New Mexico Board of Examiners for Architects

Minutes of Board Meeting
December 01, 2017
Santa Fe, New Mexico

Board Members Present
Raymond Vigil, Chair
Tara Rothwell, Vice Chair
Michael Bodelson, Secretary-Treasurer
Mark Glenn, J.D., Public Member
Geoffrey Adams, Architect Member

Board Members Absent
Jim Oschwald- Architect Member
Robert Calvani- Architect Member

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

Others Present
Joseph Dworak, Assistant Attorney General
John Kreienkamp, Assistant Attorney General
A. OPENING

1. Mr. Vigil called the meeting to order at 10:03 a.m. Roll call was taken and a quorum was determined to be present. Two board members were absent.

2. All present stood for the Pledge of Allegiance.

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

Motion: To approve the meeting agenda.

By: Geoffrey Adams
Second: Mark Glenn
Board vote: Passed unanimously

4. One guest present was, John Kreienkamp, he is a new attorney at the Attorney General’s Office.

5. Mr. Vigil asked for approval of the October 20, 2017 board meeting minutes. No changes to the minutes were requested.

Motion: To approve the October 20, 2017 board meeting minutes as presented.

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

B. NEW BUSINESS

1. Update on NCARB Centennial State History
Ms. Rothwell reported that she filled out the centennial state history form based on the information that she received. Basically there are a few gaps that still need to be filled in and there are probably a few more anecdotes that can be included. Presented in the previous meeting the Kidder report contains some great history. It talks about the Architectural Law being enacted in the 1931 legislative session, and it is a record of the Board of Examiners for Architects (NMBEA) first meeting which was on August 18 and 19, 1931. It will be a great attachment to New Mexico’s State mini-history report because it contains a lot of history. Ms. Rothwell asked to take head shots of all the current board members, as well as post a picture of the capital building from the board’s website page.

Mr. Adams stated that Marjorie E. Hooker was the first female member of the board and one of the first females to be licensed in the state. She also signed her son, John Hooker’s license. Ms. Gonzales stated that the first female licensee was Mary Lou Grace her license number was 106
2. Audit Committee for Continuing Education
Mr. Vigil stated that this is the first year NMBEA implemented the new rule of having one and two year license renewals. Some architects will renew for one year that have an even birth year and some will renew for two years that have an odd birth year. During renewal seasons an audit committee is setup to help assist the staff to review architects certification of continuing education.
Ms. Gonzales explained that she was thinking of creating an excel formula to provide the audit committee members a list of Architects to audit.
Two percent of the 2,333 architects are audited every year. The purpose of the audit is to make sure that architects meet the required continuing education credits each year and are in compliance with the NMBEA Architectural Act, Rules and Regulations. The board members discussed the consequence for architects who violate the board’s rules will have a one month deadline to turn in any supporting documentation necessary however, if the requirements are not met they could potentially lose their license.
This year the audit committee members are Mr. Calvani, Ms. Rothwell, and Mr. Adams. Mr. Adams will be the chair of the audit committee. The audit will be conducted in February.

Motion: To approve the Audit committee for Continuing Education;
By: Geoffrey Adams
Second: Michael Bodelson
Board vote: Passed unanimously

3. Agency Audit Report for FY2017
Ms. Gonzales explained the full audit report for the board members. It was stated on page 24 that there were not any current year audit findings. Board members were pleased with Ms. Gonzales’ audit report results.

4. Rules Hearing Update
Mr. Glenn explained that he talked with Mr. Dworak via telephone to discuss some corrections to the board’s rules. Mr. Dworak discussed with the board members about having a rule hearing which needs to be published approximately six weeks in advance before it could take place. Mr. Dworak asked if the board would possibly want to have a meeting with a rule hearing; this has taken place in the past.

Mr. Bodelson stated he would give an overview of the new changes to the rules so the board members could discuss if the new set of rules would be something they would want to have in their rules. He further explained the changes as follow:

1. Mr. Bodelson explained that one of his primary concerns was the risk of the public a person who is an unlicensed architect could be a danger to the public.
2. The second point Mr. Bodelson made was the factual credibility of a person goes into consideration those who show honesty are given credibility. Those who are deceitful helps the board members determine their penalties for their actions.

3. Mr. Bodelson also stated that the board needs to find an appropriate balance of consequences for a person based on the severity of a situation. For example, a person who should know the rules but made an honest error, or didn’t keep up with their continuing education credits. As opposed to someone who is doing malicious activity such as impersonating an architect without a license. 4. Our violations rules are breaking down into more precise violations. Mr. Bodelson stated that the rules are too precise.

Mr. Vigil stated instead of identifying specifics, people should not know the minimum and maximum level of a penalty and the board should utilize that to its advantage so a person will not know the severity of their consequences.

Mr. Glenn stated that the board could put a person’s violation on the public records, in case another firm is doing a background check on a person who is trying to get licensed in their jurisdiction, the board could provide the information they are seeking.

Mr. Dworak explained that he thinks that there could be more explanation added to the five different categories, explain what it means by the seriousness of a situation and the degree of harm. Mr. Dworak also explained that the rules describing the disciplinary process need to be more concrete. He suggested that having a matrix describing the minimum and maximum punishment of what a person does, to keep away from the board, so it will not look like it is a policy by the board. Mr. Vigil agreed with Mr. Dworak’s explanation and suggestion concerning the matrix.

Ms. Gonzales explained the board does list disciplinary actions on the website; however, it needs to be updated on the website. Mr. Bodelson stated that the board could make a new category on the website of less severe violations and have a different category of the more serious violations.

Ms. Rothwell questioned whether a person could get their license back after it has been revoked. Mr. Vigil stated they could but that person would need the board’s approval.

Ms. Gonzales reported that two National Council of Architectural Registration Boards (NCARB) employees visited NM/BEA staff and held a training demonstrating how New Mexico can enter disciplinary actions into NCARB’s disciplinary database. For example, some state boards might not post their disciplinary actions on their websites nor the NCARB disciplinary database,
NMBA’s Investigator would have to call those specific boards to find out if there was any disciplinary action on someone trying to get licensed in New Mexico. Mr. Bodelson stated that NCARB has a reliable database.

C. Reports

1. Chairman – Mr. Vigil thanked everyone for their efforts and for working on the different committees and welcomed new staff member, Alicia Galvan. He wished everyone a Merry Christmas.

2. Secretary/Treasurer – Mr. Bodelson stated that the board should have a debriefing to discuss what went well and vice versa. Recommendations on possible changes to the renewal form and organize that for a later meeting.

3. Director – Ms. Gonzales reported to the board, the new board administrator, Alicia Galvan, she started right after the previous meeting in October. Gloria Wheeler is no longer working with the board. Ms. Gonzales stated NCARB is in the process of creating a licensing database which would contain every architect’s files on an individual and the system would allow board’s to see exam, education, disciplinary actions and work history. This system is called the licensure Manager and is still in the initial stages but is coming along nicely. Ms. Gonzales had WebEx training with NCARB IT staff on this new licensing database last week.

It is the board’s renewal season and has licensed 455 architects out of a total of 2,333 architects within in the last three weeks.

Ms. Gonzales explained that the moratorium has been lifted for new credit card processing applications. There is a third party company on the state wide purchasing agreement that is in compliance with the steering committee requirements. She will be making the appropriate contacts to meet with a potential third party company, Wells Fargo and Department of Information Technology. She heard the Office of the Attorney General plans to offer online payments for their agency. Ms. Gonzales plans to have a meeting with the appropriate staff at the Office of the Attorney General to hear about their approach and process for finding an online payment vendor.

4. Exam and Reciprocity Committee –

A. Mr. Adams reported that the Examination and Reciprocity Committee has met to review the qualifications of applicants for New Mexico Architectural Registration by Reciprocity and Reinstatement. Mr. Adams moved the board approval for recommended applicants for the
New Mexico Architectural Registration by Reciprocity and Reinstatement listed in the following reports on October 20, 2017 and November 14, 2017. The last two names that are listed are both reinstatements.

**Motion:** to move for board approval of the following recommended applicants for New Mexico Architectural Registration by Reciprocity and Reinstatement: William Boehm, Paul Meyer, Nancy Napheys and Paul Wheeler, William Glass, Virginia Hart, Kenneth Lowery, Timothy Lucy, Robert McDonald, Randall Walton and Jean Pike

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

C. Ms. Holmes reported that the current number of active registrants was 2,333, which included 82 Architect Emeritus. The number of in-state registrants was 755, which included 49 Architect Emeritus and also 32% of the licensee base. The number of out-of-state registrants was 1,578, which included 35 Architect Emeritus and 68% of the licensee base. There were four reciprocity applications pending and the number of registrations of new people licensed for the period was nine, one individual completed all of the sections of the ARE exam, his name was Dillion Edward Williams. Ms. Holmes stated that she was notified that four architects recently passed away: John Peter Varsa, D. Craig Protz, Joe C. Browning and Mark Harvold.

5. **Finance and Operations Committee** – Ms. Gonzales explained to the board the new SHARE financial report was now called an income statement. It used to be called a CAFR report. Between the 200, 300 and 400 budget categories in total the board had spent $23,283.35. Ms. Gonzales explained in further detail how much was spent by each category. For the 200 category, personal services and benefits, the amount of money that spent as of November 30, 2017, was a total of $105,211.42. The 300 category, contractual services, spent a total of $5,992. The 400 category spent $26,327.15. The amount of money remaining in the 200 category is $181,588.58. The remaining money in the 300 category is $5,008.00 and the money remaining in the 400 category is $62,672.85. The total budget approved was $386,800.00. The board has $249,269.43 remaining in the budget. The board’s revenue has acquired for Trade & Professions Licenses, in the month of November was $925.00 and year to date is $5,300.00. The account for Regulations for Trade and Professional Licenses, which is the area where the board receives all of its renewal fees, in November was $92,977.50, year to date is $100,027.50; for the penalties during November was $162.50 and year to date is $550.00. The total revenue for the month of November is $94,065.00 and year to date is $105,877.50.
6. **Planning and Development Committee** - Mr. Bodelson reported that the board is in the position of trying to rebuild the fund balance; he would like to create new ways to strategize it where it could be managed through a planning process. Ms. Gonzales stated that more people are not renewing their license, or changing from in state to out of state or vice versa, this will cause a change in the amount of revenue the board receives. This will help benefit the board because the fund balance will not have to be utilized as much for next physical year due to the revenue coming in from the architects renewing December 31, 2018.

7. **Rules and Regulations Committee** – No Report

8. **Joint Practice Committee** - Mr. Bodelson reported to the board that there was not enough information to cover the agenda will be discussed at the next board meeting.

D. **BOARD COMMENTS / ANNOUNCEMENTS** – Mr. Vigil announced that the next board meeting is February 2, 2018. Ms. Rothwell announced that the Regional Summit is in Wichita on March 9, 2018; however, early registration will open in the middle of December. Ms. Gonzales will be in charge of informing the Governor’s office in terms of who will be attending the Regional Summit. Mr. Vigil announced that the next business meeting is in Detroit June 28th-30th.

E. **ADJOURNMENT:**

**Motion:** To adjourn the meeting.

**By:** Michael Bodelson  
**Second:** Tara Rothwe l  
**Board vote:** Passed unanimously

The regular open meeting of the New Mexico Board of Examiners for Architects was adjourned by Mr. Vigil at 11:52 a.m.

Respectfully submitted:

[Signature]

Mr. Raymond Vigil, Chair  

[Signature]

Michael Bodelson, Secretary-Treasurer  

[Signature]

Date  

2/2/18

Date  

2-2-18