, if they cannot commit. She also suggested having the database mobile and to have another agency that is responsible, like the Engineers/Surveyors Board, take it over. The Engineers/Surveyors Board seems to be enthusiastic and they understand the need to have a continuous record.

In addition, Mr. Adams would like to make the Board aware of an issue. He stated that Roger Schluntz, former Dean of the School of Architecture at the University of New Mexico has asked him to attend a meeting on Tuesday, December 8, 2015. This meeting is with the Facilities Planning Department, regarding a policy for qualification based selection for architects, where they are asking architects to submit prices. It is 10 percent of their grading, in terms of selection.

Mr. Vigil stated that this issue is a big part of what the Board has been working toward. It is similar to the issue with the State Use Act and how they do procurement and the loopholes methods that allow someone to be selected, who may not be qualified.

Mr. Bodelson commented that once you start putting prices on criteria, quality is impacted. Quality impacts health, safety and welfare and that should be emphasized.

Mr. Vigil continued by stating that the Board’s position is that they strongly support a qualification based process and anything that would hinder or affect that, is not supported. Even though the University of New Mexico is “home rule,” a lot of times they will refer to the state procurement code and other times, they defend the "home rule" law. The procurement code is law and architects look to this when these issues come up. It is a process created for protection of the health, safety and welfare of the public.

Ms. Propp added that about four or five years ago, the Joint Practices Committee made a stand on the fact that home-rule entities should recognize qualification-based selection.

F. BOARD COMMENTS/ANNOUNCEMENTS

There were no Board comments.

G. ADJOURN

Mr. Vigil adjourned the meeting at 11:30 a.m.

Whereupon the regular open meeting of the New Mexico Board of Examiners for Architects adjourned by Mr. Vigil at the approximate hour of 11.30 a.m.
NEW MEXICO BEA DRAFT December 4, 2015

Respectfully submitted,

Mr. Raymond Vigil, Chair

Ms. Tara Rothwell-Clark, Secretary/Treasurer

[Signature]

Date: 1/8/16

[Signature]

Date: 1/3/16