Minutes of Board Meeting
August 11, 2017
Santa Fe, New Mexico

Board Members Present
Raymond Vigil, Chair
Tara Rothwell, Vice Chair
Michael Bodelson, Secretary-Treasurer
Robert Calvani, Architect Member
Jim Oschwald, Architect Member
Mark Glenn, J.D., Public Member
Geoffrey Adams, Architect Member
(Arrived at 10:29 am)

Staff Present
Melanie Gonzales, Executive Director
Jackie Holmes, Compliance Officer/Investigator
Gloria Wheeler, Business Operations Specialist

 Appeared Telephonically:
Joseph Dworak, Assistant Attorney General
A. OPENING
Mr. Vigil called the meeting to order at 10:04 a.m. Roll call was taken and a quorum was determined to be present. All board members were in attendance except for Mr. Adams. All present stood for the Pledge of Allegiance.

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

Motion: To approve the meeting agenda.

By: Michael Bodelson
Second: Mark Glenn
Board vote: Passed unanimously

4. No guests were present.

5. Mr. Vigil asked for approval of the April 28, 2017 board meeting minutes. No changes to the minutes were requested.

Motion: To approve the April 28, 2017 board meeting minutes as presented.

By: Michael Bodelson
Second: Tara Rothwell
Board vote: Passed unanimously

B. NEW BUSINESS

1. Proposed FY19 Appropriation Request
Ms. Gonzales reported that the Board received a memo last week from A. J. Forte, Director of State Budget Division at Department of Finance and Administration (DFA). In summary the memo requested every agency to submit a flat budget. The issue that New Mexico Board of Examiners for Architects (NMBEA) had for the last appropriation was that Ms. Gonzales’ position was an interim position and the salary was going to change when the position became permanent. Ms. Gonzales may have to get a budget adjustment request (BAR) to cover this FY18 operating budget. It is not clear yet whether a BAR will be necessary because the permanent administrator position is currently vacant and a temporary employee does not have to pay into any insurance or Public Education Retirement Association (PERA) premiums, which is saving the board right now. It will become clear by the spring if a BAR will be required.

Ms. Gonzales went to the DFA appropriation training at the State Capitol. She attended the short version of the training and Ms. Wheeler attended the long training session since this is her first year in this position. Richard Blair, the DFA Budget Deputy Director, gave Ms. Gonzales
permission to increase the board’s FY19 budget by $6,000 to cover what potentially might be needed to cover this current operating budget. The FY19 budget will increase to (in thousands) the amount of $392.8. With the board’s approval, Ms. Gonzales will submit the budget for FY 19 appropriation request as $392.8 and deliver it to the Legislative Finance Committee (LFC) and DFA on September 1st. Later in the fall there will be a hearing with the legislators to see if they will approve it.

Mr. Bodelson asked Ms. Gonzales to confirm that the BAR is just to reflect the variation the board is having in being fully staffed. Ms. Gonzales confirmed this and reiterated that at the last budget appropriation the Director’s permanent position was vacant and they wanted the board to propose the salary amount at mid-point but that amount was significantly higher than what the previous Director was making, so it was only increased at 5%. When Ms. Gonzales went to the hearing the board was only given the 5% and now that she is the permanent Executive Director, the 5% did not cover her salary. The BAR will cover this as well as the insurance premiums, specifically the health insurance that will be going up by 3-4% in FY19.

Mr. Calvani asked if the BAR increase is done, would the board’s income still be balanced. Ms. Gonzales answered affirmatively. Mr. Bodelson asked if based on current projections, is the board still exceeding the authorized budget with the revenue taken in. Ms. Gonzales answered affirmatively and further stated that the fund balance is approximately $668,000. Approximately half of the fund balance was spent for FY17 operating budget and now what remains is the other half to cover operating budget for FY18. Keep in mind with renewals coming up; with some licensees will be renewing for two years and some will be renewing for one year, the revenue stream will be good. Mr. Bodelson thanked Ms. Gonzales for staying on top of the board’s finances.

Motion: To approve the FY19 Appropriation Request for $392,800.

By: Tara Rothwell
Second: Michael Bodelson
Board vote: Passed unanimously

2. NCARB Outreach in New Mexico
Ms. Gonzales reported that she received an e-mail from Nefertari to do the National Council of Architectural Registration Boards (NCARB) outreach in New Mexico. NCARB plans on visiting in the fall, specifically November 2-4, 2017. They will be hosting a conference in Albuquerque. They want to know if anyone from the board would like to attend or speak, and asked if the board has any slides that could be included. Mr. Calvani stated that he could possibly attend but wanted to know more about the event. Nefertari said that as the date drew nearer she
would give Ms. Gonzales a sample slide of the type of information the board could provide; like New Mexico registration requirements, etc. Ms. Gonzales stated that she would get any new information on this conference to board members and they could respond individually if they are interested in attending. Mr. Vigil recommended that either Mr. Calvani or Mr. Oschwald attend if possible. The conference is the 2017 Administrators’ conference of the Association of Collegiate Schools of Architecture (ACSA).

C. Reports

1. Chairman – Mr. Vigil reported that board members attended the NCARB annual business meeting and asked other board members if they wanted to talk about the meeting. Mr. Oschwald commented that he thought the keynote speakers were very good at the 2017 meeting. Mr. Vigil also reported that the board has new neighbors on the third floor of the Toney Anaya Building. The Engineering Board has moved from the second floor to the third floor.

2. Secretary/Treasurer – Mr. Bodelson reported that there is not much going on. The FY18 and FY19 appropriation requests have already been discussed. It seems that the board’s budgets and expenditures are tracking as anticipated.

3. Director – Update and discussion on “Office & Administrative Support worker” staff Person.

Motion: To go into closed session as authorized by Section 10-15-1H (2) of the Open Meetings Act to discuss limited personnel matters contained in the Director’s report.

By: Tara Rothwell
Second: Michael Bodelson
Board vote: Passed unanimously

Roll call was taken all members were present except for Geoffrey Adams. Closed session was entered into at 10:24 am. Mr. Adams arrived at 10:29 am.

Members returned to open meeting at 11:11 am. Mr. Vigil stated for the record that the matters discussed during closed session were limited to those specified in the Motion for closure and no votes for official action was taken.

4. Exam and Reciprocity Committee - Mr. Adams 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, by reinstatement and by the broadly experienced architect pathway: Scott Dinslage; Steven Drucker; Patrick Edwards; Juan Daniel Lopez; Namer Kaim; Shane Lyle; Kenneth MacKenzie; Lawrence Martin; Daniel Novac; Michael Roybal; Aaron Stone; Robert Westberg; Douglas Gilbert; Alexandra Matis; Patrick Patrello; Jeffrey Shinkle; Wayne Thowless; Gary Whitfield; Keith Zollman; Douglas Bissell; James Cohen; Christopher Collins; Robert Hughes; Taejoong Kim; David Musser; Clay Phillips Salvatore Verrastro; John Winston; Robert Brumfield; Richard Kizer; Stephen Locati; Michael Spitzer; Timothy Sweeney; Shelby Wilson and Anthony Jaramillo.

By: Geoffrey Adams
Second: Jim Oschwald
Board Vote: Passed unanimously

Mr. Calvani commented that he asked to see the licensing file of Robert Brumfield and saw that he had gone through the NCARB alternative education pathway and had done twice the AXP hours. Mr. Calvani asked the BEA committee if they could talk a little about the process; did the process work well; was the applicant qualified.

Mr. Oschwald spoke about the Broadly Experienced Architect (BEA) process and stated that Mr. Jaramillo was well qualified but that the BEA committee agreed that they would revise what they asked for in terms of what the last candidate turned in. Mr. Jaramillo only turned in things that he authored. He provided all of the information on who had stamped the project. He did not turn in any mechanical or electrical drawings so it was more difficult to talk about the coordination, but he was very articulate about all of the phases of the projects. He has been in the business for seventeen years, primarily as a project manager and he had a lot of experience and talked very intelligently about all aspects of topics he was asked about.

Ms. Rothwell stated that the interview process of the BEA candidates just showed how it is meant to work. Mr. Jaramillo’s qualifications were questionable based on his documents because the projects were all re-facing shopping centers. There was not a lot about life safety. He did not submit mechanical or electrical but the interview revealed that he was incredibly qualified. His handle on code and coordinating MEP and structural was impressive. The interview process is invaluable in terms of understanding and evaluating someone’s qualifications.

Mr. Oschwald added that Mr. Jaramillo’s firm gave him the troubled projects and he made them work.
Motion: to move for board approval of the following recommended examination applicants for New Mexico architectural registration: Kristin Ianus; John David Sedillo; Dale Lusk; Amrit Aristimuno; Ketan Bharatiya; Renn Halstead and David O’Brien.

By: Geoffrey Adams
Second: Jim Oschwald
Board Vote: Passed unanimously

Registrant / Application Quarterly Report - Ms. Holmes reported that the current number of active registrants is 2,215. The number of in-state registrants is 704 while the number of out-of-state registrants is 1,511. There are currently 9 reciprocity applications pending and the number of people who were licensed since the last board meeting is 43. Of the 43 new licensees, 32 were reciprocity applicants and 11 were exam candidates. Seven exam candidates completed all divisions of the ARE.

Mr. Calvani stated that he would be interested in tracking percentages of registrants; like what percentage of the registrants is out of state and what percentage is in state.

5. Finance and Operations Committee - Mr. Bodelson stated that he thought this topic was covered earlier but asked Ms. Gonzales if she wanted to report on the specific expenditure categories. Ms. Gonzales turned this reporting over to Ms. Wheeler.

Ms. Wheeler reported that the NMBEA’s FY 18 budget was approved at $386,800. The board has spent $21,578.73 from the 200 category. The board has $11,000 in the 300 category and will soon spend $5,992 of this amount on the annual audit. The amount spent from the 400 category so far is $8,558.06.

6. Planning and Development Committee - Mr. Bodelson referenced the “Your State’s History” document sent to the board by NCARB. To honor NCARB’s centennial anniversary they are asking all jurisdictions to provide some historic information about their boards. More than likely, collectively board members can provide the information NCARB is seeking, and staff may be able to give some input as well.

Mr. Vigil asked if anyone knew what happened to the document that was put together by previous board members and used to be on the board’s website that contained historical information about the board. That document had a wealth of information which could be used for this purpose. Mr. Vigil asked if that document could be retrieved. Ms. Gonzales said that she would look on the G drive. Mr. Vigil said he would talk to Tomas Mendez about it, and Mr. Bodelson said board members could check with Western Council of Architectural Registration Boards (WCARB). There should be plenty of information that can be gathered.
Ms. Rothwell volunteered to take on this project and said that she will fill out the information she can easily get and then send out an e-mail to everyone, asking for their input. Ms. Rothwell will communicate with board members on this issue in early November.

7. Rules and Regulations Committee – Ms. Gonzales advised board members that Mr. Dworak could not attend the meeting but offered to call in to the meeting to give an update on new requirements regarding rule hearing procedures. Ms. Homes attended a training session, sponsored by State Records and Archives on the new rule hearing procedures, and can talk a little about the new requirements.

Ms. Holmes reported that State Records and Archives had a bill during the recent legislative session, HB 58, which passed and was signed by the Governor. Basically the new law made changes to the way noticing rule hearings are to be done. Rule hearing notices must still be published 30 days prior to the rule hearing but must include additional information, and by law you must allow the public 30 days from the publication of the notice to make comments. Each rule hearing notice must contain a statement explaining why the rule is being changed. Also each state agency must have a rule making procedure identified in their rules and regulations. If they do not have a procedure, they must use the procedural rules for public rule hearings the Attorney General’s Office will create and make available by January, 2018. The Administrative Law Division will no longer be allowed to make minor changes to rules that contain an error, unless it is in grammar, spelling or format, but not lettering.

Ms. Holmes further explained that when the board had its most recent rule hearing a definition was added to Part 1 of the rule, which changed the lettering of the definitions. Part 4 of the rule makes a reference to the definitions in Part 1, but makes the reference to the wrong definition because of the lettering change. We neglected to change the reference in Part 4 of the rule. In order to correct this minor change the board would have to have a rule hearing, including publishing a notice of rule hearing and giving the public 30 days to comment.

Ms. Gonzales asked Mr. Dworak if he would comment on the board possibly having a rule hearing in December to include some fine matrix values as was mentioned by Chairman Vigil and to make the correction to Part 4 of the rules. Mr. Dworak stated that if there is going to be some sort of rule making process he would like to be included at some point during the drafting session to make sure there’s no conflicts of law and make sure that there is compliance with the new requirements under House Bill 58. Mr. Dworak explained that the Attorney General’s office will be drafting rules procedures for all state agencies to use if they do not have their own. He went on to say that this board can draft its own rule making procedures but if there are none in place by January 1st the board can use the ones being drafted by the Attorney General’s office.
Mr. Vigil asked for clarification that the board would try to have a rule hearing in December. Ms. Gonzales confirmed that this discussion was the first step and that it can or will be moved up to an action item under new business in October and then have it ready for December. Ms. Gonzales further stated that the Rules and Regulations Subcommittee would have to decide how to put the fine matrix in the rules or how much information should be put in the rules.

Mr. Bodelson talked a little about violations that are included in the fine matrix. He stated that he has been working on contouring the Act to the violations. Essentially everything can be rolled into unlicensed practice and misconduct. There are some violations on the matrix that are rare or that the board has never dealt with like censorship. Those types of elements need to be included. Mr. Bodelson would like to somehow refine the matrix before it is brought to the full board to be included as part of the rule hearing.

Mr. Vigil asked if a subcommittee could be put together specifically to work on the fine values, and further stated that perhaps Mr. Calvani would be willing to share some of his historical knowledge, so that Mr. Bodelson would not have to work on this alone. Mr. Calvani agreed and Mr. Bodelson offered that they would work on it and get it to the Enforcement Subcommittee who would then bring it to the full board. Mr. Bodelson also stated that the way he is dealing with this is by thinking that the matrix is not definitive or mandatory but more like sentencing guidelines.

Mr. Vigil confirmed that the matrix information will be presented at the October meeting so that the board can agree and vote on what will be included in the rules. Mr. Bodelson agreed.

8. Joint Practice Committee- Mr. Calvani reported that the Joint Practice Committee (JPC) had a meeting on June 9, 2017, and will be meeting again on August 18, 2017. The new Chair is George Radnovich of the Landscape Architects Board. A Construction Industries Division (CID) representative was at the meeting and discussed the elimination of certain licenses and some other code issues. The big issue that might be relevant to the NMBEA is the interior design issue and what it might mean to incidental practice to engineers and architects. We will have to see where that goes, especially with the work that NCARB is doing with interior architecture as a degree.

Mr. Vigil attended the JPC meeting and clarified that Mr. Radnovich was on his way out as the Chair and that the Engineers Board would be taking over. A new member of the Engineers board will now be the Chair of the JPC.

Ms. Rothwell stated that the NMBEA should stay on top of this issue and be prepared to possibly make a statement on behalf of the board as it relates to incidental practice.
Mr. Adams suggested that it would be a good idea to have a discussion with the interior designers. They could be invited them to the next board meeting. Mr. Calvani suggested talking to them casually and asked Mr. Adams to put him in touch with someone on the interior designer’s board. Mr. Adams further stated that it makes sense to have anyone who is recognized by the state, who goes through licensure and has a national organization, to have them stamp their work so that they are responsible for it; there is a path of liability. Mr. Calvani countered that the NMBEA does not have an issue with interior designers stamping their work; the issue is what their work consists of. Mr. Adams agreed and went on to say that he has come to learn that interior work is way more complicated than he thought. They are required to take a lot of education. They deal with sick building syndrome and all of the different types of finishes that exist. These are licensed interior designers not interior decorators; people working in the field.

Mr. Vigil advised board members that the whole time he and Ms. Gonzales were at the State Capitol during the legislative session, no one talked to them or attempted to approach them or endeavored to find out who they were. He felt that they thought he and Ms. Gonzales were representing American Institute of Architects (AIA), not the board.

D. BOARD COMMENTS / ANNOUNCEMENTS – Mr. Calvani complimented Ms. Holmes on the disciplinary matrix. He added that deregulation is a very big thing in all states now and what NCARB is trying to do is share information on disciplinary action to make it easy for any state representative to go before their State Legislators and have information that justifies their existence; for the health, safety and welfare of the public. This board needs to track its discipline so that when NMBEA talks to its Legislators, action the board has taken can be pointed out. We can point out how we protected the health, safety and welfare of the public. The other thing that NCARB is trying to do is track catastrophes. If a bridge collapses and hurts people they want to know about it. This board should do the same.

Mr. Vigil and Mr. Calvani asked if some older, historic disciplinary cases can be added to the disciplinary matrix, if possible and also if any catastrophes occur in New Mexico, if staff can keep a record of them.

Ms. Rothwell commented that NCARB’s annual meeting in Boston was great. She appreciated being able to attend and thanked Mr. Oschwald and Mr. Calvani for representing New Mexico so well at NCARB’s board level.
E. ADJOURNMENT:

Motion: To adjourn the meeting.

By: Michael Bodelson
Second: Mark Glenn
Board vote: Passed unanimously

The regular open meeting of the New Mexico Board of Examiners for Architects was adjourned by Mr. Vigil at 12:30 p.m.

Respectfully submitted:

[Signature]
Mr. Raymond Vigil, Chair

[Signature]
Michael Bodelson, Secretary-Treasurer

10/20/17
Date

[Signature]
James Oschwandt

10/20/17
Date