

Meeting Minutes

MEETING OF THE JOINT PRACTICE COMMITTEE
held at 9:00 a.m., Friday, September 20, 2024,
Sandia Conference Room, 2nd FL, Wilson & Company, Inc.,
4401 Masthead Street NE, Suite 150, Albuquerque, NM 87109
Hybrid format

Members Present- Ben Aragon, PS, BLPEPS, Chair
Michael Bodelson, RA, BEA, Vice-Chair
Martin Romero, Bureau Chief, CBO, CID, Treasurer
Ray Vigil, RA, BEA
George Radnovich, PLA, ASLA, BLA
Chris Green, PLA, BLA
Emilie Dohleman, PE, BLPEPS
Barbara Felix, RA, BEA
Robert Loftis, PLA, BLA

Others Present- Perry Valdez, Executive Director, BLPEPS
Melarie Gonzales, Executive Director, BEA
Roxanne Romo, Board Administrator, BLA

1. Convene, Roll Call and Introduction of Audience

Mr. Aragon convened the meeting at 9:03 a.m. Roll call was taken, and a quorum was noted. Ms. Felix and Mr. Loftis introduced themselves to the Committee. Ms. Felix replaced Mr. Calvani from the Board of Architects and Mr. Loftis replaced Mr. Green from the Board of Landscape Architects.

2. Approval of Agenda

Mr. Aragon requested to add item d. Construction Industries to agenda item 4. Boards and Committee Reports.

MOTION by Ms. Dohleman to approve the agenda as amended to add item 4. d.,
SECONDED by Mr. Bodelson,

The motion **PASSED unanimously**.

3. Approval of Minutes

a. Minutes of February 8, 2024

MOTION by Mr. Bodelson to approve the minutes of February 8, 2024, as presented, **SECONDED** by Ms. Dohleman,

Mr. Radnovich, Ms. Felix, and Mr. Loftis abstained.

The motion **PASSED**.

4. Boards and Committee Reports

a. Board of Examiners for Architects

Mr. Vigil reported the Board attended their NCARB national meeting. The make-up of the national board is changing by adding some public members. The national board is looking into alternative pathways for licensure for those who may not fully meet the educational requirements. He said the NM BEA has seen an increase in unlicensed practice and a lack of support from the NM DOJ to go after these cases.

Mr. Vigil stated they have two new board members, Robert Williams and Barbara Felix.

Mr. Bodelson reported the Board is seeing an increased number of applicants for licensure, especially from out-of-state applicants.

b. Board of Landscape Architects

Mr. Green introduced Robert Loftis, he is a new board member and elected as the new Chair. He said that he is officially off the Board of Landscape Architects, so this would be his last JPC meeting.

Mr. Loftis reported that CLARB voted for new board members. He said Brian Verardo, a local landscape architect, is on the Board of Directors. CLARB suggested some changes to the NM BLA Act to comply with the uniform standards to come in line with other states.

Ms. Romo said the Board is fully staffed and there are no vacancies.

c. Board of Licensure for Professional Engineers & Professional Surveyors

Mr. Aragon informed the JPC that the surveyors are in the process of transitioning into a new coordinate system. The current coordinate system is based on the North American datum of 1983 for the horizontal datum and the datum of 1988 for the vertical datum. He explained that the National Geodetic Survey (NGS) has been working on a new datum, the datum 2022. The transition from the old datum to the new datum has taken longer than was originally expected. It is expected to come out in 2025. The vertical and horizontal datum have never changed together so this will be the first time.

Mr. Aragon also updated the Committee that the U.S. survey foot is being eliminated and changing to the international foot. There are few states who have already converted to the international foot.

Mr. Aragon mentioned the expedited alternative licensure path for surveyors. He explained the requirements for meeting this path.

Ms. Dohleman reported that there were two engineering board member vacancies. She also noted that like the Board of Architects, the Board of Engineers and Surveyors is seeing an increase in applications for comity from out of state applicants. This is a concern about whether or not the state is producing enough engineers and surveyors. Also is an ongoing replacement of the licensing system.

Mr. Valdez added that the Agency submitted their annual budget request for FY26 and are waiting for the October budget hearing.

d. Construction Industries Division

Mr. Romero stated that the Construction Industries Division (CID) has been busy because of the forest fires in Ruidoso. There is growing concern to adopt the Wildland-Urban Interface (WUI) code because of the issue that the Office of Superintendent of Insurance (OSI) is having with people being uninsurable or not being able to acquire insurance. There may be changes being proposed at the next legislative session.

He is hopeful that the State Forestry will provide education to people regarding mitigation and thinning out the forests.

Mr. Romero said there is a meeting planned on November 12th to discuss the occupant load on daycare centers, increasing the number of occupants to 12.

5. Public Comment/Correspondence

Mr. Valdez informed the Committee there was no public comment or correspondence at this time.

He mentioned Mr. Romero's request to the BLPEPS for a public notice regarding foundations affected by the fires in Ruidoso. The Board scheduled a special meeting to address the concerns. It issued a public notice stating that any foundations involved and affected in the fires should be tested to ensure that they sound and can be used again, or damaged and have to re-establish a new foundation.

Mr. Romero thanked the Board for the public notice. He noted that contractors were wanting just to reuse existing foundations without any type of testing.

6. Old Business

a. General Services Department's Architect-Engineer-Land Surveyor Professional Services Selection Process – M. Bodelson

Mr. Bodelson noted that Mr. Valdez reached out to the General Services Department (GSD) to schedule a meeting with them. He said that he also made a call to Ms. Anna Silva, Deputy Director.

For the JPC members who may not be familiar, this is in reference to Chapter 13, New Mexico State statutes for the competitive field qualifications selections just for architects, engineers, landscape architects, and surveyors. GSD has strayed away from one of their key requirements of requesting from this Committee to appoint members to the selection committees.

Mr. Bodelson feels that once the issue is explained to GSD this shouldn't be an issue.

Ms. Felix replied that she didn't realize this was an issue. AIA New Mexico is working with GSD and Ms. Silva regarding architecture. If she and AIA can help, she would be happy to do so.

Mr. Vigil stated that it is important to ensure that those two topics remain separate because one speaks of the procurement aspect of quality-based selection.

b. Annual Review of the Handbook for New Mexico Building Officials (2016 Version)

Mr. Aragon informed the Committee that he thoroughly reviewed the Handbook. It appears the work has been done. He requested Mr. Valdez show the document on the screen and conduct a quick review of the changes.

Mr. Valdez responded that he needs to update the address for the Board of Landscape Architects.

Mr. Vigil asked if Mr. Romero reviewed the document for any changes.

Mr. Romero stated he had a few edits and would provide them to Mr. Valdez.

Mr. Aragon added that each member of the Committee should have had their member boards review the document and made any proposed changes.

Mr. Vigil stated he felt this document should be adopted at this meeting.

Mr. Aragon replied that if Mr. Romero has edits then we may have to approve it at the next meeting.

Mr. Loftis stated that he wasn't sure if the Landscape Architects added any changes to the Handbook. Mr. Valdez said they have not.

Mr. Loftis would like to review the document and provide any.

Mr. Vigil noted that once the final edits are received then the Handbook can be added to the next agenda for approval. He asked if it was possible to make a motion today based on the proposed edits to expedite the approval, so we don't have to have a whole full meeting making it more convenient for everyone.

Mr. Aragon requested that once the email is received, everyone provide their approval. He asked Mr. Valdez how the Handbook is distributed.

Mr. Valdez responded that it is published on our website and possibly on the other Board websites. Hardcopies could also be printed and distributed to the respective boards for whoever wishes a hardcopy of the book.

Ms. Dohleman asked if the Handbook was distributed to others like plant inspectors and contractors?

Mr. Valdez replied that it hasn't been, but could.

Mr. Vigil said it would be good for Mr. Romero, and CID, to also distribute it and add it to their website.

Mr. Romero said he could provide a copy of the email addresses of Construction Bureau Officers to distribute it.

7. New Business

a. Update on the proposed 2021 Energy code.

Mr. Romero stated that there is some misinformation regarding the adoption of the code. There is some confusion that CID is requiring all new residential homes are required to have EV charges, however, the code is requiring that new constructed homes have a receptacle for future use to put a charger on there with A50 amp breaker.

Another change is requiring newly constructed homes to have R49 insulation installed, especially for climate zone 4. There is a reduced insulation requirement for climate zone 3 to R38 from R49, to be in line with the 24 IECC.

One of the biggest changes that CID made, in the ICC, is the continuous wall insulation on climate zones 4, four or five. CID is looking at a thermal barrier that could act as a continuous wall insulation with an R value of 6. This would be a major change in the industry if this were to be approved.

Mr. Romero said the American dream should be for every individual to own a home someday. The adoption of new codes takes that into consideration.

On the commercial side, right now the occupancy requirement, for example, A occupancy, B occupancy, and E occupancy. Based on the total number of parking spaces provided, a certain percentage of parking spaces would have to be EV spaces. If you have 100 parking spaces for E occupancy, you will have to have 5% of those which would be 5 parking spaces with level 2 EV chargers.

CID is finalizing a fact sheet on EV space requirements. As an example, if somebody's just renovating a parking lot, does that mean they have to put level 2 chargers on there? The answer is no.

b. Update to the questions

1) Can Engineers or Architects conduct virtual inspections?

Mr. Valdez reported that this was discussed by BLPEPS.

Ms. Dohleman informed the Committee that a virtual inspection can be conducted as long as it is done under the control of a licensed engineer. That the person on site is helping with the camera and knows what to look for and can send the information to the engineer.

Mr. Vigil stated that this topic was discussed in previous JPC meetings, during Covid. He has not spoken to his Board, but something like this requires some controls and measures, it's being done nationally.

Mr. Bodelson responded, "if it is going to be considered is what kind of controls are going to be employed, you know, for its use and its capture in the field."

Mr. Romero said his concern would be to know the guidelines and protocols on how the virtual inspections will be conducted.

2) Is an architect or engineer stamp a form of a copyright?

Mr. Valdez said the question was directed at the Board's legal counsel. Ms. Hovie said it was beyond her expertise, and we would have to consult with a copyright attorney.

Ms. Dohleman indicated that more specific and detailed information was required if this was to be taken forward for a legal evaluation.

Mr. Romero provided a situation that occurred, a project was submitted where everything was done by an engineer and then somebody was trying to duplicate what the engineer drew up. The engineer, of course, was upset about it, and said that when he stamped drawings it was a form of copyright.

Mr. Bodelson added that this would be considered more of a legal issue than a Board issue to respond to.

Ms. Felix commented that an attorney would have to answer the question of whether or not architecture and engineering drawings are actually copyrighted. The responsibility of this committee and the boards is the issue that if somebody is taking the details or the drawings and using them somewhere else, then potentially the original person is liable if something goes wrong and the person changes them. This a good question in terms of where the original design is protected.

Mr. Vigil said, in his opinion, if it went down to a legal aspect, that particular document would have to go back to when it was generated. If there was an agreement, the terms of the agreement would have to be looked at. This could be a civil matter.

Mr. Aragon said that any survey plats that are stamped are stamped as your work. There is common practice for other surveyors to utilize that drawing to reference the bearings and distances of the found monuments. The information is being used to create a new survey plat.

Mr. Radnovich commented that someone may, or might, patent something they create.

c. Clarification regarding a 2nd Peer Review Process

Mr. Romero provided background information on the clarification question. There was a deflection, more than usual, and a second peer review was requested and not complied with. The roof eventually collapsed.

****Mr. Greene left the meeting.****

Ms. Dohleman asked if CID has any guidance when a peer review is required?

Mr. Romero replied, it would be during the construction when a potential failure or a failure is noted; the code official asks for a second peer review to review that just to make sure that it's being designed correctly. There is nothing in the rule that addresses a second peer review other than under general provisions where the code official does reserve the right to ask for an architectural stamp or an engineer's engineering stamp on any set of drawings if they think it's warranted.

Ms. Dohleman asked if a second peer review is requested often.

Mr. Martin answered not very often.

Ms. Dohleman said the pushback may be the cost of paying for the peer review. Is there something that could be added to the CID rules?

Mr. Romero said this is something that could be added to the rules.

Mr. Vigil shared his experience with peer reviews, it's basically a second opinion on the work. It boils down to the cost for the second peer review.

Mr. Romero said he would present this to his Technical Advisory Committee (TAC) to review and come up with a suggestion on this issue.

d. Election of Officers

1) Chair

Mr. Vigil said as the Board of Architects takes over the hosting of the meetings, he would be the next Chair of the Committee.

2) Vice-Chair

MOTION by Mr. Radnovich for Mr. Loftis to be Vice-Chair, **SECONDED** by Mr. Bodelson.

Roll Call Vote:

Voting 'Aye': Mr. Aragon, Ms. Dohleman, Mr. Vigil, Mr. Bodelson, Ms. Felix, Mr. Radnovich, Mr. Loftis, Mr. Romero

The motion **PASSED unanimously**.

3) Treasurer

MOTION by Mr. Bodelson for Ms. Felix to be Vice-Chair, **SECONDED** by Ms. Dohleman.

Roll Call Vote:

Voting 'Aye': Mr. Aragon, Ms. Dohleman, Mr. Vigil, Mr. Bodelson, Ms. Felix, Mr. Radnovich, Mr. Loftis, Mr. Romero

The motion **PASSED unanimously**.

8. Next Scheduled Meeting Date

After a short discussion, the Committee agreed to meet again on January 6, 2025, at 9:00 a.m.

9. **Adjourn**

The meeting adjourned at 10:32 a.m.

Submitted by:

Approved by:

s/Perry Valdez

s/Ray Vigil

Perry Valdez, Executive Director

Ray Vigil, Chair

February 7, 2025 Approved Date