New Mexico Board of Examiners for Architects

Draft Minutes of Board Meeting

December 2, 2016

Santa Fe, New Mexico

Board Members Present
Raymond Vigil, Chair
Tara Rothwell, Vice Chair
Geoffrey Adams, Secretary-Treasurer
Robert Calvani, Architect Member
Jim Oschwald, Architect Member
Mark Glenn, J.D., Public Member

By teleconference:
Michael Bodelson, Architect Member

Staff Present
Melanie Gonzales, Director
Jackie Holmes, Compliance Officer / Investigator
Patricia Wolff, Compliance and Records Clerk

Others Present
Joseph Dworak, Assistant Attorney General
A. OPENING/ROLL CALL

Mr. Vigil called the meeting to order at 10:15 a.m. Roll was taken and all board members were in attendance. Michael Bodelson attended telephonically. Those present then stood for the Pledge of Allegiance.

Mr. Vigil asked for approval of the meeting agenda. Mr. Adams proposed moving new business agenda item B-2 ahead of item B-1. Ms. Rothwell said she would second that amendment.

**Motion: to approve the agenda as amended**
**By:** Jim Oschwald
**Second:** Geoffrey Adams
**Board vote:** Passed unanimously

Mr. Vigil welcomed Joseph Dworak from the Attorney General’s Office to the meeting. There were no other members of the public present. Mr. Dworak said the AG’s office is currently understaffed but new attorneys will be joining his division after the first of the year. If he is not re-assigned to continue assisting the Board of Examiners for Architects, he said he will help to smooth the transition for the new attorney.

Next on the agenda was approval of the October 21 board meeting minutes. No revisions or corrections were offered.

**Motion: to approve the October 21 board meeting minutes as presented**
**By:** Jim Oschwald
**Second:** Geoffrey Adams
**Board vote:** Passed unanimously

There were no public comments.

B. NEW BUSINESS

Mr. Adams reported that he and Mr. Oschwald and Ms. Rothwell met telephonically last week to discuss the strategy for going forward with the proposed broadly experienced architect plan for reciprocal licensure in New Mexico. He thanked Ms.
Rothwell for updating the application form. Board members then discussed the proposal at length.

The New Mexico broadly experienced architect licensing option will be open to licensed architects in the United States and Canada who seek reciprocity in our state. It will make registration possible for those who do not currently qualify because they are not members of NCARB or because they did not graduate from a program that was accredited by the National Architectural Accrediting Board (NAAB).

Applicants will need to meet educational and training criteria and show at least three design construction document sets generated under their direct supervision in the state they are licensed in. All documents must bear their seal and dates. They will also need to sign an affidavit stating that they are not under disciplinary proceedings or actions in any other jurisdiction and that they have never been convicted of a felony. Applicants must pay a $1,000 fee, be approved by the Examination and Reciprocity Committee, and then be interviewed by three NMBEA board members.

Some board members expressed concern that the new pathway would be too restrictive for some architects who would like to be licensed in New Mexico.

Ms. Rothwell agreed to prepare an application cover letter and checklist so applicants will know what is required of them for approval. Mr. Bodelson suggested that we put out the word about the new plan by contacting AIA and advertise it on the board’s website.

**Motion:** to approve the New Mexico broadly experienced architect licensing plan, based on documents presented, plus the cover letter and checklist that Ms. Rothwell will prepare, and offer this plan from January 1 to December 31, 2017.

**By:** Geoff Adams

**Second:** Jim Oschwald

**Board vote:** Passed unanimously

Proposed changes to the New Mexico Architectural Act were discussed. Mr. Vigil referred board members to a printout in their binders for the latest proposed revisions. The updated Architectural Act needs to be approved in the upcoming legislative session, he said, as the board is now in its sunset year. Mr. Vigil said the idea of adding another public member to the board was not favored by the Governor’s office, due to the difficulty of finding suitable members of the public to serve on regulatory boards.
Other proposed changes are still under review by the Governor’s office staff. Key proposed changes include the following:

- The board may impose a civil penalty of up to $7500 on an individual who engages in the practice of architecture without having a valid license.
- Confidential data, communications, and information acquired by the board relating to actual or potential disciplinary actions may be disclosed when “necessary to carry out the board’s purposes or in a judicial appeal from the board’s actions.”
- In a business entity primarily offering architectural services, one or more of the owners shall be a registered architect under the Architectural Act and shall hold a majority owner’s interest in the business entity.

Board members discussed background material that will be needed to document the need for proposed statutory changes. Mr. Vigil said a packet of such material will be prepared for legislators.

**Motion:** to accept the draft of changes to the Architectural Act as presented today.
*By:* Tara Rothwell
*Second:* Michael Bodelson
*Board vote:* unanimously passed

Mr. Adams left the meeting. Mr. Vigil said he would entertain a motion to go into closed executive session to discuss personnel matters. The time was 11:30 a.m.

**Motion:** to go into executive session to discuss personnel matters related to the Director position
*By:* Tara Rothwell
*Second:* Jim Oschwald
*Board vote:* passed unanimously on a roll call vote.

The board reconvened in open session at 11:42 a.m. Mr. Vigil said the board was ready to take action on what was discussed in the closed session.

**Motion:** to proceed with offering Melarie Gonzales the position of NMBEA Director as approved by the Governor’s office.
*By:* Tara Rothwell
*Second:* Michael Bodelson
*Board vote:* passed unanimously
Mr. Oschwald said he wanted to take this opportunity to thank Ms. Gonzales for all the good work she was done to date. He said it was wonderful that she stepped up in adverse circumstances and has done a fabulous job of keeping the board afloat and moving forward. Ms. Gonzales thanked the board.

C. REPORTS

1. **Chairman:** Mr. Vigil reported on the October NCARB meeting that he and Ms. Gonzales attended in Ohio. He also thanked fellow board members for all the work they did in 2016 and asked for their help in the upcoming legislative session. Mr. Vigil said he will be working with Sen. Mary Kay Papen and Mr. Calvani will be working with Rep. Larry Larañaga to push for passage of the bill. Mr. Bodelson said he has experience lobbying the legislature and will help as needed. Mr. Vigil said he will rely on Ms. Gonzales to track our bill and keep the board informed of its status. Mr. Vigil said there may be a need for changes to the proposed statute language, depending on recommendations of the governor and legislature. After the session ends, Mr. Vigil said his focus will shift to getting online payments accepted on the NMBEA website.

2. **Secretary-Treasurer:** There was nothing to report at this time.

3. **Director:** Ms. Gonzales reported that the NMBEA audit was completed with no findings and referred board members to the CPA’s report in their binders. She also made reference to the new Handbook for New Mexico building officials, which was published on behalf of the Joint Practice Committee. Ms. Gonzales invited board members to look at several pieces of donated art on display in an adjacent conference room so they could decide which pieces to keep and which to dispose of. The posters and paintings are not fixed assets and have little monetary value, Ms. Gonzales said, but the proper state authorities will be notified of disposition plans.

Ms. Gonzales reported that Ms. Holmes found a vendor who can add NMBEA’s name to signs in the Toney Anaya building. In addition, Ms. Gonzales said Contract Associates quoted a price of $33,000 to enclose four office cubicles up to the ceilings to help minimize noise emanating from the CID lobby area. Due to the high estimated cost, the project was nixed. IT work is proceeding to make our website viewable on mobile phones and tablets, she said, and the addition of an online payment system will be a priority in the coming year.
4. **Exam and Reciprocity Committee:** Ms. Rothwell said the Examination and Reciprocity Committee met telephonically and reviewed the qualifications of applicants for New Mexico architectural registration.

**Motion:** to move for board approval of the recommended applicants for New Mexico architectural registration by reciprocity as listed in the following report: Jeff Balliew, Gerald Allen Burns, W. Scott Clark, Carey Dodson, Ralph Gillis, Andrew Ollree, John Schneider, Alan Adler, Brent Allred, Peter Baer, Burak Bekat, Nicholas Ehret, Todd Kim Enoki, Ted Kollaja, Mark Pelletier, Michael Sjoholm, and William Worthington.

**By:** Tara Rothwell  
**Second:** Jim Oschwald  
**Board Vote:** Passed unanimously

**Motion:** to move for board approval of the qualifications for registration of the recommended examination applicant for New Mexico architectural registration as listed in the following report: Gregory Everett, Albuquerque, NM.

**By:** Tara Rothwell  
**Second:** Jim Oschwald  
**Board vote:** Passed unanimously

**Registrant / Application Report:** Ms. Holmes reported that the current number of active registrants is 2,139. The number of in-state registrants is 684, while the number of out-of-state registrants is 1,455. She said the number of reciprocity applicants pending is five and the number of new registrations for this period is 19, two of which result from examination and 17 from reciprocity. Ms. Holmes said there were no exam candidates who passed the A.R.E. between October 20, 2016 and December 1, 2016. Ms. Holmes added that she was notified just before the meeting that two candidates—a husband and wife—passed all divisions of the A.R.E. They will be included in the report at the next meeting.

5. **Finance and Operations Committee:** Ms. Gonzales reported that in the 200 personal services category, $70,782.67 has been spent to date, leaving a balance of $201,817.33. In the 300 contractual services category, $8,524.57 has been spent to date, leaving a balance of $4,575.43. In the 400 other category, $4,761 has been spent to date, leaving a balance of $52,017.50. During this fiscal year, an agency total of $1,4,068.24 has been expended, leaving a budget balance of $273,631.76.
Mr. Vigil said our expenditures are right on target. Ms. Gonzales said as soon as her new title as Director is official, she will advertise for a budget analyst.

6. **Planning and Development Committee**: Ms. Rothwell said the committee met via teleconference and talked about the push to get through the sunset hearing and statute changes and all the other projects they want to move forward on. Projects being looked at include activating an online payment system and adding video content to the website.

7. **Rules and Regulations Committee**: Mr. Calvani said everything is going well with the Rules and Regulations Committee and with the Enforcement Sub-committee. Ms. Holmes said we haven’t received many complaints lately, nor has she found information online or in news media accounts that would indicate violations of law. Ms. Holmes said one complaint relates to a problem that surfaced years ago. Mr. Oswick said we need to ensure that engineering firms that practice in New Mexico have a licensed architect in responsible charge and an affidavit from that person on file in our office. Mr. Calvani said there is also a need to take a close look at large firms where an architect claims to have responsible charge of numerous major projects at once, something we know is not possible.

Ms. Holmes brought up the case of an approved settlement agreement in which the respondent was ordered to pay a $1,000 fine. The fine should have been paid by November 22, 2016 but has not yet been received. Ms. Holmes said she contacted the respondent’s attorney to inquire about the payment. Mr. Dworak of the Attorney General’s Office suggested sending a formal delinquency notice warning that if the fine is not paid, an action will be filed to enforce the board’s order in court. Ms. Holmes said she would forward the email exchange to Mr. Dworak if we don’t hear from the attorney by the end of next week.

Ms. Rothwell suggested that we communicate by letter or email to follow up with large firms and make sure they are aware of the law regarding business ownership. Mr. Vigil said the requirements should be boldly stated on the website so businesses clearly understand what is required.

8. **Joint Practice Committee**: Mr. Vigil said the committee still has not yet met this year, despite his prodding.

Mr. Dworak left the meeting

---

12.2.16 Board Meeting Minutes
Page 7
D. BOARD COMMENTS / ANNOUNCEMENT

Mr. Calvani brought up the issue of student observers. He also said he wanted to meet with someone from the Governor’s office regarding attendance at national meetings. Mr. Calvani then asked how our licensing fees compare to the fees imposed in other jurisdictions. Ms. Gonzales said our fees are lower than Texas and Colorado is much lower. Other states’ fee schedules can be found on the NCARB website. Mr. Vigil suggested looking at fees when we do our budget for the next fiscal year.

E. ADJOURNMENT

Motion: to adjourn the meeting
By: Jim Oschwald
Second: Mark Glenn
Board vote: Passed unanimously

The meeting was adjourned at 12:35 p.m.

Respectfully submitted:

Raymond Vigil, Chair

Geoffrey Adams, Secretary-Treasurer

Date

Date