New Mexico Board of Examiners for Architects

Minutes of Board Meeting
August 24, 2018
Santa Fe, New Mexico

Board Members Present

Tara Rothwell, Chair
Michael Bodelson, Vice-Chair
Mark Glenn, J.D., Secretary/Treasurer
Jim Oschwald, Architect Member
Robert Calvani, Architect Member
Ray Vigil, Architect Member
(Attended via Teleconference)

Board Member Absent

Geoffrey Adams, Architect Member/ Educator

Staff Present

Melanie Gonzales, Executive Director/CFO
Jackie Holmes, Compliance Officer/Investigator

Staff Absent

Alicia Galvan, Board Administrator
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. Mr. Vigil was present telephonically. 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. One guest was present, Sally Malave, representing the Attorney General’s Office.
5. Ms. Rothwell asked for approval of the April 27, 2018 Board meeting minutes. No changes were made to the minutes.

**Motion:** To approve the April 27, 2018 Board meeting minutes as presented.

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

6. Public Comment  
No public comment.

B. NEW BUSINESS
1. Discussion and Update on Executive Order 2018-037

Ms. Rothwell stated the Board’s staff and legislative subcommittee had drafted responses to gather data from National Architectural Registration Board (NCARB) regarding some items that were addressed in the executive order. Ms. Rothwell stated two drafts were developed, and wanted to allow the Board members input to edit the drafts and submit the final version to the Governor’s office by August 30th. Mr. Bodelson commented that both drafts were fine. Mr. Oschwald commented on the voice of the draft, it seemed more corporate and less personalized in reference to the position of the New Mexico Board of Examiners for Architects (NMBEA). He further suggested a slight language cleanup should be made. Ms. Rothwell agreed with Mr. Oschwald regarding the language cleanup. Ms. Rothwell mentioned clarifying the different fee amounts for both even and odd birth years rather than calendar years. Ms. Gonzales explained the initial fees are for both the exam and reciprocity candidates, the fee amounts not only vary depending on the even or odd calendar year but also if the candidate is in-state or out-of-state. She further explained renewal fees will now be the same since candidates will renew every two years based on their even or odd birth years.
Ms. Gonzales stated to the Board the process of licensure for exam candidates, she explained the process within the two drafts. The Board members decided on option two and wanted to do slight language cleanup.

**Motion:** To approve the Discussion and Update on Executive Order 2018-037.

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

2. **Consideration of Proposed rule 16.30.3 and .7 NMAC and Initiation of rulemaking**

Mr. Glenn stated that: “provisional licenses” are becoming a problem and should not be issued. He further explained input is needed from Legal Counsel and Board members in order to address the concerns of provisional licenses and reduced fees for military. Ms. Rothwell commented that the Board is in the process of addressing the provisional license issue. Mr. Oschwald questioned if the Board decides to keep the term provisional license, will the applicant receive an official license at every Board meeting? Ms. Rothwell mentioned two options; the first option is to eliminate the term “provisional” and the second option is to input the term “provisional” into the statute. Mr. Oschwald questioned if the Board will need to vote on each licensee individually for each Board meeting. Ms. Malave explained to the Board a statute grants authority to the Board, it is mandatory for the Board to vote. She further explained that the Board is allowed to delegate the authority to the Board’s staff to review an applicant’s application for licensure and grant the applicant a license based upon the committee’s recommendation and then can be ratified at the next officially Board meeting; however, the Board is authorized to review and withhold a license at every Board meeting if needed. Ms. Rothwell stated that this is how the Board is currently operating and it is efficient. Mr. Vigil stated an applicant should only receive his or her license once he or she has been approved by the full Board rather than delegating the authority to staff. Ms. Malave explained only the Board dictates whether or not to delegate the authority to the Board’s staff. Mr. Oschwald mentioned that the Board’s current licensing process is more business friendly and the approval process for candidate’s licensure is done in a timely efficient manner. Ms. Holmes agreed with Mr. Oschwald, she further stated applicants do not have to wait very long to become licensed with NMBEA.

**Motion:** To table the consideration of proposed rule 16.30.3 and .7 NMAC and initiation of rulemaking

**By:** Michael Bodelson  
**Second:** Ray Vigil  
**Board Vote:** Passed unanimously
3. Proposed FY20 Appropriation Request
Ms. Gonzales explained to the Board the FY20 Appropriation request is flat as the FY19 Operating Budget. The only difference was the amount in the 200 personnel category. She explained the reasoning for this occurrence is employees’ salaries and the 2% increase of $6,100. During the calendar year in FY20 employee’s salaries are calculated at a different rate than normal due to the leap year. The FY19 Operating Budget was approved for $391,700.00 and the FY20 Appropriation Request is for $397,800.00.

Motion: To approve the proposed FY20 Appropriation Request of $397,800.00.

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

4. Consideration of Jurisprudence Exams 1 & 2
Ms. Gonzales reported to the Board that staff issues jurisprudence exam 1 to all applicants if two or more questions are incorrect staff will issue the applicant jurisprudence exam 2. She further explained to the Board that some applicants are dismayed due to the fact that they are not allowed to know which questions they have missed on the exam and the outdated questions on the exam. Mr. Bodelson recommended the jurisprudence exam to be reviewed and updated to current practice standards by the Rules & Regulations Committee.

Motion: To approve and update Jurisprudence Exams 1 & 2

By: Michael Bodelson
Second: Robert Calvani
Board Vote: Passed unanimously

5. Election of Board Officers for FY19
a. FY19 Committee Assignments
Ms. Rothwell reported to the Board members the committees assigned in FY19. The first committee reported is the Rules and Regulations Committee, the chair is Mr. Glenn, members are Mr. Vigil and Mr. Calvani. The second committee is the Enforcement Subcommittee, the chair is Mr. Vigil, and members are Mr. Glenn and Mr. Calvani. The third committee is the Legislative Subcommittee, the chair is Mr. Calvani, and members are Mr. Vigil and Mr. Glenn. The fourth committee is the Exam and Reciprocity Committee, the chair is Mr. Oschwald, members are Mr. Adams and Ms. Rothwell. The fifth committee is the Finance and Operations Committee, the chair is Mr. Glenn, members are Mr. Bodelson and Mr. Oschwald. The sixth committee is Planning and Development Committee, the chair is Mr. Bodelson, members are Mr. Adams and Mr. Oschwald. The seventh committee is Joint Practice Committee, the chair is Mr. Vigil, and members are Mr. Bodelson and Mr. Calvani.
Mr. Rothwell thanked all the committee members for their hard work.
6. Discussion of Disciplinary Matters
Ms. Rothwell entertained a motion to move into Executive Session.

Mr. Bodelson moved that the Board enter into close Executive Session to deliberate over disciplinary matters, as listed on the agenda.

Motion: To move into closed Executive Session to deliberate over disciplinary matters as listed on the agenda.

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

Roll call was taken. There was a quorum. Executive Session begins at 11:18 a.m. Recorder was turned off.

7. Possible action on matters discussed in closed session.

Ms. Rothwell announced that the Board is back in open session. The time is 11:26 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.

a. NMBEA 2018_08 Proposed Settlement Agreement.

Mr. Bodelson made a motion to accept NMBEA 2018_08 settlement agreement.

Motion: To accept NMBEA 2018_08 settlement agreement.
By: Michael Bodelson
Second: Mark Glenn
Board Vote: Passed unanimously

b. NMBEA 2018_09 Proposed Settlement Agreement.

Mr. Bodelson made a motion to accept NMBEA 2018_09 settlement agreement.

Motion: To accept NMBEA 2018_09 settlement agreement.
By: Michael Bodelson
Second: Mark Glenn
Board Vote: Passed unanimously

C. Reports
   1. Chair, Ms. Rothwell expressed her gratitude and appreciation to the Board for all their efforts, participation and hard work. Ms. Rothwell commented the Board has accomplished many duties in the previous three years. She feels confident about the Board
submitting the Executive Order. Ms. Rothwell mentioned some goals she wishes to accomplish this year as Chair. Her first goal is to have online registration, her second goal is to improve the Joint Practice Committee and positively proceeding to address the interior design issue, her third goal is to educate architects on continuing education requirements for the Planning and Development Committee and her fourth goal is updating both jurisprudence exams.

2. Secretary/Treasurer—No report.

3. Director—Ms. Gonzales reported to the Board that Ms. Galvan had accepted the job offer as the Board’s Administrator for another year. Ms. Gonzales thanked Ms. Holmes for her hard work with completing tasks in a short period of time. Ms. Gonzales reported the assignments that will be due at the end of August as a State of New Mexico Agency; the Executive Order, Submission of the FY20 Appropriation Request and the FY18 Annual Report to the Governor’s office along with the FY18 State Report to NCARB.
Ms. Gonzales stated she had numerous meetings with Ms. Cook, from the State Treasurer’s Office, Wells Fargo Representatives and Department of Information Technology discuss and proceed with the proper requirements to implement online payments to registrants.
Ms. Gonzales further reported the FY18 financial audit will take place in mid-September and she along with Ms. Rothwell is having the entrance conference with the Board’s auditor Mr. Archibeque later today; this will be Mr. Archibeque’s last year performing the audit for the Board.
Ms. Gonzales mentioned that she was re-appointed to NCARB’s Professional Conduct Committee and will be out of the office September 5th through September 8, 2018 to attend an in person committee member meeting in Washington, D.C. October 11-14, 2018 Ms. Rothwell and Ms. Gonzales will be in St. Louis for a Member Board Chair and Member Board Executive NCARB meeting.
Ms. Gonzales attended an interior designer meeting regarding a future potential legislative bill with Regulation and Licensing Department (RLD) employees and American Institute of Architects (AIA) representatives.
Ms. Gonzales and Mr. Vigil attended the 2018 Gala for Young Architects Forum in August.
Lastly, Ms. Gonzales presented the newly designed Architectural Act and Rules booklets to the Board Members.

Mr. Vigil left the meeting at 11:53am.

4. Exam and Reciprocity Committee—Mr. Oschwald 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 and Reinstatement:
   a. Reciprocity:
      Rebeca Aristizbal, Thomas Graham, Thomas Manley, Scott Sower, James Wesala, Jami Cook, Michael Krawiec, Darryl Muir, Thomas Tedrow, Weston Wright, Ryan Eshelman, Courtney

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b. Reinstatement- George Way.

c. Exam candidates-
Julie Kidder, Christopher Whyman, Joshua Wishart, Tyler Yamamoto, Ashley Hartshorn, Wesley Lansford, Jeremy Jerge, Theodore Edaakie and Stacey George.

By: Jim Oschwald  
Second: Robert Calvani  
Board Vote: Passed unanimously

d. Registrant/ Application Quarterly Report-
Ms. Holmes reported that the Board has a total of 2,223 architects, 92 of the architects are Architect Emeritus. Practicing architects total 2,131: there are a total of 710 architects who are in-state and a total of 1,421 architects are out of state. The percentage total of practicing architects in-state is 35% and a total of practicing architects out of state is 65%. Reciprocity applicants pending, there are a total of 15. Since the previous meeting in April, there were a total of 49 new registrants, 9 of the new licensees were exam candidates and 40 of the new licensees were reciprocity. A total of 2,203 architects ending in fiscal year 2018. The exam candidates who have completed the Architectural Registration Exam (ARE) from April 18th through August 21st are: Alexandra Hamada, Charles Giannini, Joshua Wishart, Beau Baker and Stacey George.

5. Finance and Operations Committee
   a. Current Budget Status Report
Ms. Gonzales reported to the Board the income statement as of August 23, 2018. The total approved budget for FY19 is $391,700.00. She mentioned the approved amount in the 200 personnel category is $297,400.00. The Board has spent $6,952.97, the remaining balance in the 200 personnel category is $271,500.00. Approved amounts in the 300 category account is $11,000, an audit has not yet been conducted therefore there nothing has been spent but has been encumbered. The 400 category was approved for $83,300.00. A total of $2,000 has been spent during the first two months of FY19; the remaining amount is $72,606.18.

6. Planning and Development Committee —
Mr. Bodelson reported to the board about engaging in outreach programs which will involve obtaining approvals for expenditures outside of typical operating expenses from the fund balance. This would also apply to, finding and sponsoring more improved continuing education programs.

7. Rules and Regulations Committee —
Mr. Glenn stated his points for the consideration of proposed rules.
8. Joint Practice Committee-
Mr. Vigil reported he is in the process of scheduling a Joint Practice committee (JPC) meeting for FY19 for the month of September. NMBEA is spearheading the JPC this year.

D. BOARD COMMENTS / ANNOUNCEMENTS –
Ms. Rothwell announced the date to submit the rule changes will be on November 1, 2018. The next Board meeting will be held on October 19, 2018 in Albuquerque. Mr. Calvani stated he may not be able to attend. Mr. Calvani announced that NCARB in is the process of trying to start conducting continuing education management.

E. ADJOURNMENT:

Motion: To adjourn the meeting.

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

The regular open meeting of the New Mexico Board of Examiners for Architects was adjourned by Ms. Rothwell at 12:23pm.

Respectfully submitted:

Ms. Tara Rothwell, Chair

Mr. Mark Glenn, Secretary/Treasurer

Mr. Michael Jodelson, Vice-Chair

signed on behalf of Mr. Glenn.

Date
10/19/18