New Mexico Board of Examiners for Architects

Minutes of Board Meeting
February 3, 2017
Santa Fe, New Mexico

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

Not Present:
Geoffrey Adams, Secretary-Treasurer

Staff Present:
Melanie Gonzales, Executive Director
Jackie Holmes, Investigator
Patricia Wolff, Compliance and Records Clerk

Others Present:
Joseph Dworak, Assistant Attorney General

A. OPENING

Mr. Vigil called the meeting to order at 10:05 a.m. Roll call was taken and a quorum was determined to be present. All board members were in attendance except for Mr. Adams. Those present then stood for the Pledge of Allegiance.

Mr. Vigil asked for approval of the meeting agenda. Mr. Oschwald moved for approval and Ms. Rothwell seconded the motion. Mr. Bodelson offered an amendment to hear public comments after the discussion on the proposed broadly experienced architect pathway.

**Motion:** To approve the meeting agenda as amended.

**By:** Jim Oschwald

**Second:** Tara Rothwell

**Board vote:** Passed unanimously

Mr. Vigil then welcomed public guests and thanked them for attending the meeting. The guests introduced themselves as follows: Marie Shaver Holloway, AIA NM; James Satzinger, AIA NM; Jennifer Penner, AIA NM; Bryan Phillips, AIA member formerly of Virginia; John Padilla, AIA Santa Fe; Miguel da Silva, AIA Santa Fe; Conrad Skinner, AIA Santa Fe; and Barbara Felix, AIA NM President.

Mr. Vigil asked for approval of the December 2, 2016 board meeting minutes. No changes to the minutes were requested.

**Motion:** To approve the December 2, 2016 board meeting minutes as presented.

**By:** Jim Oschwald

**Second:** Mark Glenn

**Board vote:** Passed unanimously

B. NEW BUSINESS

1. **Update on Processes for NMBEA Broadly Experienced Architect Pathway:**

Ms. Rothwell reported on the status of the Broadly Experienced Architect (BEA) licensing pathway proposal. Mr. Vigil said the groundwork for the BEA was established at the August 2016 rules hearing and has been under development since then. Ms. Rothwell noted that the National Council of Architectural Registration Boards (NCARB) is also rolling out an alternative licensing plan this year for architects who do not hold a degree accredited by the National Architectural Accrediting Board (NAAB).
Ms. Rothwell said new requirements, procedures, and forms for BEA applicants are ready for the board to consider. She stressed that the committee wanted to be as inclusive as possible to help architects living in New Mexico or working in New Mexico get licensed. The deadline for applicants interested in this option is December 31, 2017.

Under the proposal, applicants may either submit three sets of construction documents for three separate projects that were generated under their direct supervision or they can submit three sets that were worked on while under the direct supervision of an architect of record. Each drawing set must be accompanied by an affidavit signed by the architect of record. Ms. Rothwell then read aloud an explanatory letter that will be posted on the NMBEA website.

Mr. Oschwald reviewed the flowchart that further explains the processes involved in BEA licensure. The basic steps include:

- Obtain application materials from NMBEA
- Submit application, $1,000 fee, and related documents to NMBEA
- Examination & Reciprocity Committee reviews application & related documents
- E & R Committee makes a decision to accept or reject the application
- Applicant is informed of committee’s decision
- Interview before 3 NMBEA board members
- Interview committee recommends candidate for licensure to the board
- Board ratifies recommendation for New Mexico registration.

Mr. Oschwald also discussed the NCARB alternative licensing program and said the NCARB alternative may be more attractive to some applicants because an NCARB certificate would allow them more mobility and the option to apply for reciprocity in other states as well as in New Mexico.

Mr. Glenn asked if a licensed architect approved under this process would apply for renewal of his or her license in the regular way. Mr. Oschwald answered yes and stressed that it would be important to keep that license intact every year as reinstatement after a lapse may not be permitted by future boards.

Mr. Vigil said he appreciated the work of staff and committee members. Upon hearing no other questions or comments from staff or board members, comments from the public were invited.

Mr. Satzinger said members were disappointed with the initial proposal for BEA licensing and added that members should have attended the board’s meetings in October and December to 

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voice their concerns. AIA has long advocated for a way to help New Mexico resident architects and senior design professionals qualify for licensure in the state, he said.

Mr. Vigil assured Mr. Satzinger that he too has been a strong advocate for those who seek an alternative licensing option. He added that he also has to make sure that changes to licensing requirements do not dilute national standards. Mr. Vigil confirmed that applicants will have the option of submitting three sets of construction documents for three separate projects they worked on, but did not seal, provided the work was done under the direct supervision of a licensed architect of record.

Ms. Felix recommended that the last item in the checklist define the architect of record as “a licensed architect from New Mexico or another state” instead of as “a licensed New Mexico architect.” She also said the $1,000 application fee was too high and should be reduced. In addition, Ms. Felix offered assistance from AIA members in reviewing applicants’ work if that would help reduce the burden on board members.

Mr. Oschwald said the board needs to be cautious about opening the door to out-of-state applicants who see an opportunity to get licensed here that they otherwise would not have. However, Mr. Oschwald also said the board should discuss and consider allowing applicants to submit construction documents done by them from another state and have an out-of-state architect vouch for them through an affidavit.

Ms. Rothwell said the intent of the proposal was to avoid issues involving improper vetting. If the architect vouching for the applicant is licensed in New Mexico, the board would have more control over the vetting process, she said. Mr. Calvani said it was his understanding that the plan was being offered to help a population of architects in New Mexico get licensed here.

Ms. Felix agreed that the BEA plan should be geared toward getting residents licensed and said she didn’t think people would be flying into New Mexico to get licensed because of the $1,000 fee and short time period.

Mr. Phillips, an architect who moved to New Mexico in mid-life, said he has always worked for big firms and has never stamped a drawing but has served as senior project architect on courthouses, hospitals, and a large federal office building. He said he would not qualify for licensure under the proposed BEA pathway if the vouching architect of record had to be licensed in New Mexico.

Mr. Satzinger said New Mexico residents should be permitted to present sealed documents that they worked on in their state of licensure or in the state of New Mexico.

Mr. Bodelson recommended that applicants be residents of New Mexico for at least two years.
Mr. Padilla added his support to the idea of a residency requirement. He also asked how the fee amount was determined. Mr. Vigil responded that the fee set 11 years ago for a similar BEA option was $500 and it is unknown how that fee was established. He said the new licensing plan will require more travel and meetings for board members. Ms. Gonzales said the usual meeting travel cost per board member is around $120 but Ms. Rothwell’s costs are greater because she lives in Las Cruces. Mr. Oschwald said board members will need to meet two or three times to review and approve each candidate’s application and construction documents.

Mr. Bodelson asked how much the board’s total travel budget is. Ms. Gonzales said $5,267 has been expended as of December, 2016 and the total for FY17 is $8,000.

Mr. Vigil suggested an AIA scholarship for applicants unable to afford the fee.

Ms. Felix suggested digitizing stamped document sets to reduce the need for physical meetings.

Ms. Rothwell said several people she’s spoken to will be submitting rolled “old-school” construction documents that may be expensive to digitize. Mr. Oschwald said based on his experience, it will be burdensome to require applicants to provide digital copies of construction drawings. It is fine if they want to bring digital copies, he added.

Ms. Gonzales reminded board members that this year will be a licensing renewal year so administrative work will be doubled. Also, the application form must be notarized and mailed in or hand-delivered along with checks.

Mr. Bodelson asked how fees generated from BEA licensing will be used. Ms. Gonzales said it is yet to be determined as our budget may be affected by what happens during the legislative session. Also, she said there is a possibility that funds may be swept out of the NMBEA account if the fund balance gets too high.

Mr. Calvani recalled the long meetings related to BEA licensing in 2006 and said the $1000 fee is reasonable.

Mr. Padilla asked what happens if an applicant applies in late December. Ms. Rothwell said if the application is received by 11:59 p.m. on December 31, 2017 it will be processed.

Mr. Padilla stated that a resident seeking licensing should be willing to travel to wherever the board is meeting. He said he supported Ms. Felix’s idea to use AIA architects to help with the review process and offered the assistance of AIA Santa Fe. He also expressed support for electronically submitted drawings.

Ms. Gonzales said the notarized application, affidavit, and check still have to be mailed in, even if the drawings were sent electronically.
Ms. Rothwell said it is the committee’s intent to present a motion to the board today, based on public comments and the work already done, so an approved package will be ready for implementation by February 10.

Ms. Holloway then stood to address the board. She said she wanted to speak for young architects, all residents of New Mexico, who have been trying to get licensed here but continue to be frustrated. Many are struggling because of the high cost of exams, student loan debts, and poor state economy, she said. She passed around a screenshot from the NCARB website that showed reciprocity fees charged by each state and questioned the New Mexico fee.

Ms. Gonzales clarified that the New Mexico $125 fee shown on the NCARB website is the application fee and that a registration fee is also charged, so the total fee for out-of-state reciprocity applicants is $450. Mr. Vigil explained that the BEA pathway is different from the normal administrative licensing process through NCARB. The $1000 fee is an application fee that covers the vetting, the verifications, interviews, and the reviewing of construction documents.

Mr. Calvani said the board did not want to weaken its vetting process because they are the ones charged with protecting health, safety, and welfare. Mr. Vigil said he understood Ms. Holloway’s concerns.

Mr. Skinner asked how having a degree from a NAAB-accredited school would affect qualifying for the BEA process. Mr. Calvani responded that having a degree from a NAAB-accredited school means you don’t need to go through the BEA process.

Mr. Satzinger said some potential applicants have NAAB-accredited degrees but don’t want to get or never needed an NCARB certificate.

Ms. Penner read a letter thanking the NMBEA for offering “proactive help for the current generation of future architects.”

Ms. Rothwell summarized proposed language changes to the BEA application documents as follows:

- In the letter that will be on the website, strike the words “New Mexico” before licensed architect and add a New Mexico 2-year residency requirement.
- In the checklist, strike the words “New Mexico” before licensed architect and add a New Mexico 2-year residency requirement.
- In the application form, add that electronic submission of construction documents is preferred; strike the words “New Mexico” before licensed architect; and add a
requirement that applicants provide a utility bill or other documentation showing evidence of residency in New Mexico for two years.

Mr. Bodelson said he appreciated that this process will take an inordinate amount of effort and time on behalf of board. He said fees generated from BEA applicants won’t help to defray costs incurred this year, so the fee should be reduced.

Ms. Gonzales stressed that the agency will not make a profit from the $1,000 fee. NMBeA is an enterprise fund, not an umbrella agency. BEA applicants will pay the one-time application fee and when it is renewal time, they will pay $225 as other in-state licensees do.

Mr. Oschwald warned about starting off in a financial hole as the board may decide to expand the BEA alternative in the future. He said he was opposed to reducing the fee.

Mr. Bodelson said the board may be mandated to reduce its budget next year regardless of how much money has been generated or expended or how many people are licensed.

Mr. Glenn asked for clarification about year-end procedures and the statutory requirement to offer an alternative licensing pathway for someone who does not have an NCARB certificate. Mr. Calvani responded that the new NCARB alternative will cover that requirement.

Ms. Rothwell proposed a motion to accept the new BEA pathway and Mr. Bodelson seconded the motion but then requested an opportunity to offer an amendment.

**Motion to amend:** To reduce the application fee from $1,000 to $500.
*By:* Michael Bodelson
*Second:* Mark Glenn

**Board vote:** Amendment failed on a tie vote. Mr. Bodelson, Mr. Glenn, and Mr. Vigil voted in favor of the motion. Mr. Oschwald, Mr. Calvani, and Ms. Rothwell voted against the motion.

**Motion to amend:** To reduce the application fee from $1,000 to $750.
*By:* Michael Bodelson
*Second:* Mark Glenn

**Board vote:** Amendment failed on a 2-4 vote. Mr. Bodelson and Mr. Glenn voted in favor of the motion. Mr. Oschwald, Mr. Calvani, Ms. Rothwell, and Mr. Vigil voted against the motion.

Mr. Calvani reiterated that he would like people to get their NCARB certificate and if the BEA fee is lowered it may nudge people away from going to NCARB. Mr. Vigil said he did not want to delay the process further and urged the board to proceed.
Motion: To accept the new BEA pathway as presented with changes noted based on our discussions today, to begin on February 10, 2017 and be in effect through December 31, 2017.

By: Tara Rothwell

Second: Michael Bodelson

Board vote: Passed unanimously.

Mr. Vigil thanked members of the public for their input. As he was departing, Mr. Satzinger said considering all the time and effort AIA put in and all the work the board has done to get to this final outcome, the money is the least of their concerns. He added that if someone has a problem, assistance can be provided by AIA.

Mr. Vigil called for a short recess at 11:55 a.m. The board went back into session at approximately 12:05 p.m.

Ms. Gonzales reported on the disposition of surplus property now in storage. Planning Committee members were assigned to review the disposition list. After meeting minutes are approved at the next board meeting, the State Auditor’s office will be notified and the disposal of surplus property in storage will proceed.

C. REPORTS

Chairman: Mr. Vigil started by thanking everyone for their hard work and efforts. He reported that the board’s bill has been drafted and reviewed by the governor’s office and is ready to be filed. (The bill has been assigned the following numbers: Senate Bill 327 and House Bill 330.) Mr. Vigil called on his fellow board members to assist him during the session and help represent the board at legislative hearings. Mr. Vigil also discussed HB 295, a bill that would change the composition of the NMBEA board by requiring that two of seven board members be members of the public.

Mr. Vigil said New Mexico will be represented at the NCARB regional meeting in New Jersey by Mr. Bodelson, Mr. Glenn, and Ms. Rothwell. It was recommended that Ms. Gonzales also attend the meeting, if possible.

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

Director: Ms. Gonzales said NMBEA is not on the list of agencies being told to cut their budgets by 1%. She also reported that the State Personnel Office has approved her request to hire a Business Operations Specialist. The job opening will soon be posted. Finally, Ms. Gonzales discussed security requirements for agencies seeking to establish online payment systems.
Exam and Reciprocity Committee:

Reciprocity, Reinstatement, and Exam Applicants: Ms. Rothwell reported that the Examination and Reciprocity Committee reviewed the qualifications of applicants for New Mexico architectural registration.

Motion: to move for board approval of the following recommended applicants for New Mexico architectural registration by reciprocity: Larry S. Cash, Seth Cavin, Stephen Reus, Timothy J. Rugg, Brian Fabo, Thomas Davis, Lance Meinhold, and J. Michael Perry.

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

Motion: to move for board approval of the following recommended examination applicants for New Mexico architectural registration: Alexa Jean Murphy, Patrick Daniel Murphy, and Kerl Stevenson.

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

It was noted that David Allen Edwards of Cedar Crest, NM was also licensed since the last board meeting.

Registrant / Application Quarterly Report: According to a report prepared by Ms. Holmes, the current number of active registrants is 2,151. The number of in-state registrants is 688 while the number of out-of-state registrants is 1,463.

Finance and Operations Committee: Ms. Gonzales reported on the status of the budget for the period ending 2/28/2017. In the 200 personal services category, $113,451.34 has been expended to date leaving a balance of $159,148.66.

In the 300 contractual services category, $8,524.57 has been expended to date leaving a balance of $4,575.43. In the 400 other category, $42,561.24 has been expended to date leaving a balance of $59,438.76.

Planning and Development Committee: Ms. Rothwell said the committee’s focus is on getting online payments accepted and that Ms. Gonzales is doing a good job pursuing this objective.
Rules and Regulations Committee: Mr. Calvani and Mr. Dworak discussed the use of “cease and desist” letters as an enforcement tool. Mr. Calvani asked about the status of cleaning up the matrix. Ms. Holmes said she is working on it.

D. JOINT PRACTICE COMMITTEE: Mr. Vigil said there was nothing to report.

E. BOARD COMMENTS / ANNOUNCEMENTS: Ms. Rothwell thanked Mr. Vigil for all his contributions and good work.

F. ADJOURNMENT:
   **Motion:** To adjourn the meeting.
   **By:** Michael Bcdelson
   **Second:** Jim Oschwald
   **Board vote:** Passed unanimously

The regular open meeting of the New Mexico Board of Examiners for Architects was adjourned by Mr. Vigil at 1:20 p.m.

Respectfully submitted:

[Signature]
Mr. Raymond Vigil, Chair

[Signature]
Geoffrey Adams, Secretary-Treasurer

4/28/17
Date

4/28/17
Date