New Mexico Board of Examiners for Architects

Minutes of Board Meeting
October 19, 2018
Albuquerque, New Mexico

Board Members Present

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

Board Member Absent

Robert Calvani, Architect Member

Staff Present

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

Others Present

Steven Alano, American Institute of Architects
Owen Kramme, Formative Architecture
A. OPENING

1. Ms. Rothwell called the meeting to order at 10:01 a.m. Roll call was taken and a quorum was determined to be present. Mr. Glenn was present telephonically. Board member Calvani 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 Oschwalt  
   **Board vote:** Passed unanimously

4. Two guests were present, Steve Alano with American Institute of Architects (AIA) and Owen Kramme with Formative Architecture.

5. Ms. Rothwell asked for approval of the August 24, 2018 Board meeting minutes. No changes were made to the minutes.

   **Motion:** To approve the August 24, 2018 Board meeting minutes as presented.

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

6. **Public Comment**

   While no public comment was made when asked by Board chair, Mr. Owen Kramme asked if he could comment later in the meeting. This comment was made immediately prior to the Board going into closed executive session.

   Mr. Owen Kramme commented about a complaint that had taken place at his work site, he referred to the Board’s rules 16.30.5.8 Complaints. He questioned if an individual who had a complaint filed against him/her would he/she be viewed fairly by the Board? Mr. Dworak commented because this particular item is not is not on the meeting agenda and therefore the Board cannot give any kind of formal response. He said if this matter was needed to be discussed it could be on the meeting agenda for a future meeting.

B. NEW BUSINESS

1. **Consideration of Proposed Rule Changes and Initiation of rulemaking.**

   Ms. Rothwell stated to the public that the Board is in the process of amending certain rules that are partially in response to the executive order. Mr. Glenn reported that with the help of Mr.
Calvani and Mr. Vigil the rule changes are primarily in part three of title sixteen chapter thirty. Mr. Glenn stated that in 16.30.3.9 regarding Registration through Education, Training and Examination the changes made were in subsection F: the removal of examination fees and in place include wording that explains that the Board is authorizing staff to approve the registration and issue licenses. Mr. Bodelson suggested adding language to clarify if a specific applicant were to be under investigation the Board would obtain the applicant’s file and put their registration on hold in order to allow the Board to consult with the Enforcement Subcommittee (ESC) before allowing staff to continue with the licensing process. Mr. Glenn agreed with Mr. Bodelson about including language to clarify this is action in the Board’s rules. Mr. Glenn explained the changes to rule 16.30.3.10 regarding Registration through Reciprocity, the changes made were: subsection B was added to address an applicant who is not National Council of Architectural Registrations Boards (NCARB) certified. The language added in subsection B was an applicant who is licensed as an architect in another jurisdiction who is not NCARB certified, the applicant will be able to apply upon receipt of an NCARB certification that is acquired through NCARB’s Alternative Pathway to Licensure for Experience Professionals and remove the rest of the paragraph. In subsection C describes an individual who is not currently NCARB certified and is seeking licensure through reciprocity. Subsection C number three project management was added and the sunset provision of January 2018 was removed. In subsection J, language included explains the Board has the authority to approve and issue applicants registration, although the Board must consult with the Exam and Reciprocity Committee, and the Board shall vote to ratify issued registrations by staff and the Board is authorized to take disciplinary action if needed under the Uniform Licensing Act (ULA) 61-1-1. In Section 16.30.3.11 Subsector A, language removed that described one year renewal along with half of the renewal fees. Subsection B became 16.30.3.12 titled Continuing Education, these section was renumbered and part H regarding public service was removed. Mr. Bodelson commented that public service should not be eliminated, Mr. Adams agreed with Mr. Bodelson. Ms. Rothwell added that Mr. Calvani did not want to resurrect the BEA process we had sunset. He wanted to make sure an architect without a certificate can apply with proof of an accredited degree, the ARE, and proof of AXP then with New Mexico staff we would license. Mr. Glenn mentioned a comment by Mr. Calvani, he stated that if an individual was not NCARB certified however, he/she needed a degree received by a program that is accredited by the National Architectural Accrediting Board (NAAB) an applicant wouldn’t need to be NCARB certified. Mr. Vigil stated the idea of an applicant not having to be NCARB certified would require NCARB to disclose the applicant’s information to the Board such as: NAAB degree, AXP and ARE. Mr. Oschwald mentioned NCARB would provide the requested information, the Board decides if the information is adequate, however it is unclear if NCARB will verify if the information is valid.

Ms. Rothwell mentioned the Board’s statute requires an applicant to have a NAAB degree. She said is important to know that an applicant degree is NAAB accredited, the Board does not have the resources to access specific information and for this reason the Board relies on NCARB to provide accurate information. Mr. Oschwald suggested an applicant to provide information requested by the Board such as: Education Evaluation Services for Architects (EESA) which is controlled by NAAB, this trusted source is used to verify the information provided by NCARB.
Mr. Bodelson commented the rules read if an issue occurred regarding an applicant, their application should be submitted to the ESC rather than the board, if an appeal occurred the board would be adulterated. Mr. Dworak clarified the reading of the rule, he said if the committee may recommend an appropriate action regarding the situation at hand; however, the Board will make the ultimate decision. Lastly in section 60.30.7.7 a wording change was made and only recent veterans, military service members and spouses are applicable.

**Motion:** To Accept the Rules Changes with the Following: In paragraph F omit the last sentence, change wording in second sentence to “Board staff shall consult the ESC”, and wording to “disciplinary issues”; In paragraph J change wording to “Board staff shall consult”, leave the “Licensing” as it stands and omit the last sentence; and in paragraph H reinsert “Four hours of public service for continuing education”

**By:** Ray Vigil  
**Second:** Michael Bodelson  
**Board vote:** Geoffrey Adams voted against. Motion passed 5-1.

Mr. Glenn left the meeting at 11:35am.

2. **Discussion and Update on Executive Order 2018-48**  
Ms. Rothwell stated that she wanted to make sure the Board members were made aware of how this Executive Order affected the Board. Mr. Dworak stated there is not much effect with this Executive Order. The Board’s statute is precise and an Executive Order cannot trump a statute. He mentioned Consumers choice is taking action by tying to eliminate licensure barriers for applicants. Mr. Dworak mentioned in order for these changes to come in effect, the changes would need to go through the Legislature; however, these changes have not gone through the Office of the Attorney General.

**Motion:** No motion.

3. **Discussion and possible action regarding the position of the Board’s Executive Director.**

Ms. Rothwell entertained a motion to move into a closed Executive Session.

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 Board’s Executive Director.

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

Roll call was taken. There was a quorum. Executive Session began at 11:55 a.m. Recorder was turned off.

Ms. Rothwell announced that the Board is back in open session. The time is 12:43 p.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-
      a. Ms. Rothwell mentioned the motion for the minutes to be stated exactly without any changes, and it will be as to what actions the Board will make. This will allow for simpler and more accurate minutes.
      b. Ms. Rothwell mentioned a situation regarding the Landscape Architect issue. A sunset hearing will take place on Monday October 22, 2018 for the Landscape Architects Board. The Regulation and Licensing Department (RLD) would like to combine the Landscape Architects with the New Mexico Board of Examiners for Architects (NMBEA). Mr. Vigil elaborated that he spoke with Mr. Green the current Chair of the Landscape Architects Board, Mr. Green mentioned possibly being combined with Engineering Board. Mr. Vigil stated that NMBEA does not have the funding to support the Landscape Architects Board, nor the physical space for additional FTE. Mr. Vigil and Mr. Bodelson will attend the sunset hearing to gather further information regarding the Landscape Architects Board.
      c. Ms. Rothwell mentioned the Jurisprudence Exams are being updated. Mr. Bodelson commented the Planning and Development Committee is working on the updating the Jurisprudence Exams. Ms. Rothwell asked for these to be ready for review at the December meeting.
      d. Ms. Rothwell mentioned an upcoming event, the NCARB Centennial. The Board reviewed the page prepared by NCARB and requested to be represented by a more updated photograph. Mr. Oschwald commented that to our knowledge, the first female Native American was licensed in New Mexico and her name is Cynthia Figueroa-McInteer. Ms. Rothwell stated this woman would be added under NMBEA’s history for NCARB’s centennial.
      e. Ms. Rothwell stated she will be attending a Budget Hearing with Ms. Gonzales which will be taking place on October 24, 2018. There were no issues anticipated.
      f. She mentioned a Jet Pack event will take place on November 3, 2018 and they requested Board members to attend. Ms. Gonzales will email the Jet Pack event information to the Board members. Ms. Rothwell would not be able to attend as she will be out of the country, but hoped that someone could represent the Board.
      g. Ms. Rothwell stated she had received an email about Freedom by Design, and American Institute of Architecture Student’s program (AIAS) initiative. A group of
University of New Mexico (UNM) students have taken on a Freedom by Design project. These UNM students have reached out through NCARB and are looking for engagement and support from the Board. They would like to obtain a facility to serve veterans on campus. Ms. Rothwell stated that she will follow up and see what services the Board can provide for the UNM students.

Mr. Adams left the meeting at 12:54pm.

2. **Secretary/Treasurer**—No report.

3. **Director**—
   a. Ms. Gonzales reported to the Board that postcards were mailed out to all architects reminding them that renewal season is coming up, State Printing will be mailing out the renewal statements on behalf of the Board during the last week of October.
   b. Ms. Gonzales stated the FY18 audit is complete but not official to disclose.
   c. Ms. Gonzales has had meetings with Department of Information Technology (DoIT) regarding online payments, she also spoke with Lisa who is the Board’s point of contact for DoIT, she further stated that she is planning to have online payments available hopefully starting in January 2019.

4. **Exam and Reciprocity Committee**—Mr. Oschwald reported for Mr. Adams 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 Examination:

   b. Reinstatement- None.

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

   d. **Registrant/ Application Quarterly Report**—
Ms. Holmes reported that the Board has a total of 2,156 architects, 92 of the architects are Architect Emeritus 44 are in-state and 48 are out-of-state. There are a total of 716 architects who are in-state and a total of 1,440 architects are out of state. The percentage total of practicing architects in-state is 33% and a total of practicing architects out of state is 67%. Reciprocity applicants pending, there are a total of 12. Since the previous meeting in August,
there were a total of 27 new registrants, 2 of the new licensees were exam candidates and 25 of the new licensees were reciprocity. A total of 2,248 architects ending in fiscal year 2018. The exam candidates who have completed the Architectural Registration Exam (ARE) from August 24th through October 18th are: Daniel Martinez and Donna Marion. Mr. Bodelson suggested that the Board create wall certificates for Architect Emeritus. Ms. Rothwell agreed with Mr. Bodelson’s suggestion.

5. Finance and Operations Committee
   a. Current Budget Status Report: Board had no comment on income statement.

6. Planning and Development Committee—
Ms. Gonzales reported the board is now operating on a yearly renewal cycle, the examination candidates fees will be cut in half, the application fee will be $25.00 for in-state applicants and $50.00 for out-of-state applicants, the registration fee will be $112.50 for in-state and $162.50 for out-of-state. Reciprocity fees will be $350.00 for in-state and $450.00 for out-of-state.
Mr. Bodelson reported to the Board about the Jurisprudence Exams is in progress, possibly using a pool of questions. Ms. Gonzales stated that Jurisprudence Exam one should be updated due to the changes made to the acts and rules. Ms. Rothwell suggested updating the Jurisprudence Exams after every rule change.

7. Rules and Regulations Committee—
Mr. Vigil reported to the Board that the Rules and Regulations committee have been working on intermittent requests. ESC members have been working on some cases that are in the preliminary stages and cannot be presented to the full Board.

8. Joint Practice Committee—
Mr. Vigil reported to the Board that has been in contact with Ms. Gonzales and they have decided to schedule a meeting before the end of this year 2018. Ms. Gonzales sent an email to all agencies part of the Joint Practice Committee (JPC) to coordinate a meeting date and time, as a result Ms. Gonzales has not received any feedback.

D. BOARD COMMENTS / ANNOUNCEMENTS—
Ms. Rothwell stated the next Board meeting will be held on December 14, 2018 in Santa Fe. Ms. Rothwell thanked everyone for their hard work. Ms. Rothwell and Ms. Gonzales expressed their appreciation and gave Mr. Vigil an engraved plaque for all of his dedicated hard work as the previous chairman.

E. ADJOURNMENT:
The regular open meeting of the New Mexico Board of Examiners for Architects was adjourned by Ms. Rothwell at 1:44pm.
Respectfully submitted:

Ms. Tara Rothwell, Chair

Mr. Mark Glenn, Secretary/Treasurer

12/14/18

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