New Mexico Board of Examiners for Architects

Minutes of Board Meeting
February 02, 2018
Santa Fe, New Mexico

Board Members Present
Raymond Vigil, Chair
Michael Bodelson, Secretary/Treasurer
Mark Glenn, J.D., Public Member
Jim Oschwald, Architect Member
Robert Calvani, Architect Member

Board Members Absent
Tara Rothwell, Vice Chair
Geoffrey Adams, Architect Member

Staff Present
Melanie Gonzales, Executive Director
Jackie Holmes, Compliance Officer/Investigator
Alicia Galvan, Board Administrator

Others Present
John Padilla, AIA
A. OPENING

1. Mr. Vigil called the meeting to order at 10:04 a.m. Roll call was taken and a quorum was determined to be present. Board member Geoffrey Adams and Vice-Chair Tara Rothwell were absent.

2. All present stood for the Pledge of Allegiance.

3. Mr. Vigil asked for approval of the meeting agenda. Mr. Oschwald moved for approval and Mr. Glenn seconded the motion.

Motion: To approve the meeting agenda.

By: Michael Bodelson
Second: Jim Oschwald
Board vote: Passed unanimously

4. One guest was present, John Padilla, a member of the American Institute of Architects (AIA) in the Santa Fe Chapter.

5. Mr. Vigil asked for approval of the December 02, 2017 board meeting minutes. No changes were made to the requested minutes.

Motion: To approve the December 02, 2017 board meeting minutes as presented.

By: Michael Bodelson
Second: Jim Oschwald
Board vote: Passed unanimously

B. NEW BUSINESS

1. Consideration of Proposed Rules Changes & Initiation of Rulemaking

Mr. Glenn reported that the rules and regulations committee met and developed changes to sections: Part 2, Part 4 and Part 5 of the rules. Mr. Glenn would like to schedule another meeting to approve the rules changes. The current changes in Part 2, 16.30.2.13 subsection D, Mr. Glenn changed the wording which will state the board will have the option to have a student observer one year. The second change that occurred was in Part 4, 16.30.4.12 subsection C, the Code of Conduct. Mr. Glenn stated there was a recommended technical change by Ms. Holmes. The final change was in Part 5, 16.30.5.8. Mr. Glenn revised the wording and added an A, B, C, and D.

Mr. Oschwald proposed a possible rules change to 16.30.18, subsection C, he explained that the rule needs more clarification. The rule is not specific regarding the initial ownership of plans that were developed by one architect and stamped by another architect.

Mr. Bodelson suggested it is necessary for the board to have a limitation that allows the board to appropriately resolve complex situations. The board members agreed with Mr. Bodelson, as well as to keep the rule the way it is until a more concise and appropriate decision is made.
Mr. Vigil suggested the approval of the rules changes presented and will discuss the changes with Mr. Dworak at a later date. The rule change approval is motioned by Mr. Glenn and second by Mr. Oschwald.

2. WCARB Summit
Mr. Vigil stated to the board that the members of the New Mexico Board of Examiners for Architects (NMBEA) that were nominated to go to the Western Council of Architectural Registration Boards (WCARB) Summit are: Mr. Vigil, Mr. Bodelson and Mr. Glenn; as well as Ms. Gonzales, Board Member Executive for New Mexico. Ms. Gonzales stated that the deadline to register for the WCARB Summit is February 7, 2018.

3. Revisions to License Renewal Statement Language
Ms. Gonzales informed the Board that she had 3 copies of the renewal form. First copy was the original licenserenewal statement, the second copy she created as an updated draft and the third copy was the draft that included the language that Mr. Bodelson would like to incorporate into the renewal form. Mr. Vigil suggested changing the deadline for the completion of continuing education and the post mark date of the license renewal form and extending the renewal due date.
Mr. Vigil mentioned that the board is currently in the process of transitioning the renewal form from paper to electronic.

Mr. Bodelson mentioned the idea of possible making wall certificates for Architect Emeritus along with their license. Mr. Oschwald agreed with Mr. Bodelson. Mr. Oschwald suggested redesigning the wall certificates. He will present a draft for Ms. Gonzales to review and discuss the final design at the next board meeting.

4. Board Concerns Regarding DWI & Substance Abuse
Mr. Bodelson advised that the board should be aware of architects in terms of substance abuse. Mr. Bodelson further explained how the State of Arizona requires information regarding substance abuse for anyone who is trying to become a licensed architect. The software used to find any illegal activity regarding an applicant is called LexisNexis. Mr. Bodelson suggested possibly requiring new applicants to sign a type of written statement. The statement would include information indicating substance abuse, Driving While Intoxicated (DWI) history in New Mexico and questions for the applicant to answer honestly. The information that is assembled pertaining to the registrant will be used to help the board members determine if the registrant has a history or a pattern of any wrong doing. Mr. Padilla proposed an idea for the board to consider, regarding an architect not only being penalized for his/ her wrong doing but also offer services that could help the individual.

C. Reports
   1. Chairman –
Mr. Vigil thanked everyone for their efforts and for working on the different committees. Mr. Vigil stated that the State Personnel Office (SPO) is involved with Human Resources for all state
agencies and SPO wants to combine all the employees within those agencies to be under SPO rather than working directly with their initial department. Mr. Vigil explained he had been in contact with both the Governor’s office and the Director of SPO. It is possible this change will go into effect, if so it may impact the board’s budget. Lastly, Mr. Vigil elaborated on the Interior Design issue. He stated a bill caused some controversy amongst different agencies and later the bill was denied; however, a more comprehensive replacement bill was introduced that may possibly make it through committee. Mr. Vigil explained the agencies that would be affected by this bill will receive a form that is called a Fiscal Impact Report (FIR), and our board would most likely be affected. This bill has the potential to create conflict with the responsibilities of the architect and engineering profession.
Mr. Padilla mentioned the AIA will not be supporting the bill.

2. Secretary/Treasurer –
Mr. Bodelson stated it will be presented under the financial report.

3. Director –
Ms. Gonzales reported to the board what the State Personnel Office (SPO) is currently implementing, is called Human Resource (HR) Consolidation. SPO is taking larger agencies that have ten or more HR employees and having them move into one location where they will work directly under SPO. The smaller agencies such as the board’s agency that do not have a specific HR title/position, will be called HR Shared Services. SPO wants to keep things similar in terms of how (NMBEA pays their Statewide Human Resources Accounting Reporting (SHARE) rates with Division of Information Technologies (DoIT). Ms. Gonzales stated after multiple meetings with the SPO director, the board was originally exempt from signing a contract that would involve NMBEA. Currently Ms. Gonzales was informed that all agencies that were initially exempt will no longer be exempt from the contract with SPO. Ms. Gonzales stated that NMBEA more than likely have to pay SPO for HR Shared Services.

Ms. Gonzales reported the approval of the board’s budget was increased by three hundred dollars. The Board’s budget for the current fiscal year 2018 (FY18) was approved for $386,800 for the fiscal year 2019 (FY19) the budget approved is $387,100.
Ms. Gonzales requested point of contact information from Executive Directors and Presidents from every AIA chapter in New Mexico.

4. Exam and Reciprocity Committee –
Mr. Oschwald spoke on behalf of Mr. Adams. Mr. Oschwitz reported to the board the newly licensed architects through reciprocity, examination and reinstatement since the previous
December 1, 2017 meeting. Mr. Oshwald motioned and Mr. Bodelson moved to second the motion.

**Motion:** to move for board approval of the following recommended applicants for New Mexico Architectural Registration by Reciprocity and Reinstatement: Joshua Buono, William E.J. Martin, Robert Lane Davis, Mary Burns, Jonathan Brinkley, Mark Guy, Julian Scherer, James Edward Stroh, James J. Brown, Lynda Hayes, Matt Schindler, Bradley Williams, Frank Greene, Lee Edward Martin, Henry Spieker and Jeffrey Williams.

**By:** Jim Oshwald  
**Second:** Michael Bodelson  
**Board Vote:** Passed unanimously

Ms. Holmes reported that the board has a total 2,053 architects, 84 of the architects are Architect Emeritus. Practicing architects total 1,969, there are a total of 697 architects who are in-state and a total of 1,272 architects are out of state. The percentage total of practicing architects in-state is 36% and a total of practicing architects out of state is 64%. Mr. Vigil commented on the results from the previous meeting that there were a total of 2,300 architects compared to the results of the current meeting in which there has been a significant decrease. Ms. Holmes explained that there were 198 fewer architects this year compared to last year; however, the board is still receiving reinstatements and most of the architects who decided to not renew their licenses turned Architect Emeritus.

Reciprocity applicants pending, there are a total of 11 which were reviewed by Mr. Oshwald. Since the previous meeting in December there are a total of 17 new registrants, 3 of the new licensees were exam candidates and 14 of the new licensees were reciprocity. Additionally two out of the three exam candidates completed the Architectural Registration Exam (ARE), they were: Molly Bell and Laura Stamatkin.

5. **Finance and Operations Committee**

Ms. Gonzales reported that in January the revenue the board received for the fiscal year of 2018 (FY18) was $132,325.00. Including the month of January 2018 for the year to date total revenue totaled $454,405.00. In the month of January 2018 alone the board received $4,000 in penalty fees, and the year to date total amount was $4,712.50; the increase in the year to date total was due to the reinstatement fees included. The expenditure amount for the month of January was $19,227.44 and year to date amount was $187,879.98.

Ms. Gonzales reported the approved budgets for the 200, 300, and 400 categories. The approved budget for the 200 category, as of January, was $286,800.00; the total amount spent
was $145,989.62 and the remaining amount is $140,810.38. The approved budget for the 300 category was $11,000; the total amount spent as of January was $5,992 and the remaining amount is $5,008. The approved budget for the 400 category was $89,000, the amount spent as of January was $35,898.36 and the remaining amount is $53,101.64.

6. **Planning and Development Committee** - Mr. Bodelson stated that the board will need to work with Ms. Gonzales by strategizing ways to expand the board’s budget. The board members agreed to that Ms. Gonzales will have the authorization to waive the fifty dollar penalty fee. Ms. Gonzales will meet with the board’s Department of Finance and Administration (DFA) budget analyst to discuss the board’s budget amounts in the future. Mr. Vigil suggested prioritizing the different budgets in terms of being the most beneficial to the least beneficial for the board.

7. **Rules and Regulations Committee** – Enforcement Subcommittee report.

   A. **Enforcement Subcommittee** - Mr. Bodelson noted there has not been much activity reported to the board lately and Mr. Bodelson mentioned there’s concern with some responses from the Attorney General’s prosecutor. Ms. Holmes described a magazine called Albuquerque Business First, and this magazine had articles about different architects involved in projects occurring in New Mexico. This source was very helpful for Ms. Holmes in finding people who were posing as licensed architects; however, the magazine company is no longer sending out their magazine for free and is now charging a monthly fee. Ms. Holmes suggested the idea to the Board about possibly purchasing the magazine. The board members agreed to approve the spending money for the Albuquerque Business First subscription, which would allow Ms. Holmes to closely observe architect-related news.

8. **Joint Practice Committee** - No report.

D. **BOARD COMMENTS / ANNOUNCEMENTS** – Mr. Vigil announced that the next board meeting is April 27, 2018 in Las Cruces.

E. **ADJOURNMENT:**

   **Motion:** To adjourn the meeting.

   **By:** Michael Bodelson  
   **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 12:15pm.
Respectfully submitted:

Mr. Raymond Vigil, Chair

Michael Bodelson, Secretary-Treasurer

Date 4/26/18

*Corrected the date to reflect the board meeting day.*