

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 404 ERRDS, BOARD OF EXAMINERS FOR ARCHITECTS

1.18.404.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.18.404.1 NMAC - Rp, 1.18.404.1 NMAC, 5/2/2005]

1.18.404.2 SCOPE: board of examiners for architects
[1.18.404.2 NMAC - Rp, 1.18.404.2 NMAC, 5/2/2005]

1.18.404.3 STATUTORY AUTHORITY: Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.404.3 NMAC - Rp, 1.18.404.3 NMAC, 5/2/2005]

1.18.404.4 DURATION: permanent
[1.18.404.4 NMAC - Rp, 1.18.404.4 NMAC, 5/2/2005]

1.18.404.5 EFFECTIVE DATE: May 2, 2005, unless a later date is cited at the end of a section.
[1.18.404.5 NMAC - Rp, 1.18.404.5 NMAC, 5/2/2005]

1.18.404.6 OBJECTIVE: To establish a records retention schedule for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.404.6 NMAC - Rp, 1.18.404.6 NMAC, 5/2/2005]

1.18.404.7 DEFINITIONS:

- A. “Administrator”** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. “Agency”** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. “Archives”** means the state archives of the commission of public records.
- D. “Disposition”** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- E. “Microphotography”** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission of public records.
- F. “Non-record”** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- G. “Public record”** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).
- H. “Records custodian”** means the statutory head of the agency using or maintaining the records or the custodian’s designee.
- I. “Records management”** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- J. “Records retention and disposition schedule”** means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

K. “Retention” means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes. [1.18.404.7 NMAC - Rp, 1.18.404.7 NMAC, 5/2/2005]

1.18.404.8 ABBREVIATIONS AND ACRONYMS:

A. “NMAC” stands for New Mexico administrative code.

B. “NMSA” stands for New Mexico statutes annotated.

[1.18.404.8 NMAC - N, 5/2/2005]

1.18.404.9 INSTRUCTIONS:

A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. Descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents and files shall be only by authorization of the records custodian, or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies shall only be upon specific statutory authorization or court order.

I. Records, papers or documents may be reformatted thorough microphotography. Such reformatted records shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5 and 14-1-6 NMSA 1978).

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.404.9 NMAC - N, 5/2/2005]

1.18.404.10-101 [RESERVED]

1.18.404.102 ARCHITECT REGISTRANT SYSTEM:

A. Program: architect registrations

B. Maintenance system: numerical by primary key

C. Description: system captures and maintains information pertaining to the registration of architects. Data may include name and address of applicant, date of renewal payment, amount of continuing education credits, test scores, registration number, etc.

D. Retention:

(1) **Incomplete registrant data:** six months from original application date

(2) **Complete registrant data:** 80 years from original issuance of architect license then transfer to archives for review and final disposition

E. Input documents: All documents used as input for the *architect registrant system* are filed in the corresponding *architect registrant files*. Those documents include the following: application form, proof of amount of continuing education credits, etc.

F. Output documents: All documents generated by the *architect registrant system* are produced because of public request or administrative reporting responsibilities. Because the *architect registrant system* is a data-based system, ad hoc reports may be generated on request or on demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include the following: *roster of current architects*, status of certificate renewals, etc.

[1.18.404.102 NMAC - N, 5/2/2005]

[The *roster of current architects* as a publication is transferred to archives via the state library publication program pursuant to 1.25.10 NMAC. Retention is on data only.]

1.18.404.103 ARCHITECT REGISTRANT FILES:

A. Program: architect registration

B. Maintenance system: alphabetical by surname of registrant

C. Description: records concerning the architectural qualifications of people authorized to practice architecture within New Mexico. Portions of the information from these files may be input into the *architect registrant system*. File may contain original application, two year renewal statement, proof of continued education, copy of lapse of registration letter, architect registration examination, jurisprudence examination, exam results, reciprocity information, request for architect emeritus status, current registration renewal statement, sample imprint of registration seal, official transcript, copy of lapsed registration reminder letter, return receipt record of lapse of registration letter, change of address notification, correspondence, etc.

D. Retention: 80 years from original issuance of architect license then transfer to archives for review and final disposition

[1.18.404.103 NMAC - Rp, 1.18.404.103 NMAC, 5/2/2005]

1.18.404.104 APPLICANT FILES:

A. Program: architect registration

B. Maintenance system: alphabetical by surname of applicant

C. Description: records concerning the applications of those applying to become registered architects. Files may include application, correspondence, etc.

D. Retention:

(1) **Applicants who become registered architects:** file with *architect registrant files*, 1.18.404.103

(2) **Applicants who do not become registered architects:** six months from original application date

[1.18.404.104 NMAC - Rp, 1.18.404.104 NMAC, 5/2/2005]

1.18.404.105 ARCHITECT DISCIPLINARY SYSTEM:

A. Program: discipline

B. Maintenance system: numerical by primary key

C. Description: system captures and maintains information pertaining to alleged misconduct of architects and alleged unlicensed activity involving the practice of architecture by non-registrants. Data may include date of complaint, date of committee hearings regarding complaint, name and address of complainant and subject of complaint, architect examiners board orders, etc.

D. Retention:

(1) **No disciplinary action taken data:** two years from date case closed

(2) **Disciplinary action taken data:**

(a) **Registered architects:** 80 years from original issuance of architect license

(b) **Non-architects:** 80 years from date case closed

E. Input documents: All documents used as input for the *architect disciplinary system* are filed in the corresponding *architect disciplinary files*. Those documents include the following: complaint form, correspondence, memoranda, etc.

F. Output documents: All documents generated by the *architect disciplinary system* are produced because of public request or administrative reporting responsibilities. Because the *architect disciplinary system* is a data-based system, ad hoc reports may be generated on request or on demand.

G. Confidentiality: Portions of this file may be confidential pursuant to Subsection D of Section 61-15-5 NMSA 1978 (i.e., disciplinary action) and Subsection A of Section 14-2-1 NMSA 1978 (confidential sources, methods, information).

[1.18.404.105 NMAC - N, 5/2/2005]

[Retention is on data only.]

1.18.404.106 ARCHITECT DISCIPLINARY FILES:

- A. Program:** discipline
 - B. Maintenance system:** numerical by case number [two-digit year record started, three-digit order of occurrence]
 - C. Description:** records concerning alleged misconduct of architects and alleged unlicensed activity by non-registrants. Portions of the information from these files may be input into the *architect disciplinary system*. Files may contain sworn complaints, pleadings, hearing transcripts with accompanying exhibits, architectural plans, specification books, hearing officer reports, architect examiners board orders, minutes, copies of appeal documents, settlement agreement, investigative case documents not introduced into evidence at a hearing, notice of contemplated action, correspondence, etc.
 - D. Retention:**
 - (1) **No disciplinary action taken:** two years from date case closed
 - (2) **Disciplinary action taken:**
 - (a) **Registered architects:** 80 years from original issuance of architect license
 - (b) **Non-architects:** 80 years from date case closed
 - E. Confidentiality:** Portions of this file may be confidential pursuant to Subsection D of Section 61-15-5 NMSA 1978 (i.e., disciplinary action) and Subsection A of Section 14-2-1 NMSA 1978 (confidential sources, methods, information).
- [1.18.404.106 NMAC - Rp, 1.18.404.106, 5/2/2005]

1.18.404.107 REGISTRATION LOG:

- A. Program:** architect registrations
 - B. Maintenance system:** numerical by architect registration number
 - C. Description:** records a list of architects registered to practice in New Mexico. Log may show architect name, address, registration number, registration date, type of certification, etc.
 - D. Retention:** permanent
- [1.18.404.107 NMAC - Rp, 1.18.404.102, 5/2/2005]

HISTORY OF 1.18.404 NMAC:

Pre-NMAC Filing History: Material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives: SRC Rule 72-12, Executive Record Retention and Disposition Schedule for Architect Examiners Board, 7/19/1972. SRC Rule No. 83-16, Executive Record Retention and Disposition Schedule for Architect Examiners Board, 4/29/1983.

History of Repealed Material:

1.18.404 NMAC, ERRDS, Board of Examiners for Architects filed 3/9/2000 - Repealed 5/2/2005