

This is an amendment to 16.30.3 NMAC, Sections 8, 10 and 12, effective 01/11/2022.

**16.30.3.8 GENERAL QUALIFICATIONS:**

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

~~(1) [conviction of a felony;] misstatement or misrepresentation of fact by the applicant in connection with his or her application;~~

~~(2) [misstatement or misrepresentation of fact by the applicant in connection with his or her application;] violation of any of the standards of conduct required by registration holders and set forth in the statutes or rules and regulations; or~~

~~(3) [violation of any of the standards of conduct required by registration holders and set forth in the statutes or rules and regulations; or] practicing architecture without a valid and current registration in the jurisdiction in which the practice took place; or~~

~~(4) [practicing architecture without a valid and current registration in the jurisdiction in which the practice took place.] 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 NMAC 30.3.8, 9/6/2001; A, 9/15/2002; A, 9/15/2016; A, 01/11/2022]

**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 ~~six months~~ 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. ~~[Board staff]~~ 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 NMAC 30.3.10, 9/6/2001; A, 9/15/2003; A, 9/16/2004; A, 9/9/2005; A, 12/23/2005; A, 6/1/2009; A, 9/15/2016; A, 10/31/2016; A, 1/15/2019; A, 01/11/2022]

**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. At the discretion of the enforcement subcommittee, special circumstances will be reviewed by the subcommittee.

(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 calendar year.

**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 ~~shall~~ 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: An architect whose initial examination registration 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 - A & Rn, 16.30.3.11 NMAC, 1/15/2019; A, 01/11/2022]

**History of Repealed Material:**

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- Repealed, 9/6/2001.