

**State of New Mexico  
Board of Examiners for Architects**

**Architectural Act  
Rules and Regulations**

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## **CHAPTER 61, ARTICLE 15, NMSA 1978**

### **Architects**

#### **§61-15-1. Purposes of the Act.**

In order to safeguard life, health and property and to promote public welfare, any person practicing architecture in this state shall be required to submit evidence that he is qualified to practice and shall be registered as provided in the Architectural Act [Chapter 61, Article 15 NMSA 1978]. It shall be unlawful for any person to practice architecture in this state unless that person is duly registered or exempt under the provisions of the Architectural Act.

#### **§61-15-1. 1. Short title.**

Chapter 61, Article 15 NMSA 1978 may be cited as the "Architectural Act".

#### **§61-15-2. Definitions.**

As used in the Architectural Act [Chapter 61, Article 15 NMSA 1978]:

- A. "architect" means any individual registered under the Architectural Act to practice architecture;
- B. "architectural services" means the services, as defined by rule of the board, performed in the practice of architecture. These services include predesign services, programming and planning, providing designs, drawings, specifications, other technical submissions, administration of construction contracts, coordination of technical

submissions prepared by others and such other professional services as may be necessary to the planning, progress and completion of any architectural services. An architect who has complied with all of the laws of New Mexico relating to the practice of architecture has a right to engage in the incidental practice of activities properly classifiable as engineering; provided that the architect does not hold himself out to be an engineer or as performing engineering services and further provided that the architect performs only that part of the work for which the architect is professionally qualified and uses qualified professional engineers, architects or others for those portions of the work in which the contracting architect is not qualified. Furthermore, the architect shall assume all responsibility for compliance with all laws, codes, rules and ordinances of the state or its political subdivisions pertaining to documents bearing an architect's professional seal;

C. "board" means the board of examiners for architects;

D. "construction administration", when performed by an architect, means the interpretation of the drawings and specifications, the establishment of standards of acceptable workmanship and the observation of construction to determine its consistency with the general intent of the construction documents. Inspection of buildings by contractors, subcontractors or building inspectors or their agents shall not constitute construction administration;

E. "incidental practice" means the performance of other professional services that are related to an architect's performance of architectural services;

F. "intern architect" means a person who is actively pursuing completion of the requirements for diversified training in accordance with rules of the board;

G. "practice of architecture" means rendering or offering to render architectural services in connection with the design, construction, enlargement or alteration of a building or group of buildings and the space within the site surrounding those buildings, which have as their principal purpose human occupancy or habitation. "Practice of architecture" does not include the practice of engineering as defined in the Engineering and Surveying Practice Act but may include such engineering work as is incidental practice;

H. "project" means the building or group of buildings and the space within the site surrounding the buildings as defined by the construction documents; and

I. "responsible charge" means that all architectural services have been or will be performed under the direction, guidance and restraining power of a registered architect, who has exercised professional judgment with respect thereto.

**§61-15-3. Board of examiners for architects created; terms; qualifications.**

A. The "board of examiners for architects" is created consisting of seven members appointed by the governor for staggered terms of three years each. Six of the members shall be architects having ten years or more experience in the profession, five years of which shall have been in responsible charge of architectural projects, and shall have been registered as architects in New Mexico for at least five years. One of six architects shall be in architectural education in an accredited college of architecture, and one of the six architects shall be from the public sector and not in private practice. The seventh member shall be a public member who is a voting member. The public member of the board shall not have been licensed as an architect, nor shall the public member have any significant financial interest, whether direct or indirect, in the

occupation regulated.

B. Each member of the board shall be at least thirty years of age, a citizen of the United States and a resident of New Mexico for at least five years prior to the date of appointment.

C. Members of the board shall be appointed for staggered terms of three years each made in such a manner that the terms of not more two members expire on June 30 of each year. Each member shall serve until his successor has been appointed and qualified. A vacancy shall be filled for the unexpired term by appointment by the governor of a person having similar qualifications as the member that he replaces. Each member of the board whose term has not expired on the effective date of this section shall serve out the member's unexpired term.

D. Each member of the board shall receive a certificate of appointment from the governor and, before beginning the member's term of office, shall file with the secretary of state the constitutional oath of office. The governor may remove any member from the board for the neglect of any duty required by law, for incompetence or, if the member is a licensed architect, for any improper or unprofessional conduct as defined by rules of the board.

E. The board shall elect a chair, a vice chair and a secretary and any other officers it deems necessary.

#### **§61-15-4. Powers and duties of the board.**

A. The board shall hold at least four regular meetings each year. Any board member failing to attend three consecutive regular meetings is automatically removed as a member of the board. A majority of the board members constitutes a quorum.

B. A board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person if:

- (1) each member participating by conference telephone can be identified when speaking;
- (2) all participants are able to hear each other at the same time; and
- (3) members of the public attending the meeting are able to hear all board members who speak during the hearing.

C. The board may establish committees to carry out the provisions of the Architectural Act. The board or any committee of the board shall have the power to subpoena any witness, to administer oaths and to take testimony concerning matters within its jurisdiction. It is within the jurisdiction of the board to determine and prescribe by rules the professional and technical qualifications necessary for the practice of architecture in New Mexico. The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted, and may make rules not inconsistent with law.

D. The board may offer, engage in and promote educational and other activities as it deems necessary to fulfill its duty to promote the public welfare.

E. The board may, for the purpose of protecting the citizens of New Mexico and promoting current architectural knowledge and practice, adopt rules establishing continuing education requirements as a condition of registration renewal.

F. Members of the board shall receive per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or

allowance. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized reimbursement and necessary expenses incident to cooperation with like boards of other states, shall be paid by the state treasurer out of the "fund of the board of examiners for architects" on the warrant of the secretary of finance and administration issued upon vouchers signed by the chair or the chair's designee; provided, however, that at no time shall the total warrants issued exceed the total amount of funds accumulated under the Architectural Act. All money derived from the operation of the Architectural Act shall be deposited with the state treasurer who shall keep the money in the fund of the board of examiners for architects.

G. The board shall by rule provide for the examinations required for registration. The board shall keep a complete record of all examinations.

H. Upon application for registration, upon a prescribed form and upon payment by the applicant of a fee set by the board, the board shall consider the application and, in cases as herein authorized, shall issue a certificate of registration as an architect to any person who submits evidence satisfactory to the board that the person is fully qualified to practice architecture.

I. It is the duty of the board to report to the district attorney of the district where the offense was committed any criminal violation of the Architectural Act.

J. The board may deny, review, suspend or revoke a registration to practice architecture and may censure, fine, reprimand, and place on probation and stipulation any architect in accordance with the Uniform Licensing Act for any cause stated in the Architectural Act.

K. The board, in cooperation with the state board of licensure for professional engineers and professional surveyors and the board of landscape architects, shall create a joint standing committee to be known as the "joint practice committee". In order to safeguard life, health and property and to promote public welfare, the purpose of the committee is to promote and develop the highest professional standards in design, planning and construction and the resolution of ambiguities concerning the professions. The composition of the committee and its duties and powers shall be in accordance with identical resolutions adopted by each board.

L. Pursuant to the notice and hearing requirements of Uniform Licensing Act, the board may impose a civil penalty in an amount not to exceed seven thousand five hundred dollars (\$7,500.00) for each violation on any individual found to be engaging in the practice of architecture without being registered pursuant to the Architectural Act.

**§61-15-5. Additional duties of the board**

A. The board shall keep a record of its proceedings. The records of the board shall be prima facie evidence of the proceedings of the board set forth in the record and a transcript of the record, duly certified by the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

B. The board shall keep a register of all applications for registration, which shall show the name, age and residence of each applicant, the date of application, the applicant's place of business, the applicant's educational and other qualifications, whether an examination was required, whether the applicant was rejected, whether a certificate of registration was granted, the date of the action of the board and any other information deemed necessary by the board.



C. Annually, the board shall submit to the governor a report of its transactions of the preceding year accompanied by a complete statement of the receipts and expenditures of the board. The report shall be available to the public.

D. Board records and papers that are of a confidential nature and are not public records include examination material for examinations not yet given, file records of examination problem solutions, letters of inquiry and references concerning applicants, board inquiry forms concerning applicants and investigation files. All data, communications and information acquired by the board relating to actual or potential disciplinary action is confidential and shall not be disclosed except to the extent necessary to fulfill the duties of the board.

E. A roster showing the names and addresses of all registered architects shall be prepared annually by the board and shall be made available to each registered architect and placed on file with the secretary of state. Copies of the roster may be distributed or sold to the public.

F. The board shall, by rule, set application, registration, renewal, examination and other fees.

G. The board may, by rule, set criteria for the training of intern architects.

#### **§61-15-6. Requirements for registration**

A. To be eligible for registration, a person shall be of good character and repute.

B. An applicant for registration shall submit evidence satisfactory to the board that the applicant is fully qualified to practice architecture in New Mexico.

C. All applicants for registration shall be required to pass any examinations required by the board.

D. All applicants for registration shall be required to complete all forms and affidavits required by the board.

E. An applicant for registration by examination shall have:

- (1) a professional degree from an architectural program accredited by the national architectural accreditation board or its equivalent as prescribed by rule;
- (2) certified completion of the architectural experience program (AXP) of the national council of architectural registration boards; and
- (3) passed all divisions of the architectural registration examination.

F. A person registered as an architect in another jurisdiction who has been certified by the national council of architectural registration boards may apply for registration without an examination by presenting for review by the board:

- (1) a certificate of good standing issued by the national council of architectural registration boards or its equivalent as prescribed by rule;
- (2) evidence satisfactory to the board of qualification in comprehensive design as prescribed by rule of the board; and
- (3) evidence satisfactory to the board of meeting all of the requirements prescribed by the rule of the board.

G. A person registered as an architect in another jurisdiction who has held the registration in a position of responsibility for a period of time as prescribed by the rule of the board and who does not have a certificate issued by the national council of

architectural registration boards may apply for registration by presenting evidence of broad experience as an architect, as required by rule of the board, of academic training and work experience directly related to architecture, including evidence satisfactory to the board of qualification in comprehensive design.

H. No sole proprietorship, partnership, corporation, association, or other business entity shall be registered under the Architectural Act. No sole proprietorship, partnership, corporation, association, or other business entity shall practice or offer to practice architecture in the state except as provided in Subsections I, J and K of this section.

I. Registered architects may practice under the Architectural Act as individuals or through partnerships, associations, corporations, or other business entities.

J. In the case of practice through a business entity primarily offering architectural services, at least one of the owners shall be a registered architect under the Architectural Act, and registered architects shall control a majority interest in the business entity. All plans, designs, drawings, specifications or reports issued by or for the business entity for a project physically located within New Mexico shall bear the seal of a registered architect who shall be responsible for such work.

K. In the case of practice through a business entity primarily offering engineering services, registrants under the Architectural Act or licensees under the Engineering or Surveying Practice Act may offer architectural services; provided that:

- (1) an architect registered in New Mexico is in responsible charge of the architectural services of the business entity and has the authority to bind the entity by contract;
- (2) the architect in responsible charge provides the board with an affidavit documenting the architect's authority;
- (3) all plans, designs, drawings, specifications or reports that are involved in the practice and issued by or for the business shall bear the seal and signature of the architect in responsible charge of the work when issued; and
- (4) the architect shall notify the board of a termination of the architect's authority.

L. A business entity that offers project delivery through a teaming of architectural and construction services may render architectural services only with an architect in responsible charge who is registered in New Mexico. This provision does not apply to business entities providing services that are exempted by Section 61-15-9 NMSA 1978.

#### **§61-15-7. Certificates of registration**

A. The board shall issue a certificate of registration to each architect. An architect may, upon registration, obtain the seal of the design authorized by the board, which bears the registrant's name and the legend "Registered Architect - State of New Mexico". All plans, specifications, plats and reports prepared by an architect or under the architect's responsible charge shall be signed and sealed by that architect, including

all plans and specifications prepared by an architect or under the architect's responsible charge on work described in Subsection B of Section 61-15-9 NMSA 1978.

B. Certificates of registration shall be valid for a period of time as set by rule and shall be invalid after the date of expiration unless renewed.

C. Renewal may be affected at any time prior to expiration by the payment of a fee in an amount set by the board. Fees shall be paid to the board.

D. The failure on the part of any registrant to renew a certificate prior to expiration shall not deprive that person of the right of renewal within three years of the expiration date of the certificate. Reinstatement of the certificate may be effected in a manner prescribed by rule and may include penalties and fees.

E. Renewal of a certificate that has been expired for more than three years shall require a demonstration of continued proficiency and qualification to practice architecture in addition to payment of penalties and fees and such other requirements as may be required by rule.

**§61-15-8. Exemptions from registration.**

A. The following are exempt from the provisions of the Architectural Act:

- (1) architects who have no established places of business in this state and who are not registered pursuant to the Architectural Act may act as consulting associates of an architect registered under the provisions of the Architectural Act; provided that the architects are registered as architects in another jurisdiction; and
- (2) architects acting solely as officers or employees of the United States

or any interstate railroad system or architects acting on a federally owned site where architectural services are performed only on that site and are subject to federal jurisdiction.

B. Nothing in the Architectural Act shall prevent a registered architect from employing non-registrants to work under the architect's responsible charge.

**§61-15-9. Project Exemptions.**

A. The state or its political subdivisions are not exempt from the requirements of the Architectural Act.

B. A person who is not an architect may prepare building plans and specifications unless the building plans and specifications involve public safety or health but the work shall be done only on:

- (1) single-family dwellings not more than two stories in height;
- (2) multiple dwellings not more than two stories in height containing not more than four dwelling units of wood-frame construction; provided, that this paragraph shall not be construed to allow a person who is not registered under the Architectural Act to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four dwelling units on any lawfully divided lot;
- (3) garages or other structures not more than two stories in height that are appurtenant to buildings described in Paragraphs (1) and (2) of this subsection; or

- (4) nonresidential buildings, as defined in the applicable state or local building codes, unless the building code official having jurisdiction has found that the submission of plans, drawings, specifications or calculations prepared and designed by an architect or engineer licensed by the state is necessary to obtain compliance with minimum standards governing the preparation of building plans and specifications adopted by the construction industries division of the regulation and licensing department. The construction industries division shall set, by rule, minimum standards for preparation of building plans and specifications pursuant to this paragraph.

C. Nothing in the Architectural Act shall require the state or a political subdivision of the state to secure the services of an architect or engineer for a public work project which consists of repair, replacement, or remodeling if the alteration does not affect structural or life safety features of a building and does not require the issuance of a building permit under any applicable code.

D. A New Mexico registered professional engineer who has complied with all the laws of New Mexico relating to the practice of engineering has the right to engage in the incidental practice, as defined by rule, of activities properly classified as architectural services; provided that the engineer does not make any representation as being an architect or as performing architectural services; and further provided that the engineer performs only that part of the work for which the engineer is professionally qualified and uses qualified professional engineers, architects or others for those portions of the work in which the contracting professional engineer is not qualified. The engineer shall

assume all responsibility for compliance with all laws, codes, rules and ordinances of the state or its political subdivisions pertaining to documents bearing the engineer's professional seal.

**§ 61-15-10. Violations; penalties.**

A. Any person who knowingly uses a forged architectural registration seal on any document for the purpose of permitting the constructing of any building for human habitation or occupancy is guilty of a fourth degree felony punishable pursuant to Section 31-18-15 NMSA 1978.

B. Each of the following acts committed by any person constitutes a misdemeanor, punishable pursuant to Section 31-19-1 NMSA 1978:

- (1) willfully forging or giving false evidence of any kind to the board or any board member for the purpose of obtaining a certificate of registration as an architect;
- (2) using or attempting to use an expired, suspended or revoked certificate of registration as an architect;
- (3) using or permitting another to use the person's official architect's seal to stamp or seal any documents that have not been prepared either by the architect or the architect's responsible charge;
- (4) engaging or offering to engage in the practice of architecture, unless exempted or duly registered to do so under the Architectural Act;
- (5) using a designation tending to imply to the public that the person is an architect unless:



- (a) the person is duly registered to do so under the provisions of the Architectural Act;
  - (b) the title containing the designation is allowed by rule of the board; or
  - (c) the title containing the designation does not imply that the person using the designation, when describing occupation, business name or services, is offering to perform architectural services; or
- (6) procuring, aiding or abetting any violation of the provisions of the Architectural Act or the rules adopted by the board.

C. If, after a disciplinary hearing, the board determines that, based on the evidence, a person committed a violation pursuant to the Architectural Act, the board, in addition to any other sanction, shall issue an order that imposes a civil penalty not to exceed seven thousand five hundred dollars (\$7,500) per each violation on the person.

In determining the amount of the civil penalty, the board shall consider:

- (1) the seriousness of the violation;
- (2) degree of harm inflicted on an individuals or the public;
- (3) the economic benefit received by the violator due to the violation;
- (4) the person's history of violations; and
- (5) any other aggravating or mitigating factors relating to the violation.

**§61-15-11. Criminal offender's character evaluation.**

The provisions of the Criminal Offender Employment Act [28-2-1 to §28-2-6 NMSA 1978] shall govern any consideration of criminal records required or permitted by

the Architectural Act [Chapter 61, Article 15 NMSA 1978].

**§61-15-12. Disciplinary actions.**

A. In accordance with the provisions of the Uniform Licensing Act [61-1-1 NMSA 1978], the board may refuse to issue, may suspend or may revoke any certificate of registration as an architect, and the board may impose disciplinary conditions, including a letter of censure or reprimand, a civil penalty pursuant to Section 61-15-10 NMSA 1978, probation, peer review, remedial education and testing and other conditions as deemed necessary by the board to promote the public welfare upon satisfactory proof being made to the board that the registrant has:

- (1) engaged in any fraud or deceit in obtaining a certificate of registration;
- (2) made a false statement under oath or a false affidavit to the board;
- (3) engaged in gross negligence, incompetency or misconduct in the practice of architecture as set forth by rule;
- (4) stamped with the registrant's official seal any plans, specifications, plats or reports in violation of the Architectural Act;
- (5) practiced architecture without a valid and current registration in the jurisdiction in which the practice took place;
- (6) made any representation as being an architect without having a valid current certificate of registration as architect in the jurisdiction in which the representation took place;
- (7) violated any provisions of the Architectural Act or the rules adopted by the board;
- (8) refused to accept or to respond to a certified mail communication from

the board;

- (9) failed to provide the board or its representatives in a timely manner all documentation or information in the registrant's possession or knowledge that has been requested by the board for the purposes of investigation of an alleged violation of the Architectural Act or the rules adopted by the board;
- (10) procured, aided or abetted a violation of the Architectural Act or the rules adopted by the board;
- (11) failed to comply with the minimum standards of the practice of architecture;
- (12) habitually or excessively used intoxicants or controlled substances;  
or
- (13) failed to report to the board any adverse actions taken against the registrant by another jurisdiction, any professional organization, any governmental or law enforcement agency or any court for an act or conduct that would constitute grounds for action as provided by this section.

B. The board may deny access to examination, may refuse to issue, may suspend or may revoke any certificate of registration as an architect:

- (1) for any applicant found to have violated any provision of the Architectural Act or the rules adopted by the board; or
- (2) for any registrant or applicant who is convicted of a felony.

C. Disciplinary proceedings may be instituted by any person, shall be instituted by sworn complaint and shall conform to the provisions of the Uniform Licensing Act. Any party to a hearing may obtain a copy of the hearing record upon payment of the costs for the copy.

D. The board may modify any prior order of revocation, suspension or refusal to issue a certificate of registration of an architect, but only upon a finding by the board that there no longer exist any grounds for disciplinary action; provided, however, that any cessation of the practice of architecture for twelve months or more shall require the architect to undergo such additional examination as the board determines necessary.

E. Nothing in the Architectural Act shall be construed as requiring the board to report, for the institution of proceedings, minor violations of that act provided that the board, after an informal hearing, determines that the public interest will be adequately served by a suitable written notice or warning or by the suspension of the offender's license or certificate of registration for a period not to exceed thirty days.

F. The applicant or registrant shall be liable for all costs of disciplinary proceedings unless exonerated and shall be liable for all costs associated with monitoring compliance with any disciplinary action.

**§61-15-13. Termination of agency life; delayed repeal.**

The board of examiners for architects is terminated on July 1, 2029 pursuant to the provisions of the Sunset Act. The board shall continue to operate according to the provisions of the Architectural Act until July 1, 2030. Effective July 1, 2030, the

Architectural Act is repealed.

**TITLE 16                    OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 30                ARCHITECTS**  
**PART 1                     GENERAL PROVISIONS**

**16.30.1.1      ISSUING AGENCY:** New Mexico Board of Examiners for Architects.  
[16.30.1.1 NMAC - Rp, 16.30.1.1 NMAC, 9/26/2023]

**16.30.1.2      SCOPE:** Provisions for Part 1 apply to any person registered as an architect, or to anyone applying for registration as an architect in New Mexico.  
[16.30.1.2 NMAC - Rp, 16.30.1.2 NMAC, 9/26/2023]

**16.30.1.3      STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978 prescribes that “The board...may make rules not inconsistent with law.”  
[16.30.1.3 NMAC - Rp, 16.30.1.3 NMAC, 9/26/2023]

**16.30.1.4      DURATION:** Permanent.  
[16.30.1.4 NMAC - Rp, 16.30.1.4 NMAC, 9/26/2023]

**16.30.1.5      EFFECTIVE DATE:** September 26, 2023, unless a different date is cited at the end of the section.  
[16.30.1.5 NMAC - Rp, 16.30.1.5 NMAC, 9/26/2023]

**16.30.1.6      OBJECTIVE:** The objective of this rule is to clearly define terminology used within Sections 61-15-1 to -13 NMSA 1978.  
[16.30.1.6 NMAC - Rp, 16.30.1.6 NMAC, 9/26/2023]

**16.30.1.7      DEFINITIONS:**

**A.      “Architect”** means an architect registered in New Mexico as defined in Section 61-15-2 NMSA 1978.

**B.      “Architect-of-record”** means the architect licensed by the state who is in responsible charge of the project, who designs and prepares the construction documents from which the building is constructed, and who signs and seals the required documents.

**C.      “Architectural services”** means services for projects located in New Mexico that shall be performed by a registered architect or under the architect’s responsible charge as defined in Section 61-15-2 NMSA 1978.

**D.      “Competence”** means:

- (1)**      in the practice of architecture, an architect shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordinarily applied by architects of good standing practicing in New Mexico;
- (2)**      an architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultants, is

qualified by education, training and experience or ability in the specific technical areas involved; and

(3) an architect shall take into account all applicable state and municipal building codes, laws and regulations; an architect may rely on the opinion of others (example: attorneys, engineers, building officials) as to the intent and meaning of the codes, laws and regulations.

E. **“Consulting associate architect”** means an architect who is acting in an advisory capacity to a registered architect, and whose present position is subordinate to the registered architect as described in Paragraph (1) of Subsection A of Section 61-15-8 NMSA 1978.

F. **“Felony conviction”** means conviction of a felony with a copy of the record of conviction, certified by the clerk of the court entering the conviction, serving as conclusive evidence.

G. **“Gross negligence”** means:

(1) being habitually guilty of neglect toward professional responsibilities in the practice of architecture as determined by the board; or

(2) being found extremely careless and lacking in ordinary care and concern in the practice of architecture; should the board not discipline an architect for a single act of gross negligence, the board does not waive the right to invoke sanctions against the architect for repeated acts of gross negligence.

H. **“Incidental practice of architecture and engineering”** means:

(1) architectural work incidental to engineering shall be that architectural work provided on projects with a building construction value not greater than six hundred thousand dollars (\$600,000) and having a total occupant load not greater than 50;

(2) engineering work incidental to architecture shall be that engineering work provided on projects with a building construction value not greater than six hundred thousand dollars (\$600,000) and having a total occupant load not greater than 50;

(3) all buildings and related structures within the regulatory provisions of the New Mexico Building Codes General, Title 14, Chapter 7 NMAC will require the proper authentication of the building construction documents by all participating disciplines in accordance with their respective governing acts on projects with a building construction value greater than six hundred thousand dollars (\$600,000) or having a total occupant load greater than 50, with the exception of:

(a) single-family dwellings not more than two stories in height;

(b) multiple dwellings not more than two stories in height containing not more than four dwelling units of wood-frame construction; provided this paragraph shall not be construed to allow a person who is not registered under the Architectural Act to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four dwelling units on any lawfully divided lot;

(c) garages or other structures not more than two stories in height which are appurtenant to buildings described in Subparagraphs (a) and (b) above; or

(d) nonresidential buildings, as defined in the New Mexico Building Codes General, Title 14, Chapter 7 NMAC or additions having a total occupant load of 10

or less and not having more than two stories in height, which shall not include E-3 day care, H (hazardous) or I (institutional) occupancies;

(e) alterations to buildings or structures which present no unusual conditions, hazards or change of occupancy.

(4) the owner, user or using agency shall select the prime design professional (architect or engineer) for any project based on the requirements and nature of the project.

(5) occupant load shall be defined and determined by the method set forth in the current, adopted code.

**I. "Incompetency" means:**

(1) being adjudicated mentally incompetent by a court; or

(2) engaging in conduct which evidences a lack of knowledge, ability or fitness to discharge the duty and responsibility owed by the architect to a client and to the public in order to safeguard life, health and property and to promote public welfare.

**J. "Intern architect"** is a person who is actively pursuing completion of the requirements for diversified training in accordance with rules of the board.

**K. "Misconduct" means:**

(1) knowingly preparing or stamping construction documents in violation of applicable codes, laws or regulations;

(2) stamping and signing construction documents, specifications, reports or other professional work not prepared under the architect-of-record's responsible charge, as defined herein;

(3) engaging in any conduct involving fraud or deceit related to the business or practice of architecture;

(4) making any false statement or giving any false information in connection with an application for registration or for renewal of registration;

(5) being convicted of a crime related to the practice of architecture with a copy of the record of the conviction, certified by the clerk of the court entering the conviction, serving as conclusive evidence;

(6) violating federal or state statute or rule that directly relates to the practice of architecture;

(7) being unable to practice architecture with reasonable skill and safety to clients by reason of use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;

(8) making any substantial misrepresentation in the course of practice including, but not limited to, false, misleading or deceptive advertising or fraudulent or misleading claims;

(9) using or altering material prepared by another person without the knowledge and consent of that person;

(10) using the professional seal of another person without the knowledge and consent of that person;

(11) engaging in conduct in conflict with the Code of Conduct for Architects (16.30.4 NMAC);



(12) engaging in conduct that the architect knows or should know through professional knowledge or experience is not within the acceptable standard for professional conduct that is ordinarily applied by architects of good standing practicing in the state of New Mexico or that is set forth in the board's Minimum Standards for the Practice of Architecture in New Mexico, (16.30.6 NMAC);

(13) violating the Architectural Act, Sections 61-15-1 through 13 NMSA 1978, the rules and regulations of the board, or the architectural laws of any other state or jurisdiction;

(14) incurring a prior disciplinary action in another state or jurisdiction based upon acts or conduct by the registrant which if committed in this state would subject the registrant to disciplinary action by the board; certified copies of the record of disciplinary action shall be conclusive evidence thereof; and

(15) failing to report to the board any adverse action taken against the registrant by the licensing board of another jurisdiction or the national council of architectural registration boards (NCARB) for acts or conduct that would constitute grounds for disciplinary action by the board.

(16) Knowingly allowing an unauthorized person to use the architect's seal.

**L. "NCARB"** means the national council of architectural registration boards.

**M. "Practice of architecture"** as defined in Section 61-15-2 NMSA 1978, means rendering or offering to render architectural services. "Offering to render" is defined as soliciting or executing architectural services as defined in Section 61-15-2 NMSA 1978.

**N. "Project"** means the building or a group of buildings and the space within the site surrounding the buildings as defined in the construction documents (Subsection H of Section 61-15-2 NMSA 1978). Architectural and engineering stamps are required for any subsequent and physically linked construction to a project which, when seen together with the original construction, would have required architectural and engineering seals.

**O. "Responsible charge"** means that all architectural services have been or will be performed under the direction, guidance and restraining power of a registered architect who has exercised professional judgment with respect thereto. An architect's placing of the architect registration seal and signature on a document certifies that the architect has exercised direction, guidance and judgment on all issues pertaining to the health, safety and general welfare of the public, and accepts all legal responsibility for all architectural matters embodied within the document which shall meet the acceptable standards of architectural practice in the state of New Mexico as put forth by the board (Subsection I of Section 61-15-2 NMSA 1978).

**P. "Signature"** shall mean handwritten or electronic as follows:

(1) a handwritten identification that represents the act of putting one's name on a document to attest to its validity; the handwritten identification must be:

- (a) original and written by hand;
- (b) permanently affixed to the original document(s) being certified;
- (c) applied to the document by the identified registrant; or

(2) an electronic identification that is attached to or logically associated with an electronic document; the electronic identification must be:

- (a) unique to the person using it;
- (b) under the sole control of the registrant using it;
- (c) linked to a document in such a manner that the electronic identification is invalidated if any data in the document is changed.

[16.30.1.7 NMAC - Rp, 16.30.1.7 NMAC, 9/26/2023]

#### **HISTORY OF 16.30.1 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

BEA 68-1, Architectural Law and Rules and Regulations, 7/1/1968.

BEA 69-1, Architectural Law and Rules and Regulations, 6/17/1969.

BEA 70-1, Architectural Law and Rules and Regulations, 7/28/1970.

BEA 74-1, Roster of Registered Architects Laws Rules Regulations, 8/30/1974.

BEA 78-1, Board of Examiners for Architects, 9/19/1978.

NMBEA 85-1, Architectural Act Rules and Regulations, 2/7/1985.

NMBEA 86-1, Architectural Act Rules and Regulations, 4/9/1986.

NMBEA 88-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 6/22/1988.

NMBEA 89-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 11/28/1989.

Regulation No. NMBEA 90-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 8/14/1990.

NMBEA Rule 4, NCARB Examinations, 6/23/1980.

NMBEA Rule 5, Definitions, 6/23/1980.

#### **History of Repealed Material:**

16 NMAC 30.1, General Provisions - Repealed, 9/6/2001.

#### **History of 16.30.1 NMAC:**

16.30.1 NMAC – General Provisions, filed 9/6/2001, was repealed and replaced by 16.30.1 NMAC – General Provisions, effective 9/26/2023.

**TITLE 16                    OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 30               ARCHITECTS**  
**PART 2                    ORGANIZATION AND ADMINISTRATION**

**16.30.2.1    ISSUING AGENCY:** New Mexico Board of Examiners for Architects.  
[16.30.2.1 NMAC - Rp, 16.30.2.1 NMAC, 9/26/2023]

**16.30.2.2    SCOPE:** Provisions for Part 2 apply to any person registered as an architect, or to anyone applying for registration as an architect in New Mexico.  
[16.30.2.2 NMAC - Rp, 16.30.2.2 NMAC, 9/26/2023]

**16.30.2.3    STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978 prescribes that “The board...may make rules not inconsistent with law.”  
[16.30.2.3 NMAC - Rp, 16.30.2.3 NMAC, 9/26/2023]

**16.30.2.4    DURATION:** Permanent.  
[16.30.2.4 NMAC - Rp, 16.30.2.4 NMAC, 9/26/2023]

**16.30.2.5    EFFECTIVE DATE:** September 26, 2023, unless a different date is cited at the end of the section. [16.30.2.5 NMAC - Rp, 16.30.2.5 NMAC, 9/26/2023]

**16.30.2.6    OBJECTIVE:** The objective of this rule is to clearly define the organizational structure of the board, the duties of the officers, the committees, types of meetings, order of business, the number needed for quorum, to provide authority to amend the board's rules and regulations, and to define the board's responsibility for publications.  
[16.30.2.6 NMAC - Rp, 16.30.2.6 NMAC, 9/26/2023]

**16.30.2.7    DEFINITIONS: [RESERVED]**  
[16.30.2.7 NMAC - Rp, 16.30.2.7 NMAC, 9/26/2023]

**16.30.2.8    UNIFORM LICENSING ACT:** Procedures for administration of the New Mexico Architectural Act shall be governed by the provisions of the Uniform Licensing Act, Sections 61-15-1 through -31 NMSA 1978.  
[16.30.2.8 NMAC - Rp, 16.30.2.8 NMAC, 9/26/2023]

**16.30.2.9    OFFICERS:** The board shall annually elect a chair, vice chair, and a secretary/treasurer who shall be chosen from among its members. Officers shall hold office until their successors have been duly elected and qualified. At the last regular meeting of the fiscal year, officers shall be elected. New officers shall take office on the first day of the fiscal year.  
[16.30.2.9 NMAC - Rp, 16.30.2.9 NMAC, 9/26/2023]

#### **16.30.2.10 DUTIES OF OFFICERS:**

- A.** The chair shall:
- (1) preside at all regular and special meetings, when present;
  - (2) appoint all committee members, and subcommittee members, and their chairpersons;
  - (3) sign with the secretary/treasurer all approved board meeting minutes, all formal certificates of registration and the annual report to the governor; and
  - (4) perform all other duties ordinarily pertaining to the office of chair or as herein and hereafter prescribed.
- B.** The vice chair shall in the absence of the chair, preside at the meeting and execute the duties of the chair.
- C.** The secretary/treasurer shall:
- (1) report on the financial status of the board at each regular meeting and upon request at a special meeting;
  - (2) recommend to the board for its approval all proposed expenditures over the amount authorized by the legislature.
  - (3) approve all transfers of funds within categories and recommend to the board for its approval all budget adjustment requests between the categories or from cash reserves;
  - (4) present a budget for each fiscal year to recommend to the board for its approval at the last meeting of the year;
  - (5) when necessary, appear and represent the board at all hearings where financial issues arise;
  - (6) after each board meeting, identify activities that shall be completed before the next meeting and the individuals to whom assigned; and
  - (7) sign with the chair all approved board meeting minutes and all formal certificates of registration.

16.30.2.10 NMAC - Rp, 16.30.2.10 NMAC, 9/26/2023]

**16.30.2.11 COMMITTEES:** In addition to committees listed herein, the board may vote to establish subcommittees as it deems necessary.

- A.** Rules and regulations committee whose responsibilities shall include:
- (1) proposed statutory changes;
  - (2) proposed amendments or repeals or changes to board rules;
  - (3) review and draft responses, if appropriate, to complaints to the board;
- and
- (4) review investigations of violations of the statute and regulations pertaining to the practice of architecture and refer complaints to the board with its recommendation for subsequent action.
- B.** Examination and reciprocity committee whose responsibility shall include:

(1) review of applicants for registration to determine if they meet the requirements of Section 61-15-6 NMSA and recommending board action in accordance with the Uniform Licensing Act;

(2) reviewing and recommending board action on applications for reciprocity; and

(3) all matters pertaining to examination.

C. Finance and operations committee whose responsibilities shall include:

(1) reviewing the budget, assisting the secretary/treasurer and board staff in preparing a draft budget annually and making budget recommendations to the board;

(2) reviewing the expenditures of the agency and assisting the secretary/treasurer in making regular reports and recommendations to the board regarding expenditures;

(3) reviewing office operations with the director to determine staffing requirements and recommend personnel actions to the board; and

(4) reviewing with the director office operations to assure efficiency, economy and security in all board affairs.

D. Committee for planning and development whose responsibilities shall include:

(1) developing short and long-term goals for board consideration and approval;

(2) examining ways and methods for improving board services and functions; and

(3) monitoring the impact of architectural regulation and examining ways in which to increase its effectiveness.

E. Joint practice committee whose responsibilities shall include:

(1) attending joint practice committee meetings; and

(2) reporting to the board matters discussed at the joint practice committee meetings.

[16.30.2.11 NMAC - Rp, 16.30.2.11 NMAC, 9/26/2023]

#### **16.30.2.12 [RESERVED]**

[16.30.2.12 NMAC - Rp, 16.30.2.12 NMAC, 9/26/2023]

#### **16.30.2.13 BOARD RESPONSIBILITIES:**

A. The board is responsible for providing oversight for all board functions.

B. The board shall appoint the director.

C. Publications:

(1) Roster: A roster showing the number and addresses of all registered architects shall be prepared by the board and made available or sold to the public in accordance with the Architectural Act, Subsection E of Section 61-15-5 NMSA 1978.

(2) Annual report: The chair shall submit an annual report to the governor and shall make that report available to all registrants and the public, through the board office, pursuant to Section 61-15-5 NMSA 1978.

(3) Architectural Act, rules and regulations: The board shall maintain current editions of the act that will be published as often as the board deems necessary. These shall be made available to all architects registered in the state of New Mexico and to all applicants applying for registration. In addition, notice shall be made to all registered architects when changes occur in the statutes or rules and regulation.

D. Upon the recommendation of the architectural education board member, the board may appoint a student observer to a one-year term to observe board meetings and act as a liaison to the student observer's college of architecture and other educational institutions. The student observer must be a full-time student in good standing who is studying architecture at an accredited college of architecture in New Mexico.

[16.30.2.13 NMAC - Rp, 16.30.2.13 NMAC, 9/26/2023]

### **HISTORY OF 16.30.2 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

BEA 68-1, Architectural Law and Rules and Regulations, 7/1/1968.

BEA 69-1, Architectural Law and Rules and Regulations, 6/17/1969.

BEA 70-1, Architectural Law and Rules and Regulations, 7/28/1970.

BEA 74-1, Roster of Registered Architects Laws Rules Regulations, 8/30/1974.

BEA 78-1, Board of Examiners for Architects, 9/19/1978.

NMBEA Rule 1, Organization, 6/23/1980.

NMBEA 85-1, Architectural Act Rules and Regulations, 2/7/1985.

NMBEA 86-1, Architectural Act Rules and Regulations, 4/9/1986.

NMBEA 88-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 6/22/1988.

NMBEA 89-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 11/28/1989.

Regulation No. NMBEA 90-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 8/14/1990.

NMBEA Rule 2, Administration, 6/23/1980.

### **History of Repealed Material:**

16 NMAC 30.2, Organization and Administration - Repealed, 9/6/2001.

### **History of 16.30.2 NMAC:**

16.30.2 NMAC – Organization and Administration, filed 9/6/2001, was repealed and replaced by 16.30.2 NMAC – Organization and Administration, effective 9/26/2023.

**TITLE 16                    OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 30               ARCHITECTS**  
**PART 3                    REGISTRATION AND RENEWAL, DUPLICATE CERTIFICATES,**  
**SEAL SPECIFICATIONS AND DOCUMENT IDENTIFICATION**

**16.30.3.1      ISSUING AGENCY:** New Mexico Board of Examiners for Architects.  
[16.30.3.1 NMAC - Rp, 16.30.3.1 NMAC, 9/26/2023]

**16.30.3.2      SCOPE:** Provisions for Part 3 apply to any person registered as an architect, or to anyone applying for registration as an architect in New Mexico.  
[16.30.3.2 NMAC - Rp, 16.30.3.2 NMAC, 9/26/2023]

**16.30.3.3      STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978 prescribes that “The board...may make rules not inconsistent with law.”  
[16.30.3.3 NMAC - Rp, 16.30.3.3 NMAC, 9/26/2023]

**16.30.3.4      DURATION:** Permanent.  
[16.30.3.4 NMAC - Rp, 16.30.3.4 NMAC, 9/26/2023]

**16.30.3.5      EFFECTIVE DATE:** September 26, 2023, unless a different date is cited at the end of the section.  
[16.30.3.5 NMAC - Rp, 16.30.3.5 NMAC, 9/26/2023]

**16.30.3.6      OBJECTIVE:** The objective of this rule is to clearly establish guidelines and procedures for registration and registration renewal as an architect in New Mexico and for issuance of a duplicate certificate of registration and to provide specifications and guidelines for the use of an individual seal and for document identification.  
[16.30.3.6 NMAC - Rp, 16.30.3.6 NMAC, 9/26/2023]

**16.30.3.7      DEFINITIONS:** [RESERVED]  
[16.30.3.7 NMAC - Rp, 16.30.3.7 NMAC, 9/26/2023]

**16.30.3.8      GENERAL QUALIFICATIONS:**

**A.**      The examination and reciprocity committee shall make its recommendations to the board regarding the qualifications of applicants for registration. A majority vote of the board shall be required in determining those applicants qualified for registration.

**B.**      The applicant shall be of good character and repute. Factors that the board may consider under this qualification are:

**(1)**      misstatement or misrepresentation of fact by the applicant in connection with his or her application;

(2) violation of any of the standards of conduct required by registration holders and set forth in the statutes or rules and regulations; or

(3) practicing architecture without a valid and current registration in the jurisdiction in which the practice took place; or

(4) Convictions for any of the following felony offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license issued by the board:

- (a) homicide or manslaughter;
- (b) trafficking, or trafficking in controlled substances;
- (c) kidnapping, false imprisonment, aggravated assault or aggravated battery;
- (d) rape, criminal sexual penetration, criminal sexual contact, incest, indecent exposure, or other related felony sexual offenses;
- (e) crimes involving adult abuse, neglect or financial exploitation;
- (f) crimes involving child abuse or neglect;
- (g) crimes involving robbery, larceny, extortion, burglary, bribery, fraud, forgery, embezzlement, credit card fraud, misuse of public funds, violation of the procurement code, offering or soliciting an illegal kickback, tampering with public records, perjury, identity theft, or receiving stolen property;
- (h) human trafficking;
- (i) driving under the influence or driving while intoxicated;
- (j) using a forged architectural registration seal pursuant to Subsection A of Sections 61-15-10, et. seq. NMSA 1978; or
- (k) an attempt, solicitation, or conspiracy involving any of the felonies in this subsection.

(5) The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

(6) The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

(7) Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Architecture Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of this rule.

(8) In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (a) an arrest not followed by a valid conviction;
- (b) a conviction that has been sealed, dismissed, expunged or pardoned;
- (c) a juvenile adjudication; or



(d) a conviction for any crime other than the disqualifying criminal convictions listed in Subsection A of this rule.

C. Rules and procedures set out herein for obtaining registration in New Mexico apply equally to residents of the state and non-residents.

D. An oral interview before the board may be required of any applicant for New Mexico registration.

E. All applicants must pass the New Mexico architectural jurisprudence exam administered by the board. Failure to answer all questions may result in a failing grade. An applicant who has failed two successive architectural jurisprudence exams shall not be eligible to apply for architectural registration for a period of one year from the date of the last jurisprudence exam failed.

F. All registration and application fees are non-refundable.  
[16.30.3.8 NMAC - Rp, 16.30.3.8 NMAC, 9/26/2023]

### **16.30.3.9 REGISTRATION THROUGH EDUCATION, TRAINING AND EXAMINATION:**

A. Registration standards shall be in accordance with the standards of NCARB as described in the latest editions of the NCARB Certification Guidelines and the NCARB Education Guidelines.

B. Training requirements shall satisfy the NCARB standards of training. The applicant shall provide a NCARB architectural experience program AXP record number showing enrollment in AXP. The education standard shall be in accord with the NCARB guidelines as set forth in the latest edition of the NCARB certification guidelines, the NCARB education standard and AXP guidelines. Copies of the latest editions of the NCARB certification guidelines, the NCARB education standard and the AXP guidelines are available from the board office or NCARB.

C. Application for examination:

(1) Individuals applying for registration by examination shall request application forms from the board. The application, together with the application fee, shall be sent to the board office.

(2) Applications will be accepted at any time, for review and approval by the board. Approved examination candidates will schedule examinations with NCARB. The board may require applicants for examination to appear before it for a personal interview.

(3) To pass the architect registration examination (A.R.E.), an applicant must achieve a passing grade on each division as determined by NCARB. A passing grade for any division of the A.R.E., version 4.0 or later, shall remain valid pursuant to NCARB's score validity policy in effect at the time of application. Divisions of the examination, version 4.0 or later, that were considered expired prior to the adoption of NCARB's score validity policy shall be reinstated pursuant to NCARB's score validity policy in effect at the time of application. NCARB, in its discretion, may allow a reasonable extension of such period in circumstances where completion of all divisions is prevented by a medical condition, by active duty in military service or by other like causes.

(4) In case an applicant does not qualify for examination, for reason other than failure to submit a valid application, he or she shall be informed of the cause and apprised of his or her rights under the Uniform Licensing Act, Sections 61-1-1 through 31 NMSA 1978. Should the applicant subsequently meet the requirements for examination, he or she may resubmit the application.

D. Examination materials and results shall not be considered public records pursuant to Section 61-15-5 NMSA 1978. Nothing therein shall prevent the board from reporting an applicant's scores to the architectural registration boards in other jurisdictions or to the national council of registration boards (NCARB). The board shall give written notification to an applicant no later than 30 days after the board receives the results from NCARB.

E. Special provisions for examinees with disabilities:

(1) Any examinee requiring special examination provisions to accommodate a qualifying temporary or permanent disability as defined by the Americans with Disabilities Act, including any modification of the Architect Registration Examination administration process, must submit a written request for such provisions at least 90 days prior to the exam, including documentation justifying such request.

(2) The board shall have the right to solicit additional information within 30 days of such request. The examinee shall provide such additional information within 10 days following receipt of the board's request.

F. Upon receipt of a complete application and fee, board staff are authorized to approve and issue a registration to an applicant for whom no licensing issues are apparent from the application. Board staff shall consult with the enforcement subcommittee if disciplinary issues are present before issuing a registration. The board shall vote to ratify the issuance of all registrations issued by staff at the next regularly scheduled board meeting. In the event the board votes not to ratify a registration issued by board staff, the board shall pursue disciplinary action as required by the Uniform Licensing Act, and Section 61-15-12 NMAC 1978.

[16.30.3.9 NMAC - Rp, 16.30.3.9 NMAC, 9/26/2023]

#### **16.30.3.10 REGISTRATION THROUGH RECIPROCITY:**

A. An individual who holds a current NCARB certificate and is seeking registration through reciprocity shall return a completed application and all fees to the board for processing. The application shall be valid for one year from the time the board receives it.

B. An individual currently registered as an architect in another jurisdiction who does not hold a current NCARB certificate may apply for a New Mexico architect license upon receiving an NCARB certification acquired through the alternative path to licensure for experienced professionals.

C. An individual who does not hold a current NCARB certificate and is seeking registration through reciprocity as a broadly experienced architect must hold a current and valid registration issued by the licensing authority of another jurisdiction and either: (1) hold a degree accredited by the national architectural accrediting board, pass the necessary examination, and successfully complete the architectural experience program (AXP) offered by NCARB; or (2) hold a position of responsibility for at least the previous

five years in the jurisdiction(s) of licensure with no disciplinary action during that five-year period. The term “position of responsibility” shall mean a person in responsible charge as defined in Subsection N of 16.30.1.7 NMAC. The broadly experienced category applicant shall return to the board a completed application, on a form prescribed by the board, along with other pertinent documents and application fee. Each applicant shall provide the board evidence of academic training and work experience directly related to architecture and demonstrating minimum competence as described in 16.30.6 NMAC including but not limited to, evidence of training or experience in the following areas:

- (1) design and construction documents;
- (2) construction administration;
- (3) project management; and
- (4) architectural related activities.

**D.** Each applicant must attest on an affidavit that the applicant:

- (1) has not performed or offered to perform, and will not perform or offer to perform, architectural services in the state of New Mexico until such time as the applicant becomes a New Mexico registered architect;
- (2) is in good standing and has disclosed all requested information on disciplinary proceedings in any other jurisdiction; and
- (3) has secured a copy and has read the Architectural Act, and the New Mexico board of examiners for architects rules and regulations, and agrees to comply with the same.

**E.** All applicants must pass a New Mexico architectural jurisprudence exam administered by the board. An applicant who has failed two successive architectural jurisprudence exams shall not be eligible to apply for architectural registration for a period of one year from the date of the last jurisprudence exam failed.

**F.** Applicants for registration through reciprocity shall present a certificate of good standing from a jurisdiction in which a current and valid registration is held.

**G.** Comprehensive design requirements: Applicants for registration through reciprocity shall present evidence satisfactory to the board of their qualification in comprehensive design.

**H.** The board may require an applicant for registration through reciprocity to appear before the board for a personal interview and to complete a written or oral examination.

**I.** The board shall review all applications on a case-by-case basis.

**J.** Upon receipt of a complete reciprocity application and fee, board staff are authorized to approve and issue a registration to an applicant for whom no licensing issues are apparent from the application. As necessary, board staff shall consult with the enforcement subcommittee prior to review by the examination and reciprocity committee if licensing issues are present before issuing a registration. When an application has apparent issues, or a denial is recommended, the application should be presented to the board prior to any staff approving and issuing a registration. The board shall vote to ratify the issuance of all registrations issue by staff at the next regularly scheduled board meeting. In the event the board votes not to ratify a reciprocity registration issued by

board staff, the board shall pursue disciplinary action as required by the Uniform Licensing Act, Section 61-15-12 NMSA 1978.

[16.30.3.10 NMAC - Rp, 16.30.3.10 NMAC, 9/26/2023]

**16.30.3.11 REGISTRATION RENEWAL:** Fees: Renewal fees are paid biennially. Registrants whose birth year is an even number shall be required to renew their registrations by December 31 of every even-numbered year. Registrants whose birth year is an odd numbered year shall be required to renew their registration by December 31st of every odd numbered year. New registrations shall be pro-rated on a yearly basis and shall expire on December 31st of an even or odd year designated by the last digit of the applicant's birth year. The renewal fees for two years are:

A. in state \$225.00

B. out-of-state \$325.00

[16.30.3.11 NMAC - Rp, 16.30.3.11 NMAC, 9/26/2023]

**16.30.3.12 CONTINUING EDUCATION:** Architects registered in New Mexico will be required to show compliance with mandatory education requirements as a condition for renewing registration:

A. Purpose and scope:

(1) These rules provide for a continuing education program to insure that all architects remain informed of these technical subjects necessary to safeguard life, health, property, and promote the public welfare.

(2) Continuing education is post licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public's health, safety and welfare.

(3) These rules apply to all architects registered in New Mexico.

B. Definitions:

(1) "Continuing education hour" is one continuous instructional hour (minimum 50 minutes) spent in structured educational activities intended to increase or update the architect's knowledge and competence in health, safety and welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the board finds the prescribed time to be unreasonable, be accepted as the architect's time for continuing education hour purposes irrespective of actual time spent on the activity.

(2) "Health, safety and welfare in architecture" is anything that relates to the structure or soundness of a building or site or its role in promoting the health, safety or well-being of its occupants.

(3) "Health, safety and welfare subjects" are technical and professional subjects in continuing education that the board deems appropriate to protect the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction and utilization of buildings and the built environment.

(a) Building systems: structural, mechanical, electrical, plumbing, communications, security, fire protection.

- (b) Construction contract administration: contracts, bidding, contract negotiations.
- (c) Construction documents: drawings, specifications, delivery methods.
- (d) Design: urban planning, master planning, building designs, site design, interiors, safety and security measures.
- (e) Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation.
- (f) Legal: laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public.
- (g) Materials and methods: construction systems, products, finishes, furnishings, equipment.
- (h) Pre-design: land use analysis, programming, site selection, site and soils analysis, surveying.
- (i) Preservation: historic, reuse, adaptation.
- (4) "Structured educational activities" are educational activities in which at least seventy-five percent of an activity's content and instruction time must be devoted to health, safety and welfare subjects related to the practice of architecture, including courses of study or other activities under the areas identified as health, safety and welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.

**C. Requirements:**

- (1) In addition to all other requirements for registration renewal, an architect must complete a minimum of 12 continuing education hours each calendar year or be exempt from these continuing education requirements as provided below. Failure to complete these requirements may result in non-renewal of the architect's registration or other disciplinary action by the board. Architects shall be assessed an administrative fee of \$100.00 for each continuing education hour they fail to complete. In addition to the fee, the architect shall be required to make up the deficient health safety welfare continuing education hours within 60 days. A first violation of this provision shall not be reported as disciplinary action to NCARB. Two or more violations of this provision shall be reported as disciplinary action to NCARB. Special circumstances will be reviewed by the subcommittee at its discretion.
- (2) Continuing education hours must be completed in health, safety and welfare subjects acquired in structured education activities. Continuing education hours may be acquired at any location, whether delivered by direct contact or distant learning methods. Excess continuing education hours may not be credited to a future renewal.

**D. Activities:** The following list shall be used by all registrants in determining the types of activities that would fulfill continuing education requirements:

- (1) continuing education hours in attendance at short courses or seminars dealing with architectural subjects and sponsored by academic institutions;
- (2) continuing education hours in attendance at technical presentations on architectural subjects which are held in conjunction with conventions or at seminars related to materials use and functions; such presentations as those sponsored by the

American institute of architects, construction specifications institute, construction products manufacturers council or similar organizations devoted to architectural education may qualify;

(3) continuing education hours in attendance at short courses or seminars related to new technology and offered by colleges, universities, professional organizations or system suppliers;

(4) continuing education hours spent in self-study courses such as those sponsored by the national council of architectural registration boards, American institute of architects or similar organizations;

(5) up to three preparation hours may be credited for each class hour spent teaching architectural courses or seminars; college or university faculty may not claim credit for teaching regular curriculum courses;

(6) up to three continuing education hours spent in architectural research that is published or formally presented to the profession or public;

(7) college or university credit courses dealing with architectural subjects; each semester hour shall equal 15 continuing education hours; a quarter hour shall equal 10 continuing education hours;

(8) up to four continuing education hours in service to the public that is directly related to the practice of architecture in the area of health, safety and welfare.

**E. Records and record-keeping:**

(1) A registered architect shall complete and submit forms prescribed or accepted by the board certifying to the architect's having obtained the required continuing education hours. Documentation of reported continuing education hours shall be maintained by the architect for three years from the date of award.

(2) One continuing education hour shall represent a minimum of actual course time. No credit will be allowed for introductory remarks, meals, breaks or administrative matters related to courses of study.

(3) Failure to fulfill the continuing education requirements may result in non-renewal of an architect's certificate of registration and will result in the administrative or disciplinary actions set forth in Subsection C of this section. Certification of fulfillment of continuing education requirements without completion of the continuing education may result in disciplinary action.

(4) Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and may subject the registrant to additional disciplinary action.

**F. Initial registration by examination:** An architect whose initial examination registration (not reciprocity) occurs less than 12 months from December 31st shall not be required to report continuing education hours for that calendar year. An architect whose initial examination registration occurs more than 12 months prior to December 31st shall be required to complete 12 continuing education hours within the final calendar year prior to renewal.

**G. Reinstatement:** Pursuant to Section 61-15-7 NMSA 1978, a former registrant may only apply for reinstatement and renewal of an expired certificate under 16.30.3.13 NMAC if delinquent continuing education hours are earned as required by Subparagraph (a) of Paragraph (3) of Subsection B of 16.30.3.11 NMAC, i.e. 12

continuing education hours each calendar year while registration is expired or be exempt from these continuing education requirements as provided below.

**H** Exemptions: A registrant shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required affidavit that for not less than 21 months of the preceding two-year-period of registration, the architect:

(1) has served honorably on active duty in the military service (exceeding 90 consecutive days); or

(2) is a government employee working as an architect and assigned to duty outside the United States, or outside the jurisdiction established by the national council for architectural registration boards.

**I.** The board may consider a hardship case under extenuating circumstances to modify the requirements established by these rules.

**J.** Audit: A number of registrants shall be selected at random to submit substantiating information to support their continuing education claim. If any credits are disallowed by the board, then the registrant shall have 60 calendar days after notification to substantiate the original claim or obtain other continuing education hours to meet the minimum requirements. Such continuing education hours shall not be used again in the next renewal cycle. Any registrant found to be non-compliant with the minimum continuing education hours requirement will result in the administrative or disciplinary actions set forth in Subsection C of this section. Additional audits may be conducted at the board's discretion.

**K.** Non-compliance: Failure to comply with the requirements of this section shall result in non-renewal of registration and forfeit of the renewal fee.

[16.30.3.12 NMAC - Rp, 16.30.3.12 NMAC, 9/26/2023]

#### **16.30.3.13 EXPIRATION OF A CERTIFICATE:**

**A.** Certificates of registration shall expire on December 31<sup>st</sup> as prescribed by these rules.

**B.** A certificate expires upon the death of a registrant.

[16.30.3.13 NMAC - Rp, 16.30.3.13 NMAC, 9/26/2023]

#### **16.30.3.14 RENEWAL OF AN EXPIRED CERTIFICATE:**

**A.** A registrant whose license has expired for no more than one month shall be required to pay the registration fee and a late fee of fifty dollars (\$50).

**B.** A reinstatement applicant whose license has been expired for more than one month shall be required to:

(1) pay a registration fee and a penalty equal to one year's registration fee for each year expired but in no case shall the penalty exceed three times the annual registration fee;

(2) submit a signed and notarized reinstatement affidavit as provided by the board; and

(3) complete continuing education requirements as required by these rules; at the board's discretion, the former registrant may be required to present evidence to the board of continued proficiency, complete additional requirements, and appear personally before the board in order that the board may determine whether to renew the lapsed certificate.

C. Reinstatement of a certificate that has been lapsed for more than three years requires submittal of an NCARB certificate and required application forms as a new applicant.

[16.30.3.14 NMAC - Rp, 16.30.3.14 NMAC, 9/26/2023]

**16.30.3.15 ARCHITECT EMERITUS:** Upon written request to the board, any architect registered in New Mexico may renew his or her registration as an architect emeritus for a biennial fee of twenty dollars (\$20.00) if the following requirements are met.

A. The registrant shall be 60 years of age or older and retired from the practice of architecture on the date of his or her registration renewal. Retired means that the architect no longer practices architecture in New Mexico and no longer stamps and certifies construction documents with his or her seal for projects located in New Mexico that are subject to the jurisdiction of the board.

B. The registrant shall have 10 years of continuous registration as an architect, five years as a registered architect in New Mexico, unless practicing under a specific exemption authorized by law.

C. In the event an architect emeritus wishes to reinstate a registration to practice architecture, the board may require proof of proficiency and the fulfillment of additional requirements deemed necessary, such as providing proof of continuous architectural registration elsewhere with the registration in good standing. Reinstatement of the license following the request to terminate an architect emeritus status shall include completion of continuing education requirements per Subsection B of 16.30.3.12 NMAC.

[16.30.3.15 NMAC - Rp, 16.30.3.15 NMAC, 9/26/2023]

**16.30.3.16 DUPLICATE WALL CERTIFICATES:** The board may, after consideration of a written request from a registrant outlining the circumstances supporting the request, authorize the issuance of a duplicate wall certificate of registration. The fee for supplying such a certificate shall be thirty-five dollars (\$35).

[16.30.3.16 NMAC - Rp, 16.30.3.16 NMAC, 9/26/2023]

**16.30.3.17 DISPLAY OF A CERTIFICATE OF REGISTRATION:** The board requires that each registrant shall display his or her certificate of registration in a conspicuous location in his or her primary place of business.

[16.30.3.17 NMAC - Rp, 16.30.3.17 NMAC, 9/26/2023]

**16.30.3.18 INDIVIDUAL SEAL AND DOCUMENT IDENTIFICATION:**

A. Registration seal specifications: Each architect registered in the state of New Mexico shall secure a registration seal of the following design: The seal shall have two concentric circles with the outer circle measuring one and three-quarter inches in



diameter and the inner circle being one and one-quarter inches in diameter. The upper portion of the annular space between the two circles shall bear the words "STATE OF NEW MEXICO" and the lower portion shall bear the words "REGISTERED ARCHITECT". The space enclosed by the inner circle shall bear the name of the architect and his or her registration number. In no event shall the seal contain more than one name of an architect. By placement of a seal and signature on a drawing, an architect verifies that his or her registration is valid and that he or she is practicing in accordance with the Architectural Act, Sections 61-15-1 through 13 NMSA 1978 and these rules and regulations.

**B. Use of registration seal:**

**(1)** Each original sheet of construction drawings and each cover sheet of specifications, submitted for permitting, and reports, prepared by or under the responsible charge of an individual architect, must bear the imprint of the seal with the signature of that architect and the date of the signature closely aligned to the seal. The name and address of the architect must also appear on the sealed page. A registrant may apply a seal, signature and date of signature by hand. A registrant may affix an electronically-generated seal, signature, and date of signature. An electronic signature may be utilized provided the registrant utilizes a secure method of affixation; the registrant does not authorize any other person to so affix; and the registrant and client have agreed to conduct transactions by electronic means. Drawings, reports or documents that are signed using an electronic signature shall employ an authentication procedure to ensure the validity of the electronic signature. Signature must satisfy requirements defined in 16.30.1.7 NMAC.

**(2)** As provided in the Architectural Act, Subsection A of Section 61-15-7 NMSA 1978, all plans, specifications, plats and reports prepared by an architect or under the architect's responsible charge shall be signed and sealed by that architect, including all plans and specifications prepared by the architect or under the architect's responsible charge on work described in project exemptions, under Section 61-15-9 NMSA 1978.

**(3)** Placing of multiple architectural seals on plans, specifications or reports shall not be permitted. The architect-of-record must seal, sign and date all construction drawings, specifications, and reports prepared by or under the supervision of that architect. In doing so, the architect-of-record assumes full responsibility for these documents.

**(4)** Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible charge because the reviewer has neither control over nor detailed knowledge of the content of such submissions throughout their preparation. Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect's responsible charge by persons not employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation. An exception is made for:

**(a)** architects who review, adapt, and seal prototypical projects provided that the project qualifies as a prototypical project meaning the original plans were

designed by other architects, engineers or architects and engineers with the intent of being used in several diverse locations with local adaptations;

(b) a kit-of-parts that is a manufactured item and the New Mexico registered architect is not responsible for the components.

(5) Architectural and engineering seals are required for any subsequent and physically linked construction to a project which, when seen together with the original construction, would have required both seals.

(6) A legally applied seal and signature is a permanent part of construction documents and may not be removed for non-payment of fees or other civil action.

**C. Assumption of projects:**

(1) Sealed work: Prior to sealing, signing and dating work, a successor registered architect shall be required to notify the original architect, his successors, or assign, by certified letter to the last known address of the original registered architect, of the successor's intention to use or reuse the original registered architect's work. A successor registered architect must use his or her own title block, seal and signature and must remove the title block, seal and signature of the original architect before sealing, signing and dating any sealed construction drawings and specifications. The successor registered architect shall take full responsibility for the drawings as though they were the successor's original product.

(2) Unsealed work: When an architect assumes responsibility of an incomplete project, the following evaluation must occur before the architect can be said to have exhibited responsible charge over the project:

(a) Program: the architect shall meet with the client to assure that the client's needs are met.

(b) Codes: the architect shall assure that the project is in compliance with all federal, state, and local regulation.

(c) Coordination: the architect shall assure coordination with the other professionals in a project.

(d) Analysis: the architect shall assure the project meets all technical, aesthetic, and quality requirements and that site and environmental issues have been addressed.

(e) The architect of record who assumes the incomplete project shall be charged with keeping records of the project for five years.

**D. Plan checking:** Any authorized person checking documents for compliance with any applicable statutes, codes, ordinances, rules or regulations such as building codes, fire codes or zoning ordinances may "red-line" and list changes to meet such applicable statutes, codes, ordinances, rules and regulations, as this is not the practice of the profession. However, a person may not modify a professional document submitted for review unless that modification is supported by reference to an applicable code or standard. A non-registrant shall not modify, in any manner, a document embodying the discretion or judgment of a registrant without the express permission of the architect who is in responsible charge.

[16.30.3.18 NMAC - Rp, 16.30.3.18 NMAC, 9/26/2023

**16.30.3.19 CHANGE OF ADDRESS:** Registrants shall notify the board of a change of primary address within 30 days of a move.

[16.30.3.19 NMAC - Rp, 16.30.3.19 NMAC, 9/26/2023]

#### **HISTORY OF 16.30.3 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

BEA 68-1, Architectural Law and Rules and Regulations, 7/1/1968.

BEA 69-1, Architectural Law and Rules and Regulations, 6/17/1969.

BEA 70-1, Architectural Law and Rules and Regulations, 7/28/1970.

BEA 74-1, Roster of Registered Architects Laws Rules Regulations, 8/30/1974.

BEA 78-1, Board of Examiners for Architects, 9/19/1978.

NMBEA 85-1, Architectural Act Rules and Regulations, 2/7/1985.

NMBEA 86-1, Architectural Act Rules and Regulations, 4/9/1986.

NMBEA 88-1, State of New Mexico Board Of Examiners for Architects Rules and Regulations, 6/22/1988.

NMBEA 89-1, State of New Mexico Board Of Examiners for Architects Rules and Regulations, 11/28/1989.

Regulation No. NMBEA 90-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 8/14-90.

NMBEA Rule 4, NCARB Examinations, 6/23/1980.

#### **History of Repealed Material:**

16 NMAC 30.3, Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, - Repealed, 9/6/2001.

#### **History of 16.30.3 NMAC:**

16.30.3 NMAC - Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, filed 9/6/2001, was repealed and replaced by 16.30.3 NMAC - Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, effective 9/26/2023.

**TITLE 16  
CHAPTER 30  
PART 4**

**OCCUPATIONAL AND PROFESSIONAL LICENSING  
ARCHITECTS  
CODE OF CONDUCT**

**16.30.4.1 ISSUING AGENCY:** New Mexico Board of Examiners for Architects.  
[16.30.4.1 NMAC - Rp, 16 NMAC 30.4.1, 9/6/2001]

**16.30.4.2 SCOPE:** Provisions for Part 4 apply to any person registered as an architect, or to anyone applying for registration as an architect in New Mexico.  
[16.30.4.2 NMAC - Rp, 16 NMAC 30.4.2, 9/6/2001]

**16.30.4.3 STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978 prescribes that "The board...may make rules not inconsistent with law."  
[16.30.4.3 NMAC - Rp, 16 NMAC 30.4.3, 9/6/2001]

**16.30.4.4 DURATION:** Permanent.  
[16.30.4.4 NMAC - Rp, 16 NMAC 30.4.4, 9/6/2001]

**16.30.4.5 EFFECTIVE DATE:** September 6, 2001, unless a different date is cited at the end of the section.  
[16.30.4.5 NMAC - Rp, 16 NMAC 30.4.5, 9/6/2001]

**16.30.4.6 OBJECTIVE:** The objective of this rule is to clearly outline the standards of conduct expected to be upheld by an individual registered as a New Mexico architect. [16.30.4.6 NMAC - Rp, 16 NMAC 30.4.6, 9/6/2001]

**16.30.4.7 DEFINITIONS: [RESERVED]**  
[16.30.4.7 NMAC - Rp, 16 NMAC 30.4.7, 9/6/2001]

**16.30.4.8 COMPETENCE:**

**A.** In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing practicing in New Mexico.

**B.** In designing a project, an architect shall take into account all applicable state and municipal building laws, codes and regulations. While an architect may rely on the advice of other professionals, such as attorneys, engineers, and other qualified persons, as to the intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws, codes and regulations.

**C.** An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

**D.** No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

[16.30.4.8 NMAC - Rp, 16 NMAC 30.4.8.1, 9/6/2001]

#### **16.30.4.9 CONFLICT OF INTEREST:**

**A.** An architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed to all interested parties in writing and agreed to in writing by all interested parties.

**B.** If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

**C.** An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products without full disclosure to the client.

**D.** When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

**E.** An architect shall not pay or receive a finder's fee, commission or compensation for the referral of a client to another professional, including but not limited to, an engineer, surveyor, builder, realtor or another architect, unless the circumstances are fully disclosed to all interested parties in writing and agreed to in writing by all interested parties.

[16.30.4.9 NMAC - Rp, 16 NMAC 30.4.8.2, 9/6/2001]

#### **16.30.4.10 FULL DISCLOSURE:**

**A.** An architect, making public statements on architectural questions, shall disclose whether the architect is being compensated for making such a statement.

**B.** An architect shall accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which he or she is claiming credit.

**C.** If, in the course of an architect's work on a project, the architect becomes aware of a decision taken by the architect's employer or client, against the architect's advice, which violates applicable state or municipal building laws, codes and regulations and which will, in the architect's judgment, materially affect adversely the safety to the public of the finished project, the architect shall:

- (1) notify the employer or client in writing;
- (2) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws, codes and regulations;
- (3) refuse to consent to the decision; or
- (4) in circumstances where the architect reasonably believes that such decisions will be taken notwithstanding the architect's objection, terminate the architect's services with reference to the project and have no liability to the architect's client or employer on account of the termination.

**D.** An architect shall not deliberately make a materially false statement or fail

deliberately to disclose a material fact requested in connection with the architect's application for registration or renewal.

**E.** An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience or character.

**F.** An architect possessing knowledge of a violation of these rules by another architect or an applicant for registration shall report such knowledge to the board.  
[16.30.4.10 NMAC - Rp, 16 NMAC 30.4.8.3, 9/6/2001; A, 9/15/2016]

#### **16.30.4.11 COMPLIANCE WITH LAWS:**

**A.** An architect, in the conduct of his or her architectural practice, shall not be convicted of any crime listed in Paragraph (4) of Subsection B of 16.30.3.8 NMAC.

**B.** An architect shall neither offer nor make any payment or gift to a government official, whether elected or appointed, with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

**C.** An architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.  
[16.30.4.11 NMAC - Rp, 16 NMAC 30.4.8.4, 9/6/2001; A, 01/11/2022]

#### **16.30.4.12 PROFESSIONAL CONDUCT:**

**A.** Each office maintained for the preparation of architectural drawings, specifications, reports or other professional work shall have an architect regularly employed having direct knowledge and supervisory control of such work.

**B.** In providing architectural services, an architect shall confer with the client to assure that the client's program needs are met.

**C.** An architect shall not sign or seal drawings, specifications, reports or other professional work which was not prepared by the architect or under his or her responsible charge as defined in Subsection N of 16.30.1.7 NMAC. Responsible charge may be exercised through a third party who is not a registered architect, but the architect must maintain and make available to the board upon request for at least five years following sealing or signing, adequate and complete records demonstrating the extent of the architect's control over and detailed knowledge of such technical submissions throughout their preparation.

**D.** An architect shall neither offer nor make any gifts, other than gifts of nominal value, which may include reasonable entertainment and hospitality, with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

**E.** An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

**F.** A registered architect shall not associate in a business venture offering architectural services with a person or firm where there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating board rules and regulations or statutes. A registered architect with such knowledge shall report such occasions to the board, and shall cooperate with any resulting investigations.

[16.30.4.12 NMAC - Rp, 16 NMAC 30.4.8.5, 9/6/2001; A, 9/16/2004; A, 6/10/2018]

**16.30.4.13 MISREPRESENTATION OF PRIOR EXPERIENCE:** Registered architects shall accurately represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which they are claiming credit.

**A.** In presenting qualifications to prospective clients, both public and private, it shall be the responsibility of each registered architect to clearly and appropriately state prior professional experience of the architect and the firm the architect is representing. If an architect uses visual representations of prior projects or experience, the architect whose seal appears must be clearly identified.

**B.** An architect who has been an employee of another architectural practice may not claim unconditional credit for projects contracted for in the name of the previous employer. The architect shall indicate, next to the listing for each project, that the individual experience gained in connection with the project was acquired as an employee, and identify the previous architectural firm. The architect shall also describe the nature and extent of the architect's participation in the project.

**C.** An architect who was formerly a principal in a firm may legitimately make additional claims provided the architect discloses the nature of ownership in the previous architectural firm (example: stockholder or junior partner) and identifies with specificity the architect's responsibilities for the project.

**D.** An architect who presents a project that has received awards recognition must comply with the requirements of this rule with regard to project presentation to the public and prospective clients.

**E.** Projects which remain unconstructed and which are listed as credits should be listed as "unbuilt" or some similar designation.

[16.30.4.13 NMAC - Rp, 16 NMAC 30.4.8.6, 9/6/2001]

#### **HISTORY OF 16.30.4 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

BEA 68-1, Architectural Law and Rules and Regulations, 7/1/1968.

BEA 69-1, Architectural Law and Rules and Regulations, 6/17/1969.

BEA 70-1, Architectural Law and Rules and Regulations, 7/28/1970.

BEA 74-1, Roster of Registered Architects Laws Rules Regulations, 8/30/1974.

BEA 78-1, Board of Examiners for Architects, 9/19/1978.

NMBEA 85-1, Architectural Act Rules and Regulations, 2/7/1985.

NMBEA 86-1, Architectural Act Rules and Regulations, 4/9/1986.

NMBEA 88-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 6/22/1988.

NMBEA 89-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 11/28/1989.

Regulation No. NMBEA 90-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 8/14/1990.

#### **History of Repealed Material:**

16 NMAC 30.4, Code of Conduct - Repealed, 9/6/2001.



**TITLE 16                      OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 30                ARCHITECTS**  
**PART 5                      ENFORCEMENT**

**16.30.5.1      ISSUING AGENCY:** New Mexico Board of Examiners for Architects.  
[16.30.5.1 NMAC - Rp, 16 NMAC 30.5.1, 9/6/2001]

**16.30.5.2      SCOPE:** Provisions for Part 5 apply to any person registered as an architect, or to anyone applying for registration as an architect in New Mexico.  
[16.30.5.2 NMAC - Rp, 16 NMAC 30.5.2, 9/6/2001]

**16.30.5.3      STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978 prescribes that “The board...may make rules not inconsistent with law.”  
[16.30.5.3 NMAC - Rp, 16 NMAC 30.5.3, 9/6/2001]

**16.30.5.4      DURATION:** Permanent.  
[16.30.5.4 NMAC - Rp, 16 NMAC 30.5.4, 9/6/2001]

**16.30.5.5      EFFECTIVE DATE:** September 6, 2001, unless a different date is cited at the end of the section.  
[16.30.5.5 NMAC - Rp, 16 NMAC 30.5.5, 9/6/2001]

**16.30.5.6      OBJECTIVE:** The objective of this rule is to clearly describe violations and the complaint process.  
[16.30.5.6 NMAC - Rp, 16 NMAC 30.5.6, 9/6/2001]

**16.30.5.7      DEFINITIONS:** All terms defined in this section shall have the same meaning as terms defined in the Parental Responsibility Act, Sections 40-5A-1 through 13 NMSA 1978.

**A.      “HSD”** means the New Mexico human services department.

**B.      “Statement of compliance”** means a certified statement from HSD stating that an applicant or registrant is in compliance with a judgment and order for support.

**C.      “Statement of non-compliance”** means a certified statement from HSD stating that an applicant or registrant is not in compliance with a judgment and an order for support.

[16.30.5.7 NMAC - Rp, 16 NMAC 30.5.7, 9/6/2001; A, 01/11/2022]

**16.30.5.8      COMPLAINTS:**

**A.      Disciplinary proceedings** against a registered New Mexico architect, applicant, or unlicensed individual may be initiated by a complaint of any person, including members of the board, that is signed under penalty of perjury. Complaint forms shall be obtained from the board office or the board’s website and shall be reviewed by the enforcement subcommittee of the rules and regulations committee.

**B.      Complaint forms** shall be confidential pursuant to Subsection D of Section

61-15-5 NMSA 1978. Complaints admitted as evidence during a formal disciplinary hearing are no longer confidential pursuant to Subsection D of Section 61-15.5 NMSA 1978, and may be subject to public inspection.

**C.** The enforcement subcommittee shall have the authority to initiate investigations and determine whether sufficient evidence exists to support the recommendation for the issuance of a notice of contemplated action to the full board for a vote. If the enforcement subcommittee deems the alleged action did not amount to a violation or was a minor violation, it may close the matter with an advisory letter.

**D.** A report of all complaints filed shall be provided to the board at each regular board meeting.

[16.30.5.8 NMAC - Rp, 16 NMAC 30.5.8, 9/6/2001; A, 9/15/2016; A, 6/10/2018; A, 01/11/2022]

**16.30.5.9 SETTLEMENT AGREEMENTS:** For all non-parental responsibility actions:

**A.** The enforcement subcommittee may negotiate a proposed settlement agreement at any time prior to the issuance of a notice of contemplated action. The proposed settlement agreement is subject to approval by vote of the board and consent of the respondent.

**B.** The board may require an acknowledgement of disciplinary action for any violation.

**C.** The board may require an admission of guilt in a settlement agreement for any non-minor violation.

**D.** The board may report the settlement agreement to the relevant computer database(s).

[16.30.5.9 NMAC - N, 9/6/2001; A, 9/16/2004; A, 5/4/2008; A, 9/15/2016]

**16.30.5.10 NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (“NCARB”) CERTIFICATE REVOCATION:** The board shall have the right to review and to suspend or revoke a New Mexico registration granted on the basis of NCARB certification should the certification be revoked by NCARB as a result of a disciplinary action. The individual shall have the right to apply for reinstatement of New Mexico registration of and when the NCARB certification has been restored.

[16.30.5.10 NMAC - Rp, 16 NMAC 30.3.10.13, 9/6/2001]

**16.30.5.11 VIOLATIONS:** A person using any designation tending to imply to the public that the individual is registered under the Architectural Act to practice architecture; such as architect, architectural services, or words to that effect, is in violation of Section 61-15-10 NMSA 1978.

[16.30.5.11 NMAC - Rp 16 NMAC 30.5.9, 9/6/2001; A, 9/15/2016]

**16.30.5.12 PARENTAL RESPONSIBILITY ACT:**

**A.** Disciplinary action: If an applicant or registrant is not in compliance with a judgment and order for support, the board:

(1) shall deny an application for registration;

(2) shall deny the renewal of a registration; and

**(3)** has grounds for suspension or revocation of the registration.

**B.** Certified list: Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the board shall match the certified list against the current list of board registrants and applicants. Upon the later receipt of an application for registration or renewal, the board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the board shall report to HSD the names of board applicants and registrants who are on the certified list and the action the board has taken in connection with such applicants and registrants.

**C.** Initial action: Upon determination that an applicant or registrant appears on the certified list, the board shall:

**(1)** commence a formal proceeding under Subsection D of 16.30.5.12 NMAC to take appropriate action under Subsection A of 16.30.5.12 NMAC; or

**(2)** for current registrants only, informally notify the registrant that the registrant's name is on the certified list and that the registrant must provide the board with a subsequent statement of compliance from HSD by the earlier of the date of application for registration renewal or a specified date not to exceed 60 days; if the registrant fails to provide this statement, the board shall commence formal proceedings under Subsection D of 16.30.5.12 NMAC.

**D.** Notice of contemplated action: Prior to taking any action specified in Subsection A of 16.30.5.12 NMAC, the board shall serve upon the applicant or registrant a written notice stating that:

**(1)** the board has grounds to take such action, and that the board shall take such action unless the registrant or applicant mails a letter (certified mail, return receipt requested) within 20 days after service of the notice requesting a hearing; or provides the board within 30 days of the date of the notice, with a statement of compliance from HSD.

**(2)** if the applicant or registrant disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or registrant should contact the HSD child support enforcement division.

**E.** Evidence and proof: In any hearing under 16.30.5.12 NMAC, relevant evidence is limited to the following:

**(1)** statement of non-compliance is conclusive evidence that requires the board to take action under Subsection A of 16.30.5.12 NMAC, unless:

**(2)** the applicant or registrant provides the board with a subsequent statement of compliance which shall preclude the board from taking action under this rule.

**F.** Order: When a disciplinary action is taken under this rule solely because the applicant or registrant is not in compliance with a judgment and order for support, the order shall state the application or registration shall be reinstated upon presentation of a subsequent statement of compliance. The board may also include any other conditions necessary to comply with board requirements for re-applications or reinstatement of lapsed registrations.

**G.** Procedures: Procedures under 16.30.5.12 NMAC shall be governed by the Uniform Licensing Act, Sections 61-1-1 through -33 NMSA 1978.

[16.30.5.12 NMAC - Rp, 16 NMAC 30.5.10, 9/6/2001]

**HISTORY OF 16.30.5 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

BEA 68-1, Architectural Law and Rules and Regulations, 7/1/1968.

BEA 69-1, Architectural Law and Rules and Regulations, 6/17/1969.

BEA 70-1, Architectural Law and Rules and Regulations, 7/28/1970.

BEA 74-1, Roster of Registered Architects Laws Rules Regulations, 8/30/1974.

BEA 78-1, Board of Examiners for Architects, 9/19/1978.

NMBEA 85-1, Architectural Act Rules and Regulations, 2/7/1985.

NMBEA 86-1, Architectural Act Rules and Regulations, 4/9/1986.

NMBEA 88-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 6/22/1988.

NMBEA 89-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 11/28/1989.

Regulation No. NMBEA 90-1, State of New Mexico Board of Examiners for Architects Rules and Regulations, 8/14/1990.

NMBEA Rule 4, NCARB Examinations, 6/23/1980.

**History of Repealed Material:**

16 NMAC 30.5, Enforcement - Repealed, 9/6/2001.

**TITLE 16                    OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 30               ARCHITECTS**  
**PART 6                    MINIMUM STANDARDS FOR THE PRACTICE OF**  
**ARCHITECTURE IN NEW MEXICO**

**16.30.6.1      ISSUING AGENCY:** New Mexico Board of Examiners for Architects.  
[16.30.6.1 NMAC – Rp, 16.30.6.1 NMAC, 9/26/2023]

**16.30.6.2      SCOPE:** Provisions for Part 6 apply to any person registered as an architect, or to anyone applying for registration as an architect in New Mexico.  
[16.30.6.2 NMAC - Rp, 16.30.6.2 NMAC, 9/26/2023]

**16.30.6.3      STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978 prescribes that “The board...may make rules not inconsistent with law.”  
[16.30.6.3 NMAC - Rp, 16.30.6.3 NMAC, 9/26/2023]

**16.30.6.4      DURATION:** Permanent.  
[16.30.6.4 NMAC - Rp, 16.30.6.4 NMAC, 9/26/2023]

**16.30.6.5      EFFECTIVE DATE:** September 26, 2023, unless a different date is cited at the end of the section. [16.30.6.5 NMAC - Rp, 16.30.6.5 NMAC, 9/26/2023]

**16.30.6.6      OBJECTIVE:** The objective of this rule is to clearly outline the minimum standards of practice expected from an individual registered as a New Mexico architect.  
[16.30.6.6 NMAC - Rp, 16.30.6.6 NMAC, 9/26/2023]

**16.30.6.7      DEFINITIONS: [RESERVED]**  
[16.30.6.7 NMAC - Rp, 16.30.6.7 NMAC, 9/26/2023]

**16.30.6.8      DESIGN AND CONSTRUCTION DOCUMENTS:**

- A.**     Programming, if required by contract:
- (1)**     Definition: To create or assist the owner in creating a project’s design parameters and overall scope including priorities, goals, budget, data, concepts and general needs.
  - (2)**     The architect must be able to:
    - (a)**     prepare a program, presentations, reports and periodic reviews for owners and consultants;
    - (b)**     summarize and evaluate data and requirements; and
    - (c)**     form an educated opinion of probable costs and adequacy of the owner’s budget.

**B. Site and environmental analysis:**

(1) Definition: Site analysis includes land planning, urban design and environmental evaluation of the physical, economic and social impact of proposed land use on, including but not limited to, the environment, ecology, traffic and population patterns, zoning site constraints, adequacy of site for parking and loading, etc., and utility availability.

(2) The registrant must be able to select, organize and evaluate pertinent data that leads to a conceptual design in coordination with the owner's program while conforming to the project's requirements.

**C. Schematic design:**

(1) Definition: From the owner-approved program, the development of solutions to satisfy technical and aesthetic requirements with an updated opinion of probable cost.

(2) The registrant must be able to prepare, from the program, alternative preliminary design concepts, presentation drawings and models and form an updated opinion of probable cost.

**D. Building cost analysis:**

(1) Definition: Evaluation of probable construction cost.

(2) The registrant must be able to:

(a) make computations based on area and volume and quantity surveys based on the project's specific requirements; and

(b) evaluate the proposed costs for accuracy and fairness.

**E. Code research:**

(1) Definition: Assurance of a project's compliance with federal, state and local regulation requirements.

(2) The registrant must be able to research and document codes and guidelines to assure a specific project's compliance with law and should be knowledgeable of procedures to obtain relief or variances.

**F. Design development:**

(1) Definition: Based on the owner-approved schematic design, creating the size and character of the entire project including selection of materials and engineering systems with an updated opinion of probable cost for the owner's further approval.

(2) The registrant must be able to:

(a) prepare detailed development drawings from schematic design documents;

(b) develop schedules and outline specifications, the project's systems, with estimates for construction time and construction cost; and

(c) form updated opinions of probable cost.

**G. Construction documents:**

(1) Definition: The description in graphic form of all the essentials of the work done in concurrence with the written specifications and the provision to the

owner of an updated opinion of probable cost and, if relevant, the suggestion that alternative bids should be considered.

(2) The registrant must:

(a) be able to prepare accurate, consistent, complete and understandable construction documents and effectively coordinate consultant(s) drawings; and

(b) understand the responsibilities and liabilities arising from the issuance of construction documents.

H. Engineering systems coordination:

(1) Definition: Responsibility for coordinating with consulting engineers in the selection, design and/or coordination of all building systems including traditional engineering systems.

(2) The registrant must be knowledgeable of how systems work, including system benefits and limitations, availability, cost and space requirements necessary, and must know when it is necessary to engage engineering professionals and other professionals or consultants.

I. Specifications and materials research:

(1) Definition: The evaluation and selection of materials or products, based on appropriateness, durability, aesthetic quality, initial cost, maintenance and the project's standard of quality.

(2) The registrant must:

(a) have the ability to assess materials, including familiar items in unusual applications; and

(b) be able to communicate in graphic and written form to all parties, in logical and orderly sequence, the requirements of the construction process.

J. Document checking and coordination:

(1) Definition: Cross-checking construction documents and drawings of other consultants for accuracy and compatibility.

(2) The registrant must be able to assure accuracy and compatibility of all construction documents for a project.

[16.30.6.8 NMAC - Rp, 16.30.6.8 NMAC, 9/26/2023]

#### **16.30.6.9 CONSTRUCTION ADMINISTRATION (if required by contract):**

A. Bidding and contract negotiation.

(1) Definition: Assist the client in establishing and administering bidding procedures, issuing addenda, evaluating proposed substitutions, reviewing the qualifications of bidders, analyzing bids or negotiating proposals and making recommendations for the selection of contractors.

(2) The registrant should make clear what the registrant's role shall be in each of the following steps:

(a) the bid/award process;

(b) the analysis and evaluation of bids;

- (c) settling protests to bid acceptability; and
- (d) the role of lending institutions.

**B. Construction - office phase.**

(1) Definition: Processing contractor's applications for payment, preparing change orders, reviewing shop drawings and samples and interpreting construction documents.

(2) The registrant must be able to:

- (a) timely process applications for payment;
- (b) evaluate requests for changes and prepare change orders;

and

(c) interpret and attempt to resolve conflicts relating to the contract documents and resolve disputes.

**C. Construction - observation phase.**

(1) Definition: Assurance that contractor's work conforms to requirements of contract documents, that standards of workmanship are upheld, and that all work conforms to required codes. It includes the interpretation of contract documents, clarification of design intent, and the resolution of conflicts.

(2) The registrant must have an understanding of contract documents and must be able to:

- (a) evaluate quality of materials and workmanship;
- (b) analyze construction timetables and produce progress

reports;

- (c) interpret contract documents;
- (d) evaluate dispute resolution alternatives;
- (e) monitor and receive all data, warranties and releases

required by the contract documents; and

(f) undertake a completion inspection with verification that the work was completed in accordance with the contract documents.

[16.30.6.9 NMAC - Rp, 16.30.6.8 NMAC, 9/26/2023]

**16.30.6.10 DESIGN/BUILD WHERE THE ARCHITECT IS ALSO THE**

**CONTRACTOR:** Unless a contractual relationship is stated otherwise, an architect is responsible for the minimum competencies of construction administration in a design/build project.

[16.30.6.10 NMAC - Rp, 16.30.6.10 NMAC, 9/26/2023]

**16.30.6.11 PROJECT MANAGEMENT:** Means defining goals; coordinating tasks and scheduling, assessing all discrepancies and performance of corrective actions, maintaining design quality; closing out project records and agreements; and performing project evaluations. It includes owner notification of any additional services that may be required prior to their need.

[16.30.6.11 NMAC - Rp, 16.30.6.11 NMAC, 9/26/2023]



**HISTORY OF 16.30.6 NMAC:****History of Repealed Material:**

16 NMAC 30.6, Minimum Standards for the Practice of Architecture in New Mexico - Repealed, 9/6/2001.

**History of 16.30.6 NMAC:**

16.30.5 NMAC – Minimum Standards for the Practice of Architecture, filed 9/6/2001, was repealed and replaced by 16.30.5 NMAC – Minimum Standards for the Practice of Architecture, effective 9/26/2023.

**TITLE 16  
CHAPTER 30  
PART 7**

**OCCUPATIONAL AND PROFESSIONAL LICENSING  
ARCHITECTS  
LICENSURE FOR MILITARY SERVICE MEMBERS,  
SPOUSES AND VETERANS**

**16.30.7.1 ISSUING AGENCY:** New Mexico Board of Examiners for Architects, 2550 Cerrillos Road - Third Floor, Santa Fe, NM 87505; telephone (505) 476-4830. [16.30.7.1 NMAC - N, 1/15/2019]

**16.30.7.2 SCOPE:** This part sets forth application procedures to expedite licensure for military service members, their spouses and veterans. [16.30.7.2 NMAC - N, 1/15/2019]

**16.30.7.3 STATUTORY AUTHORITY:** Subsection C of Section 61-15-4 NMSA 1978, prescribes that "The board...may make rules not inconsistent with law." [16.30.7.3 NMAC - N, 1/15/2019]

**16.30.7.4 DURATION:**  
Permanent. [16.30.7.4 NMAC - N, 1/15/2019]

**16.30.7.5 EFFECTIVE DATE:** January 15, 2019 unless a different date is cited at the end of the section. [16.30.7.5 NMAC - N, 1/15/2019]

**16.30.7.6 OBJECTIVE:** The objective of this part is to expedite licensure for military service members, their spouses and recent veterans pursuant to Subsection C of Section 61-15-4 NMSA 1978. [16.30.7.6 NMAC - N, 1/15/2019]

**16.30.7.7 DEFINITIONS:**  
[RESERVED] [16.30.7.7 NMAC - N, 1/15/2019]

**16.30.7.8 EXPEDITED LICENSURE:** The Board complies with the expedited licensure procedures and fee schedule for military service members, spouses and veterans as outlined in the Uniform Licensing Act, Section 61-1-34, NMSA 1978. [16.30.7.8 NMAC - N, 1/15/2019; A, 01/11/2022]

**16.30.7.9 RESERVED:**  
[16.30.7.9 NMAC - N, 1/15/2019; Repealed 01/11/2022]

**History of 16.30.7 NMAC:** [RESERVED].