

NOTICE OF PUBLIC HEARING

Public Notice. The New Mexico Board of Examiners for Architects (NMBEA) gives notice that it will conduct a public hearing and regular meeting of the Board virtually on October 22, 2021 at 10:00am. The purpose of the public hearing is to receive public input on the proposed amendment to 16.30.1 NMAC- General Provisions, 16.30.3 NMAC- Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, 16.30.4 NMAC- Code of Conduct, 16.30.5 NMAC- Enforcement, and 16.30.7 NMAC- Licensure for Military Service Members, Spouses and Veterans. The board will hold a regular board meeting following the public hearing.

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Meeting ID: 867 3287 5554

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Purpose. The purpose of the proposed change to 16.30.1.7 is to clarify the standard that would qualify as misconduct for unauthorized use of an architect's seal. The purpose of the proposed change to 16.30.3.8 NMAC serve to add a list of disqualifying criminal convictions for registrants and potential registrants pursuant to Section 61-1-36 NMSA 1978. The purpose of the proposed changes to 16.30.3.10 NMAC is to adjust the timeframe for an applicant seeking registration through reciprocity to one year and enable Board staff to raise issues with potential registrants for consideration by the enforcement subcommittee. The purpose of the proposed changes to 16.30.3.12 is to adjust the fee schedule and reporting requirements for those registrants who fail to timely complete continuing education. The purpose of the proposed change to 16.30.4.11 is to add a reference to the enumerated list in 16.30.3.8 in the list of potential areas of discipline for a registrant. The purpose of the proposed change to 16.30.5.8 is to adjust the manner in which a complaint shall be initiated to include a reference to allegations being made under penalty of perjury. The purpose of the proposed change to 16.30.5.7 is to update the reference to the Parental Responsibility Act to the correct statute, Section 40-5A-1 through 13NMSA 1978. The purpose of the proposed changes to 16.30.7.8 is to bring the board into compliance with Section 61-1-34, NMSA 1978.

The statutory authorization. Section 61-15-4 NMSA 1978 grants the board authority to make rules not inconsistent with law in order to promote the public welfare and protect the citizens of New Mexico.

No technical information serves as a basis for this proposed rule change.

Public comment. Interested parties may provide comment on the proposed amendments of this state rule at the public hearing or may submit written comments to Melarie Gonzales, New Mexico Board of Examiners for Architects, P. O. Box 509, Santa Fe, New Mexico 87504, or by electronic mail at nmbea@state.nm.us, or fax to (505) 476-4829. All written comments must be received no later than 5:00 p.m. (MDT) on the date of the public

hearing. The public comment period is from September 14, 2021 to October 18, 2021 at 5:00 p.m. (MDT).

Copies of the proposed rules. Copies of proposed rules may be accessed through the New Board of Examiners for Architect's website at <https://www.bea.state.nm.us>, or may be obtained from Melarie Gonzales by contacting her at (505) 476-4833 during regular business hours.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Melarie Gonzales at (505) 476-4833 as soon as possible before the date set for the public hearing. The NMBEA requires at least ten (10) calendar days advance notice to provide any special accommodations requested.

Summary of Proposed Changes. The Board summarizes its proposed changes to its administrative rules as follows:

16.30.1.7 NMAC – General Provisions

As a general summary, the proposed changes to 16.30.1.7 NMAC adjust the qualifications of misconduct for unauthorized use of a registration seal. The changes now reflect a “knowingly” standard, in place of the previous standard which used the term “all reasonable measures.” is to clarify language and to add a new provision to the definition of misconduct to account for the misuse of an architectural seal.

16.30.3.8 NMAC– General Qualifications

As a general summary, the proposed changes to 16.30.3.8 NMAC serve to add a list of disqualifying criminal convictions pursuant to Section 61-1-36 NMSA 1978. This list enumerates those felonies for which convictions could result in denial of an application or disciplinary action.

16.30.3.10 NMAC– Registration through Reciprocity

As a general summary, the proposed changes to 16.30.3.10 NMAC adjust the timeframe from six months to one year for a reciprocity and enables board staff to raise issues with reciprocity applications with the enforcement subcommittee.

16.30.3.12 NMAC- Continuing Education

As a general summary, the proposed changes to 16.30.3.12 NMAC is to update the fee schedule for licensees who fail to timely complete the required continuing education hours. The adjusted fee schedule permits the reporting of excessive violations to the National Council of Architectural Registration Boards (“NCARB”).

16.30.4.11 NMAC- Compliance with Laws

As a general summary, the proposed changes to 16.30.4.11 NMAC is to add a reference to the enumerated crimes listed in 16.30.3.8 that would disqualify an architect from practicing.

16.30.5.7 NMAC- Definitions

As a general summary, the proposed changes to 16.30.5.7 NMAC update the reference to the Parental Responsibility Act to the correct statute, Section 40-5A-1 through 13NMSA 1978.

16.30.5.8 NMAC- Complaints

As a general summary, the proposed changes to 16.30.5.8 is to clarify language to include language for complaints signed under penalty of perjury.

16.30.7.8 NMAC- Expedited Licensure

As a general summary, the proposed changes to 16.30.7.8 NMAC add a reference to Section 61-1-34 NMSA and mandate that the Board comply with the provisions of this section.