New Mexico Board of Examiners for Architects

Minutes of Board Meeting
August 23, 2019
Santa Fe, New Mexico

Board Members Present

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

Staff Present

Meralie Gonzales, Executive Director/CFO
Kelley Dickerson, Business Operations Specialist
Doris Roybal, Board Administrator

Guests Present

Barbara Felix – Architect with AIA
Erin Anderson – Financial Institutions Division Attorney
Susan Barela - Attorney General’s Office
Peggy Castner and Brandy Trussell – ANM
A. OPENING

1. Mr. Bodelson 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. Mr. Bodelson asked for approval of the meeting agenda.

**Motion:** To approve the meeting agenda

**By:** Robert Calvani  
**Second:** Jim Oschwald  
**Board vote:** Passed unanimously

4. Five guests were present. Ms. Barbara Felix of AIA, Erin Anderson, Financial Institutions Division Attorney, Susan Barela from the Attorney General’s Office, Peggy Kasner, and Brandy Trussell from ANM.

5. Mr. Bodelson asked for approval of the April 29, 2019 Board meeting minutes.

**Motion:** To approve the April 29, 2019 Board Meeting minutes as presented

**By:** Robert Calvani  
**Second:** Jim Oschwald  
**Board vote:** Passed unanimously

6. Mr. Bodelson asked for approval of the February 8, 2019 amended Board meeting minutes

**Motion:** To approve the February 8, 2019 amended Board meeting minutes

**By:** Mark Glenn  
**Second:** Tara Rothwell  
**Board vote:** Passed unanimously

7. Public Comment

Barbara Felix – AIA position this year on the Interior Design Bill.

Senator Papen wants the Interior Design Bill reintroduced. AIA continues to be neutral.

Susan Barela - Attorney General’s Office.  
Ms. Barela introduced herself as the newly assigned Administrative Prosecutor for the Board.
B. NEW BUSINESS

1. Discussion and Possible action for On-line Payments Proposal

Peggy Castner and Brandy Trussell of ANM presented their proposal. Option 1: $19,000 for business requirements and reviewing website. Entire website design for approximately $60,000.

Option 2: $14,000 for business requirements (keeping existing website). Existing website with connection to Salesforce for forms for less than $60,000. ANM is already on a State contract, and already a vendor. The RFP was submitted and should be approved in November. In the meantime, they are working under a Small Purchase Contract.

Licenses from DoIT would cost approximately $15,000 to $20,000 for annual subscription.

The timeframe is four to six weeks for the design after they receive signatures. After this phase the remaining timeframe and cost of build out will be determined. The ballpark estimate of the build out timeframe is two to three months. Migration of the database is included in the business requirements.

ANM will work with Ms. Gonzales on the design and implementation.

Ms. Gonzales reported that there still needs to be a preaudit done on the Agency with all this new development for the PCI Steering Committee before we would get the final approval from the Board of Finance to offer online payments.

Mr. Oschwald raised the question of the security of the system. ANM will provide additional information including real numbers and information. Mr. Calvani mentioned the quality control is lacking, and the chart of services is cumbersome, clunky and he is underwhelmed.

Mr. Glenn mentioned his concerns about malware and ransomware.

Ms. Gonzales reported that the Board’s website finally did get secure with the SSL Certificate, and Risk Sense, per the Governor, tested the security of the website. The results should be in next week.

Ms. Gonzales presented NCARB’s proposal (submitted this morning) of what their licensing system would be. NCARB would still need to meet the PCI Compliance requirements for the Board of Finance, and an RFP would have to go out for bid. There is no guarantee that NCARB would get the contract. For strictly the licensing the implementation fee is $30,000, plus $18,000 annual subscription, plus the annual membership fees NMBA already pays NCARB. NCARB did not provide a quote for the website redesign, or the database, or forms, and whether they would migrate over to the Wells Fargo online portal that we are required as a State agency to implement.
Ms. Gonzales is seeking today Board approval to proceed with one or both options as proposed or alternate direction on how to pursue online payments.
Mr. Oschwald asked how much we pay now annually for the website. Ms. Gonzales indicated we pay DoIT monthly fees for desktop support, telecommunications and enterprise service support that ranges anywhere from $820 to $1800 monthly depending on the agency needs. Years ago the Boards cost to move the server to DoIT and to do the website was over $20,000.

Motion: To proceed with selecting ANM to begin the design phase of work as proposed with Option 1 to include reviewing the existing website for clean-up.

By: Tara Rothwell
Second: Jim Oschwald
Board vote: Passed unanimously

2. Proposed FY21 Appropriation Request
Ms. Gonzales reported to the Board the budget increased by $2200. for the 200 personnel services category due to the employee insurance rate increase in the beginning of FY19. Otherwise the appropriation remained flat
*an email and phone conversation took place on August 28, 2019, between the Board Chair and Board Secretary/Treasurer to approve the administrative increase that occurred after the Board meeting for a budget increase of $2900 instead of $2200 resulting in a total appropriation request of $410,700 instead of $410,000. *

Motion: to approve the FY21 Appropriation for $410,000.

By: Tara Rothwell
Second: Geoffrey Adams
Board vote: Passed unanimously

3. Proposed Update to Broadly Experienced Pathway
Three individuals inquired about this. After April’s board meeting, Ms. Gonzales emailed all three individuals and notified them to disregard the residency requirements. Per the advice of the Attorney General Counsel the residency requirement conflicts with the ULA. There has been no responses from the individuals and no applications have been submitted.

Mr. Adams questioned whether the Board’s fee can be raised to match NCARB’s fee.

Ms. Rothwell indicated the intent of the Broadly Experienced Architectural Pathway (BEA) was to support business in the state, promote the profession in the state, and to give people in the state the opportunity. Mr. Adams mentioned the NCARB option was broken at the time the Pathway was introduced, and NCARB has now resolved their issue. Ms. Rothwell suggested fixing the language now rather than later. Mr. Oschwald suggested sending this issue to the BEA Committee (Exam and Reciprocity Subcommittee).
Chair Bodelson directed the BEA committee to review and present a recommendation on corrective action at the next meeting. The Board discussed changing the current fee of $1000. to $2500. Mr. Glenn mentioned that the Statute indicates the Board shall by Rule set the fees. The Attorney General Counsel agreed.

In the meantime, the two-year residency requirement, and three sets of construction documents requirement will be removed from the checklist on the website. The Chair Bodelson directed Ms. Gonzales in conjunction with Counsel to ensure that the checklist is consistent with Rule and Statute. Ms. Gonzales questioned whether the BEA Pathway can be suspended until the proper checklist is created. The Board indicated it can’t be suspended since it is required under the Statute. Ms. Rothwell mentioned the checklist was created based on the language from the previous Statute that had a clause with an expiration date.

4. Election of Board Officers for FY20
   4a. FY20 Committee Assignments
       The FY20 Committee Assignments have been distributed. Ms. Gonzales mentioned these assignments were finalized after the April 29th Board Meeting.
   4b. FY20 Board Calendar
       Mr. Calvani cannot attend the Board Meeting in Albuquerque on October 18, 2019. The date of the Meeting is changed to October 11, 2019. Mr. Adams will try to find a student observer.
       Mr. Calvani and Ms. Rothwell cannot attend the April 24, 2020 Board Meeting. The date of the Meeting is changed to April 27, 2020.
       Mr. Adams stated he thinks he is ok for Friday’s this spring.
       Ms. Gonzales will edit and redistribute the FY20 Board Calendar.

5. Discussion of Disciplinary Matters
Mr. Bodelson entertained a motion to move into a closed Executive Session.

Mr. Oschwitz 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:** Jim Oschwitz
**Second:** Tara Rothwell
**Board vote:** Passed unanimously

Roll call was taken. There was a quorum. Executive Session began at 11:58 a.m. Recorder was turned off.

*08.23.2019 Board Meeting Minutes*
Mr. Bodelson announced that the Board is back in open session. The time is 12:19 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.

6. Possible action on matters discussed in closed session.
   a. Motion: to approve NMBEA 2019_01 Issuance of a Notice of Contemplated Act.
      By: Mark Glenn
      Second: Tara Rothwell
      Board vote: Passed unanimously

   b. Motion: to approve NMBEA 2019_02, NMBEA_11, and NMBEA_13 Proposed Settlement Agreements.
      By: Mark Glenn
      Second: Geoff Adams
      Board vote: Passed unanimously

   C. Reports
   1. Chair

   Chair Bodelson mentioned the need to prepare for how the Board wants to interface with AIA. The hope is that there will be no action on the Interior Design Bill. Mr. Bodelson asked for volunteers to be available in addition to himself should the Bill come up in the Legislative Session. Ms. Gonzales mentioned that the Board has the Legislative Subcommittee. Mr. Calvani is the Chair. Mr. Glenn volunteered to be available however he cannot speak to some of the technical questions that could come up. Ms. Rothwell volunteered if no one else can, however it is more difficult for her due to the travel. The suspicion is that there will be mostly monitoring of the Session. Otherwise, Mr. Bodelson stated there is nothing major from the Chair to report.

   Mr. Bodelson and Ms. Gonzales presented Ms. Rothwell, the outgoing Chair, with a plaque and Certificate of Appreciation in thanks for her service and many contributions to the Board.

   2. Secretary/Treasurer

   Mr. Glenn had no report as Secretary/Treasurer. The Director covered everything in the FY21 Appropriation Request.

   3. Director

   Ms. Gonzales introduced Mrs. Roybal as the new Board Administrator. Today is Mrs. Roybal’s last day with the Board. The new Board Administrator hired via a Recruitment Waiver and approved by the State Personnel Office, Paul DeHerrera, starts on Monday 8/26/2019. Ms. Gonzales introduced Miguel Lozano as the new Counsel from the Attorney General’s office.
job title of the Compliance Officer has been officially changed to State Investigator. The posting has closed, and interviews will be conducted the week of September 2, 2019. Ms. Gonzales plans on interviewing with Chair Bodelson about eight candidates. The expectation is to be fully staffed by the FY21 Budget Appropriation Hearing. The FY19 Financial Audit begins on Thursday, August 29, 2019. Today Ms. Gonzales and Chair Bodelson will conduct the entrance interview with the Auctor Erick Robinson of Integrity Accounting & Consulting. The Board Administrator for the Interior Board, Nicholas Karns, stopped by and provided Ms. Gonzales the same copy of the Bill that has been introduced in previous Legislative Sessions. Ms. Gonzales gave Mr. Karns a copy of the Building Official’s Handbook, and the Board’s Act and Rules because Mr. Karns specifically asked about the Seal requirements. Mr. Karns will keep Ms. Gonzales updated.

The Board’s website is now secure with the SSL certificate. The security buildout is complete. The new furniture for Ms. Gonzales’ office/conference room will arrive September 5, 2019.

There will be a memorial service/celebration of life for Jackie Holmes on September 14, 2019 at the Railyard Performance Center in Santa Fe from 2:30-5:30. It will be a potluck. Ms. Gonzales suggested providing food from Jambo Café. Chair Bodelson asked the Board members to contribute individually to Ms. Gonzales toward the purchase of food. Mr. Oschwald reminded the Board that doing a Resolution has been previously discussed. Ms. Gonzales reminded the Board of the need for a Public Notice for the meeting. Chair Bodelson asked that the meeting/memorial service be posted. Mrs. Dickerson will do the Public Notice. Ms. Gonzales will bring a Resolution Certificate. Mr. Oschwald and Mr. Bodelson will work on the language with Ms. Gonzales. There is another Resolution pending for Cynthia Figueroa-McInteer the first Native American woman licensed architect that will be presented at the October 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 May 21, 2019


From Committee Review July 31, 2019


c. **Examination** – Jeremy Mier.
   **By:** Jim Oschwald
   **Second:** Geoffrey Adams
   **Board Vote:** Passed unanimously

d. **Registrant/ Application Quarterly Report**
   For April 26, 2019 through August 23, 2019 Mr. Oschwald reported that the Board has a total of 2,292 architects, 101 of the architects are Architect Emeritus, 49 are in-state and 52 are out-of-state. There is a total of 762 architects who are in-state and a total of 1,530 architects are out of state. There is a total of 13 Reciprocity applicants pending. There is a total of 40 new registrants, 2 are resulting from examination, and 38 are reciprocity.

e. **Audit Committee Report**
   Ms. Gonzales reported 75 registrants were audited for 2019 Continuing Education Audit. 74 of those audited submitted proof of their continuing education within the deadline. The Continuing Education Audit Committee met on April 29, 2019 to review the files. The results were 73 registrants met the Continuing Education (CE) requirements. 4 registrants completed 24 hours of CE but did not take the 12 hours per year as required by Board Rule. These 4 registrants were sent a letter explaining that the Rule requires 12 hours of Health Safety and Welfare (HSW) CE hours per year for a total of 24 hours. They were also advised that they will be audited next time they renew their license. 4 registrants did not meet the CE requirements either because their CE’s were not all HSW’s, or they did not have enough. These 4 registrants were sent certified letters on May 2, 2019 advising them that they did not meet the CE requirements of the Board. They were given 60 days after the receipt of the certified letter to substantiate their original claim or obtain the hours to meet the minimum requirement. As of July 1, 2019, all 4 of the registrants who received the certified letters have submitted the additional hours they were lacking. The 2019 Continuing Education Audit is complete which confirms we met that part of the performance measures for the FY21 Appropriation Request.

5. **Finance and Operations Committee**
   a. **Current Budget Status Report**
      Mrs. Dickerson reported to the Board the income statement as of July 1, 2019 through August 22, 2019. The Board was approved for FY20 budget of $407,800.00. For the 200 category Personnel Services/Benefits- the Board was approved for a budget of $313,500.00, spent $29,224.79 with $284,275.21 remaining. For the 300 category- Contractuals- the Board was
approved for a budget of $11,000.00, spent $0.00 with $11,000.00 remaining. For the 400
category- Other- the Board was approved for a budget of $83,300.00, spent $9,938.44 with
$73,361.56 remaining. For revenue the Board has $12,187.50 for the current period and year to
date of $12,187.50.

6. **Planning and Development Committee**

Ms. Rothwell reported the Committee is actively working on the IT proposals and moving
forward with the online registration and renewals. Ms. Rothwell offered the Committees
support to Ms. Gonzales and the staff in terms of how we want things to look.
At the last annual business meeting NCARB unveiled a new streamlined strategic plan. Ms.
Rothwell mentioned it would be worthwhile to ask the Planning Committee to review it and
determine how it aligns with the Board’s strategic plan since it has not been updated.
Ms. Rothwell presented a poster from the Annual Meeting of an exercise she completed on
ideas that the various Board’s want to push forward. A main topic was fixing the Board’s
website.
Ms. Gonzales reported she submits a Strategic Plan based on the performance measures with
the Appropriation every year, and then a separate Annual Report for the Governor every
September 1. Ms. Gonzales will submit this to Mr. Bodelson next week.

7. **Rules and Regulations Committee**

Mr. Glenn reported to the Board the Committee is stymied by Statute at this point therefore
they are not able to do much now.

8. **Joint Practice Committee**

Mr. Bodelson reported they will get prepared for the next Legislative Session in case the
interior design issue comes up. Ms Gonzales reported it is the Landscape Architects fiscal year
to take over.

**D. BOARD COMMENTS / ANNOUNCEMENTS**

Mr. Bodelson stated the next Board meeting date is October 11, 2019 in Albuquerque, NM at
UNM Architecture School.

**E. ADJOURNMENT:**

The regular open meeting of the New Mexico Board of Examiners for Architects was adjourned
by Mr. Bodelson at 1:05 p.m.

Respectfully submitted:


Mr. Michael Bodelson, Chair

Date 10-11-19

08.23.2019 Board Meeting Minutes
Mr. Jim Oschwald, Vice-Chair  
In place of Mr. Mark Glenn, Secretary/Treasurer

10-11-2019
Date