New Mexico Board of Examiners for Architects

Minutes of Board Meeting
April 29, 2019
Las Cruces, 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
Geoffrey Adams, Architect Member/Educator

Staff Present

Melanie Gonzales, Executive Director/CFO
Troy Dunn, Compliance Officer/Investigator
Kelley Dickerson, Business Operations Specialist

Guests Present

Ronald C. Nims
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.
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: Ray Vigil
Board vote: Passed unanimously

4. A guest was present. Mr. Ronald C. Nims

5. Ms. Rothwell asked for approval of the February 1, 2019 Board meeting minutes. A change was suggested to add to the minutes the discussion about the Native American woman registered architect in NM that is in fact registered prior to the current Native American woman architect claiming to be the first Native American architect.

Motion: To approve the February 1, 2019 Board meeting minutes as corrected

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

6. Public Comment

None.

B. NEW BUSINESS

1. Certificate of Distinction – Mr. Ronald C. Nims

Ms. Rothwell presented Mr. Ronald C. Nims with a Certificate of Distinction. Ms. Rothwell also presented Board Member Mr. Ray Vigil with a Certificate of Distinction.

2. Broadly Experienced Pathway

There is an issue with an individual seeking to use the broadly experienced architecture (BEA) pathway for licensure. The checklist on the Board’s website states there is a requirement of NM residency of at least two years. There is no time or residency requirement in the New Mexico Board of Examiners for Architects Act. The individual is not a resident. He was a NM resident in the 80’s for a year and a half.
Motion: To send the BEA Pathway 16.30.3.10 paragraph C back to the Broadly Experienced Architecture (BEA) Committee to investigate a potential rule change pending input from the Attorney General’s Office.

By: Ray Vigil
Second: Jim Oschwald
Board vote: Passed unanimously

3. Interior Design Senate Bill 181

No action.

4. Proposed FY20 Operating Budget
Ms. Gonzales reported to the Board the original Fiscal Year (FY)20 operating budget was $397,800.00. The Board of Examiners for Architects FY20 Operating Budget increased $16,100.00 from the current FY19 Operating Budget. The "Personal Services/Benefits" category is increasing $9,500.00 more due to State Employees 4% salary increase and the retirement rate increase of $500.00 resulting in a $10,000.00 total increase in the 200 category. The remaining "Contractual Services" and "Other Costs" categories will remain flat reflecting the same budget request amount as the approved FY19 Operating Budget. A Budget Adjustment Request (BAR) may not need to go into effect immediately in FY20 but Ms. Gonzales will stay on top of it, and train Ms. Dickerson for when the fourth employee is hired. A BAR may need to be approved in December or January 2020 at a Board Meeting. Approval is needed from the Board to submit it on May 1, 2019.

Motion: To approve FY20 operating budget

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

5. Proposed NCARB Resolution

Mr. Calvani reported to the Board there is no resolution. Elections are pending.

6. Proposed FY20 Open Meetings Resolution
Ms. Rothwell disposed of reading the Open Meetings Resolution. No objections.

Motion: To approve FY20 Open Meetings Resolution

By: Geoffrey Adams
Second: Ray Vigil
Board vote: Passed unanimously

7. Approval of CFO and Compliance Statement
Ms. Rothwell disposed of reading it. No objections. This would allow the board to have Ms.
Gonzales act as the Chief Financial Officer (CFO) for financial purposes of the Board for FY20.

Motion: To approve CFO delegation and Compliance Statement FY20

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

8. Election of Board Officers for FY20
Mr. Bodelson nominated Mr. Mark Glenn for the position of Secretary/Treasurer.
Mr. Bodelson nominated Jim Oschwald for the position of Vice Chair.
Mr. Vigil nominated Mr. Michael Bodelson for the position of Chair.

Motion: To approve Mr. Glenn as Secretary/Treasurer, Mr. Oschwald as Vice-Chair, and Mr.
Bodelson as Chair.

By: Mark Glenn
Second: Ray Vigil
Board vote: Passed unanimously

a. Tentative FY20 Committee Assignments
Ms. Rothwell suggested that Mr. Bodelson work on the Committee assignments.
Anyone interested in a position will contact Mr. Bodelson within a couple of weeks. Ms. Gonzales reported to the Board the Exam and Reciprocity
Committee meets monthly. The next Board Meeting is in August. She needs the
new committee assignments by July 1, 2019.

9. FY20 Board Calendar and Meeting Locations

Approval of the calendar and voting are on hold until the next Board Meeting, pending
correction of the calendar. Scheduling conflicts will be reported to Staff. It may be necessary
to reschedule meetings for quorum. Mr. Calvani reported he will miss the October and April
Board Meetings. Mr. Adams will notify Ms. Gonzales of his availability on Friday’s in the
Spring.

10. Discussion of Disciplinary Matters

Ms. Rothwell entertained a motion to move into a closed Executive Session.
Mr. Bodelson moved the Board into a closed session pursuant to NMSA 1978, Section 10-15-1 (H)(1) and (3) to discuss the next item on the agenda.

**Motion: To move into a closed session to discuss disciplinary matters.**

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

Roll call was taken. There was a quorum. Executive Session began at 11:19 a.m. Recorder was turned off.

Ms. Rothwell announced that the Board is back in open session. The time is 12:28 p.m. The matters discussed during 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.

11. Possible action on matters discussed in closed session.

a. **Motion: to approve NMBEA 2019_05, NMBEA_06, and NMBEA_07 Proposed Settlement Agreements.**

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

b. **Motion: to refer NMBEA 2019_01 Complaint to the Attorney General’s Office for Issuance of a Notice of Contemplated Action.**

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

c. **Motion: for prior approval of NMBEA 2019_08, NMBEA_11, NMBEA_12 Complaints contingent upon signature of the parties and no changes.**

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

Ms. Rothwell expressed her thanks to the Enforcement Subcommittee for their assistance with Investigations.
C. Reports

1. **Chair**
Ms. Rothwell expressed appreciation to Ms. Gonzales for keeping the Board on track while being short staffed, and welcomed the new staff members Mr. Dunn and Mrs. Dickerson. Ms. Rothwell expressed her condolences for Ms. Holmes and asked Ms. Gonzales to keep the Board informed of any memorial services to take place for Ms. Holmes. Ms. Rothwell referenced the successful rule change and thanked the Committees for their hard work. The Interior Design issue is ongoing. Ms. Rothwell applauded the Board for their nimble responses to NCARB changes as evidenced by the rule change. Ms. Rothwell thanked Ms. Gonzales and the staff and again welcomed the new staff members. Ms. Rothwell congratulated Joseph Dworak on his promotion and thanked him for his service to the Board.

2. **Secretary/Treasurer**
Mr. Glenn had no report as Secretary/Treasurer.

3. **Director**
Ms. Gonzales thanked the new staff Mr. Dunn and Mrs. Dickerson. Ms. Galvan is no longer with the Board. The Board Administrator Position is currently advertised and interviews will begin on May 2, 2019. The expectation is to be fully staffed by the next Board Meeting. Ms. Gonzales reported the DoIT update regarding online payments. The SSL certificate has been purchased to make the Board’s website compliant for the PCI piece to start getting the database compliant in order for DoIT to move forward. Ms. Gonzales reported the Board has been asked to share the cost of building a security wall and doors with badge access for the Construction Industries Division (CID) reception desk on the third floor. This project is pending quotes and would need to be completed by the end of this fiscal year June 30, 2019. Facilities Management has approved the plans. CID wants their permit reviewers to move to the first two cubicles thus moving the Board staff toward the back. Ms. Gonzales would potentially get an office if the Board helps with the cost of building an office for the CID office manager. Ms. Gonzales reported she has met with Mr. Dunn regarding the NCARB discipline database. A WebEx is in the works. Mr. Dunn plans to meet with current, past, and future Enforcement Subcommittee Chairs for tips on cases, investigations, and fieldwork. Mrs. Dickerson will accompany Ms. Gonzales to the online payment meetings with DoIT. Once fully staffed Ms. Gonzales will have each staff member create Jurisprudence Exam questions. Mr. Bodelson has new questions and will provide them to Ms. Gonzales. As mentioned in the operating budget report there could potentially be a BAR the Board will need to approve at a future Board Meeting.

4. **Exam and Reciprocity Committee** – Mr. Oschwald reported the Examination and Reciprocity Committee reviewed the qualifications and approval 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, Reinstatement, and Examination:

From Committee Review February 01, 2019


c. Examination - Gregory D. Holman.

From Committee Review March 20, 2019


b. Reinstatement - John Briscoe, Kevin L. Koernig, Mark W. Vaughan.

c. Examination - Veree Parker Simons.

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

d. Registrant/ Application Quarterly Report
For February 1, 2019 through April 26, 2019 Mr. Dunn reported that the Board has a total of 2,140 architects, 101 of the architects are Architect Emeritus, 49 are in-state and 52 are out-of-state. There are a total of 737 architects who are in-state and a total of 1,403 architects are out of state. There are a total of 11 Reciprocity applicants pending. There are a total of 28 new registrants, 3 are resulting from examination, and 25 are reciprocity. The exam candidate who has completed the Architectural Registration Exam (ARE) from February 1, 2019 through April 26, 2019 is Jaqueline Bryan.

5. Finance and Operations Committee
   a. Current Budget Status Report-
Mrs. Dickerson reported to the Board the income statement as of July 1, 2018 through April 25, 2019. The Board was approved for FY19 budget of $391,700.00. For the 200 category – “Personal Services/Benefits”- the Board was approved for a budget of $297,400.00, spent $173,841.51 with $120,558.49 remaining. For the 300 category- “Contractuals”- the Board was
approved for a budget of $11,000.00, spent $6,223.29 with $4776.71 remaining. For the 400 category—“Other”- the Board was approved for a budget of $83,300.00, spent $44,996.61 with $38,303.39 remaining. For revenue the Board has $3287.50 for the current period and year to date of $350,292.50.

6. **Planning and Development Committee**

Mr. Bodelson reported to the Board that with the short staffing there has not been much activity. Once fully staffed the Board will have a better opportunity to get ahead of the curve and address issues such as education which has been discussed in the past.

7. **Rules and Regulations Committee**

Mr. Glenn reported to the Board the Committee is awaiting the outcome of the BEA Committee regarding a potential rule change. In addition the Board may need to consider adding square footage limitation for single family residence. Mr. Vigil stated his agreement however he anticipates significant resistance from builders.

8. **Joint Practice Committee**

Mr. Vigil reported there is no activity. The Joint Practice Committee (JPC) has not had a meeting but he anticipates the committee reconvening with the interior design issue.

9. **NCARB Board of Directors Report**

Mr. Calvani congratulated Ms. Rothwell on her election to the Executive Committee. NCARB has an interior task force which is potentially important to us. The focus has transformed from a licensure into defining what exactly interior designers can and cannot do. The task force may determine that they can do more than we want them to. NCARB AIA – freedom by design. The funds were pulled, and the University of New Mexico (UNM) project died.

**D. BOARD COMMENTS / ANNOUNCEMENTS**

Ms. Rothwell stated the next Board meeting date is August 23, 2019 in Santa Fe. Ms. Rothwell, Mr. Oschwald, Mr. Bodelson, and Ms. Gonzales will represent the Board at the NCARB Annual Business Meeting in Washington D.C. Mr. Glenn cannot attend the Annual Business Meeting. Mr. Vigil cannot attend the August Board Meeting.

**Motion:** for proposed resolutions to be written and acted on and presented at the next Board Meeting. To the family of Jackie Holmes in thanks to her service to the Board, and to Cynthia Figueroa-McInteer as the first Native American woman licensed architect that we know of in the country. Mr. Oschwald asked that Mr. Calvani explore how we can find out who the first Native American woman licensed architect is nationally.

**By:** Jim Oschwald  
**Second:** Michael Bodelson

*04.29.2019 Board Meeting Minutes*
Board Vote: Passed unanimously

E. ADJOURNMENT:

The regular open meeting of the New Mexico Board of Examiners for Architects was adjourned by Ms. Rothwell at 1:03 p.m.

Respectfully submitted:

[Signature]
Mr. Michael Bodelson, Chair

[Signature]
Mr. Mark Glenn, Secretary/Treasurer

Date: 08.23.19

Date: 8.23.19

04.29.2019 Board Meeting Minutes