

MINUTES

JOINT PRACTICE COMMITTEE MEETING

Friday, May 29, 2015

1:30 p.m.

509 S. Main, Ste. D, Las Cruces, NM

Members Present – Ron Bohannon, PE, Chair

Ray Vigil, BEA

Tara Rothwell-Clark, BEA

George Radnovich

Gill Berry

David Cooper, PS

Others Present- Perry Valdez, BLPEPS Acting Executive Director

Wren Prop, Board of Architects Director

Mary Kay Papen, Senator, Honored Guest

Robert A. Williams, Audience

Carlos Arguijo, Audience

1. Convene, Roll Call and Audience Introductions,

Mr. Bohannon convened the meeting at 1:34 pm, roll call was taken and a quorum noted.

Audience introductions were made: Mr. Robert A. Williams, Mr. Carlos Arguijo.

2. Introduction of Honored Guest(s)

Mrs. Propp introduces the JPC's honored guest, Senator Mary Kay Papen. Senator Papen has been a senator since 2001, in 2013 she was awarded the President pro tempor.

Senator Papen serves District 38. Mr. Bohannon introduces and explains the purpose of the JPC.

3. Approval of Agenda

MOTION by Mrs. Rothwell-Clark to approve the agenda without modifications, **SECOND** by Mr. Cooper, **PASSED** unanimously.

4. Approval of Minutes

- a. Minutes of December 12, 2014

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MOTION by Mr. Gil Berry to approve the December 12, 2014 minutes, **SECOND** by Mr. David Cooper, **PASSED** unanimously.

5. Boards and Committee Reports

a. Board of Examiners for Architects

Mr. Vigil reports that the BEA is still active with issues concerning 'Horizons of New Mexico' and possible violations of the State Use Act regarding QBS. The BEA have been in correspondence with AIA to seek their support to assist in furthering development for this case. BEA has a new website that will be unveiled Monday, June 1st, 2015, and they are looking forward to possible online renewals. The annual NCARB Meeting will be held in June. Mrs. Propp reports that in one of the newest reports BEA has 2,213 registrants, one of the highest number of registrants that they've had.

Enter Senator Papen- 1:37 pm

b. Board of Landscape Architects

Mr. Radnovich reports that the BLA discussed the issues concerning Horizons of New Mexico and the State Use Act in their last board meeting. The BLA is in agreement with the BEA and BLPEPS concerning these matters, and have the full support of the BLA. Mr. Radnovich also reports that the BLA will be going through rules changes and the preceding rule hearing.

c. Board of Licensure for Professional Engineers & Professional Surveyors

Mr. Bohannon reports that the Board went through a rule hearings. The Board will go back through and update some items and have another. That 5 members of the BLPEPS were in attendance at the NCEES Western Zone Conference. NCEES governs all of the licensing, rule-making, enforcement, and education requirements for engineers and surveyors in the US. Updates were made to the education requirements. We are still working on bringing our new website to go live.

6. Communications

Mr. Valdez introduces a certificate of appreciation for Mr. Mallory for his service with the JPC.

7. Old Business

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a. NCEES – Supreme Court Decision: NC Dental Board v FTC

Mr. Valdez reports a complaint was made against a teeth whitening kiosk because the NC Dental Board felt that the kiosk violated their board's rules. The case was taken to the U.S. Court of Appeals, by the FTC, where the NC Board's decision was overruled. The NC Dental Board turned to the Supreme Court, the Court decided to uphold the Court of Appeals decision in that the FTC was not in violation. In turn they decided that the NC Dental board was in violation of the Free Trade Agreement. This case was closely followed because of the possible boundary issues that might arise between Boards and new technology or business that could possibly offer similar services or services closely related to the board's purpose. The outcome of this case has the potential to effect all other licensing and regulatory boards.

b. Definition of Design Build

Mrs. Propp reports that GSD- rules 1.5.7 (within Property management and design build) is the only item in State Government that gives a definition of design build. The BEA has been in the discussion of design build because more organizations are unclear as to the placement of architects. BEA is trying to have an amendment to the rule added to give guidance to architects (within large public projects) as to what design build should look like to them, and where their place is within the rule and companies. AIA came out with a design build state statute continuum. Mr. Bohannan feels that this sort of regulation can be completed without amending the rules. Mr. Vigil adds, the chief issue is whatever position you're in, providing architectural services, we want to make clear you're under the purview of the Architectural act, protecting the safety, health and welfare of the public.

c. NMDOT Requirements for Landscape Architects

Mr. Radnovich reports – 61.24.b – 7 (h) Requires that boards like JPC meet the request to include landscape architects in the language and handbook. Mr. Berry believes that the JPC should solicit a legal opinion to see if it is within the NMDOT's purview to have a handbook to cover Architects, Landscape Architects, Engineers and Surveyors to create alignment on single stamp projects and designs.

Senator Papen will solicit an opinion from the attorney general on the JPC handbook along with the NM DOT's handbook.

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MOTION by Mr. Radnovich to have the JPC write a letter to the NM DOT regarding the 'NM DOT Tribal/Local Public Agency Handbook' – circa 2014 – the JPC asks that the handbook include Landscape Architects along with registered Engineers and Architects under their professional requirements and the construction cost limits that are established in the documents to reflect the limits in the JPC handbook, **SECOND** by Mr. Vigil, **PASSED** unanimously.

Mr. Vigil requests that the construction cost limit be added as an agenda item for the next meeting.

d. NM State Statute 13-1-121 Selection Committees

Ms. Propp provides a list of those architects that have accepted to be considered to be chosen to be on an RFP Selection Committee. Mr. Bohannan will ask the BLPEPS staff and Board members to help develop a list of engineers and surveyors.

8. New Business

a. Election of Officers

Mr. Berry nominates Mr. Vigil as Chair, and Mr. Bohannan as Vice Chair. Mr. Bohannan and Mr. Vigil accept their nominations.

MOTION by Mr. Berry, **SECOND** By Mrs. Rothwell-Clarke, **PASSED** unanimously.

b. Appointment of Public Member

Mr. Valdez reports that Mrs. Propp and he requested resumes for the public member. Unfortunately they did not receive very many applications. There is 1 application, Martin Romero, which the committee has to review as a possible candidate.

MOTION by Mr. Vigil to accept Mr. Romero's application to become a public member, **SECOND** by Mr. Berry, **PASSED** unanimously.

c. JPC Rules and Regulations: Discussion and Possible Updates

Mr. Berry requests for this item to be differed/tabled for a later time so he can compile more information to approach this modification. Mr. Vigil requests a possible sub-committee to have a better approach on the rules and regulations. Mr. Bohannan agrees, requests Mr. Valdez to provide a word document.

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A sub-committee is formed with the following members – Mr. Bohannon and Mr. Berry.

d. Hand Book for New Mexico Building Officials: Discussion for Possible Updates

Mrs. Propp asks for an additional sub-committee to review and update the handbook. Mr. Vigil suggests that if any members have comments or suggestions that they be forwarded to Mrs. Propp.

A sub-committee is formed with the following members – Mrs. Rothwell-Clark, Mr. Romero, and Mr. Radnovich.

e. Legislative Items

Mr. Vigil requests support for the BEA Practice Act changes at the next legislative session. Senator Papen informs the Committee that the bill has to be placed on the Governor's list in order to be discussed at the next legislative session since the session is a short session.

9. Next Scheduled Meeting Date

a. Calendar of proposed dates and locations

MOTION by Mr. Vigil to accept the calendar of proposed dates and locations
SECOND by Mr. Cooper, **PASSED** unanimously

10. Adjourn

MOTION by Mr. Vigil, **SECOND** by Mrs. Rothwell-Clark, **PASSED** unanimously.

Submitted By:

Approved By:

s/Sami Romero

s/Ron Bohannon

Ms. Sami Romero, Executive Assistant

Mr. Ronald Bohannon, JPC Chair

August 14, 2015 Approved Date