New Mexico Board of Examiners for Architects

AMENDED Final Minutes of Board Meeting
February 01, 2019
Santa Fe, New Mexico

Board Members Present
Tara Rothwell, Chair
Michael Bodelson, Vice-Chair
Mark Glenn, J.D., Secretary/Treasurer
Robert Calvani, Architect Member
Jim Oschwald, Architect Member
Ray Vigil, Architect Member

Board Member Absent
Geoffrey Adams, Architect Member/Educator

Staff Present
Melanie Gonzales, Executive Director/CFO
Alicia Galvan, Board Administrator

Guests Present
Barbara Felix, AIA NM
Andrea La Cruz-Crawford, Attorney
A. OPENING

1. Ms. Rothwell called the meeting to order at 10:00 a.m. Roll call was taken and a quorum was determined to be present. Board member Adams was absent.

2. All present stood for the Pledge of Allegiance.

3. Ms. Rothwell asked for approval of the meeting agenda.

   **Motion:** To approve the meeting agenda

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

4. Guests were present. Barbara Felix, American Institute of Architects (AIA) New Mexico and Andrea La Cruz-Crawford, attorney.

5. Ms. Rothwell asked for approval of the December 14, 2018 Board meeting minutes. No changes were made to the minutes.

   **Motion:** To approve the December 14, 2018 Board meeting minutes as presented

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

6. Public Comment

   Ms. La Cruz-Crawford commented that she is the attorney for an applicant who is being investigated due to a violation of the Board’s rules and act. If the Board shall have any requests or questions they may contact Ms. La Cruz-Crawford. Mr. Dworak commented this topic is not on the agenda it can’t be discussed during the Board meeting. Mr. Vigil explained the Board’s process as to how the Board addresses these types of situations.

B. NEW BUSINESS

1. WCARB Summit

   Ms. Rothwell mentioned that the West Council of Architectural Registration Boards (WCARB) will be held in Nashville, Tennessee in March. She further stated that Mr. Glenn will attend as a public member, Ms. Rothwell will attend as chair, and Mr. Vigil will attend as a board member and Melarie Gonzales as the Member Board Executive for New Mexico.
2. **Interior Design Senate Bill 181**
Ms. Rothwell thanked Mr. Vigil and Ms. Felix for the long hours they spent working to draft language into a letter that would allow all parties to agree upon. The bill had gone through the senate committee and as a result section 9 of the bill was removed. Mr. Vigil stated Ms. Rothwell and Mr. Bodelson had responded neutral at the legislative committee, the legislators of that committee wanted the bill to proceed with the process and be transferred to another committee with the recommendation of two modifications to the bill: first is the removal of section 9, this was controversial in terms of it being associated to Construction Industries Department (CID); second the modification was minor, interior designers had to reference platting as part of their services. Mr. Vigil mentioned a legislator had an opposition that the bill should not pass; however other legislators were not in agreement to the opposition. Mr. Bodelson commented that CID has asked the Interior Designers what exactly they want, and they have not communicated with CID. Ms. Felix stated that AIA had been asking the Interior Designer since August what it is they are asking and there is still no answer. She further mentioned the reason for eliminating section 9 of the bill, so it would be approved by that committee and the understanding of eliminating section 9 was that CID and Interior Designers would negotiate section 9 and bring it back.
Ms. Rothwell mentioned that New Mexico Board of Examiners for Architects (NMBEA) and CID are on the same page however, it is just a matter of constructing common language so everyone understand they are on the same side. Ms. Rothwell stated that this matter does involve health, safety and welfare, because if the bill was successful with the original intended language, Interior Designers will obtain permit authority without any clarification as to what is interfering with the acts and rules of NMBEA, CID, Engineering Board and Landscape Architects.
Ms. Rothwell questioned if the Board would like to draft a statement that clarifies what the Board’s position is related to the proposed bill and in support of CID’s opposition to the previous language. Mr. Vigil recommended to have a statement that relates to the Board’s life safety concerns.

**Motion:** To recommend a resolution that New Mexico Board of Examiners for Architects with its mission of Health, Safety and Welfare of the New Mexico public shares life safety concerns with Construction Industries Division as related to Senate Bill 181

**By:** Ray Vigil  
**Second:** Michael Bodelson  
**Board vote:** Passed unanimously

3. **Audit Committee- Renewal Continuing Education Hours**
Ms. Rothwell mentioned it is time to conduct an audit for continuing education hours. Mr. Oschwald stated that the Exam and Reciprocity committee will conduct the audit in Albuquerque at Mr. Calvani’s office. Ms. Gonzales stated that two percent of the architects were audited. Mr. Bodelson and Ms. Rothwell will volunteer to be audited by the audit committee. The audit committee members will be Mr. Oschwald, Mr. Calvani and Mr. Adams.

4. **Discussion and possible action regarding the position of the Business Operations Specialist**
Ms. Rothwell entertained a motion to move into a closed Executive Session.

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Mr. Bodelson moved the Board into a closed session as authorized by the limited personal matters exception in the New Mexico Open Meetings Act to discuss the next item on the agenda.

**Motion: To move into a closed session to discuss the possible action regarding the position of the Business Operations Specialist**

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

Roll call was taken. There was a quorum. Executive Session began at 11:00 a.m. Recorder was turned off.

Ms. Rothwell announced that the Board is back in open session. The time is 11:25 a.m. The matters discussed in the Executive Session were limited only to those specified in the motion for closure and that no votes or official action was taken during the closed session.

**C. Reports**

1. **Chair**

Ms. Rothwell expressed her kind words and condolences for Ms. Holmes. Mr. Bodelson commented kind words in Ms. Holmes memory.

Ms. Rothwell reported to the Board that she had invited students in a program called Freedom by Design at University of New Mexico (UNM), working on a design project to attend board meetings, and they have not attended or communicated.

Ms. Rothwell would like to update all of the Board’s documents and forms such as the updating the applications, and some templates that are being used by the Enforcement Subcommittee (ESC) are outdated. Ms. Gonzales commented that Ms. Galvan has started updating the reciprocity and exam applications, to input language regarding the military section. Ms. Gonzales stated once she is fully staffed she will send the updated documents to each committee they pertain to and receive feedback to agree on a finalized format. She further stated that all documents are saved electronically and a hard copy to have an archive of previous Board documents and forms.

Ms. Rothwell thanked staff and board members for their hard work with the new rules.

2. **Secretary/Treasurer**

Mr. Glenn referred the financial report to Ms. Gonzales.

3. **Director**

Ms. Gonzales expressed her kind words and condolences for Ms. Holmes. Ms. Gonzales stated she will update board members and staff when memorial services will take place for Ms. Holmes, she further stated that she will be in contact with Ms. Holmes daughter to give her the
cards that have been signed by the board staff, board members and other people who knew Ms. Holmes.

Ms. Gonzales thanked Ms. Galvan for her help completing a successful renewal season, together they licensed 1,021 architects. Renewal reminders will be sent out to the remaining 1,105 architects who will be renewing at the end of this year.

Ms. Gonzales reported she had a budget hearing on January 21st, both analysts from Department of Finance Administration (DFA) and Legislative Finance Committee (LFC) agreed with Ms. Gonzales FY20 appropriation budget request; it was approved for $397,800.00. Ms. Gonzales gave an offer letter for Business Operations Specialist position to Kelley Dickerson from the Public Education Department (PED). Interviews have started for the Compliance Officer position.

Ms. Gonzales reapplied to serve on the National Council of Architectural Registration Boards (NCARB) Professional Conduct Committee. She further stated she gave NCARB the Board’s updated information for their website, also corrected NCARB that there are 23 disciplinary cases were entered in FY18 instead of three.

Ms. Rothwell questioned what was the update regarding online payments for the Board. Ms. Gonzales stated that she has emailed Department of Information Technology (DoIT) and they have not responded. Now that the Business Operations Specialist will be filled Ms. Gonzales will start reaching out and communicating to the Board of Finance and afterwards finalize meeting with DoIT.

4. **Exam and Reciprocity Committee** – Mr. Oschwald reported 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 and Examination:
   
a. **Reciprocity**- Corinne Ann Cassidy, Robert Pratt, Bruce Clay Cousins, Matthew M. Wilkus and Hoyt Hammer.
   
b. **Reinstatement**- John Rudell Wells III and Christopher Bard.

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

   c. **Registrant/ Application Quarterly Report**
   Mr. Oschwald reported that the Board has a total of 2,126 architects, 101 of the architects are Architect Emeritus, 49 are in-state and 52 are out-of-state. There are a total of 733 architects who are in-state and a total of 1,393 architects are out of state. The percentage total of practicing architects in-state is 34% and the total of practicing architects out of state is 66%. Reciprocity applicants pending there are a total of 14 since the previous meeting in December. There are a total of 5 new registrants, 5 of the new licensees were reciprocity; for a total of 2,025 active architects ending in year 2019. The exam candidates who have completed

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the Architectural Registration Exam (ARE) from December 14th through January 31st are: Veree Parker Simons, Gregory Holman and Linda Pak.

5. **Finance and Operations Committee**
   a. **Current Budget Status Report**
   Ms. Gonzales reported to the Board the income statement as of July 1, 2018 through January 31, 2019. She mentioned the amount spent in the 200 personnel category was $126,402.39 the remaining balance in the 200 personnel category is $170,997.00. The amount spent in the 300 category was $6,158.29 the remaining balance in the 300 personnel category is $4,841.71. Ms. Gonzales mentioned to possibly use the remaining 300 category money towards a contract with a licensed architect to do the field work for investigations. The amount spent in the 400 category was $34,268.81 the remaining amount for the rest of the fiscal year is $48,546.39. Ms. Gonzales stated the total revenue as of January for the 2019 fiscal year is a total of $330,660.00.

6. **Planning and Development Committee**
   Mr. Bodelson reported to the Board that there has not been much activity. He further discussed once the Board is fully staffed he would like to discuss things that can be done in and out of the fund balance. Ms. Gonzales commented the jurisprudence exam needs to be updated. Mr. Bodelson agreed, he further stated he would like to update the applications to be more specific in terms of identifying people who've had DUI violations or other items that the Enforcement Subcommittee (ESC) should be aware of. Ms. Gonzales suggested that the Board staff update the Board’s applications and the Exam and Reciprocity Committee (E&R) receiving the reciprocity, exam and broadly experienced applications, and for the clarifying the disciplinary questions on the renewal statements. Ms. Rothwell agreed with Ms. Gonzales.

7. **Rules and Regulations Committee**
   Mr. Glenn reported to the Board there has not been much activity after the rules were finalized for the Board. Mr. Vigil stated he would like to have clarification on the requirements from NCARB regarding notices. Ms. Gonzales stated that NCARB wants when the Board does an actual monetary value settlement unless it is sent to a hearing or if another matter occurs such as the Board had suspended or revoked a license. Mr. Vigil questioned is there information in the Board’s act and rules that requires the Board to submit all disciplinary issues to NCARB? Mr. Oschwald responded no, he further stated that he recommended that the ESC should develop some guidelines in term of reported violations and to allow the ESC to have the authority to decide which cases should be disciplined or dismissed.

8. **Joint Practice Committee**
   Mr. Vigil reported to the Board that the Joint Practice Committee (JPC) had a productive meeting; he further mentioned that Interior Designers were making changes to their act and their Board was unaware of the matter. He mentioned old business from the previous meeting was discussed well as an incidental practice case regarding engineering.
D. BOARD COMMENTS / ANNOUNCEMENTS

Ms. Rothwell stated the next Board meeting date is changed and will be held on April 29, 2019 in Las Cruces. Mr. Oschwald encouraged his fellow Board members to attend the meeting in March for Ms. Rothwell whom is running for a position with NCARB.

Mr. Calvani stated there is a committee for NCARB currently working on model law, rules and statutes. He further stated NCARB has been working on business opportunities such as software’s for jurisdictions. Ms. Gonzales stated she saw a preview of the Louisiana Board’s online payment site that NCARB created for that jurisdiction. Mr. Calvani stated NCARB has increased their long term reserve fund to include opportunities with risks. He further stated that deregulation is a big deal; supervisor ethics and training is a major topic; and practice analysis will be conducted this is intended to drive the profession of architecture, Architectural Experience Program (AXP) and architectural exams.

Mr. Oschwald mentioned that he had seen an article on the AIA website about a Native American Woman who made the claim that she was “the first Native American Woman registered architect in the country”, or something to that effect. He mentioned that he thought that was an interesting claim for someone to make, since ethnicity is not a metric that many state boards track. He stated he asked a Native American colleague; Ms. Cynthia Figueroa-McInteer when she was first registered and found out that she was registered weeks before Ms. Tamara Eagle Bull was registered. Mr. Oschwald asked that NMBEA contact NCARB and have NCARB set the record straight with AIA.

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 Ms. Rothwell at 12:31pm.

Respectfully submitted:

[Signature]
Mr. Michael Bodelson, Chair

[Signature]
Mr. Mark Glenn, Secretary/Treasurer

08.23.19
Date

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