In our fast-paced professions, rarely do things remain static very long. As the professions change to meet current and future demands, the Board is consistently monitoring and planning for these as well. One of the important responsibilities of the Board is to update standing rules as our three professions advance their changing practices.

During its January, 2011 meeting, the Board adopted what some considered a much-needed “cleanup” of some outdated internship and education rules dating from the 1990s. It is important that the rules that regulate our professions are always clear and up to date. The recent rule amendments were designed to do multiple things at once:

- Remove obsolete provisions
- Raise the education and experience standards for all three professions
- Maintain a small degree of flexibility for the small number of potential licensees affected.

The newly-adopted rules restrict the “grandfather” provisions for architects, registered interior designers (RIDs), and landscape architects to those who apply on or before August 31, 2011. On the following day, September 1, 2011, those provisions will be repealed and no one will be eligible for registration under those previous provisions. These provisions allowed applicants who began their education or experience prior to September 1, 1999 to qualify for registration by exam according to the requirements in the rules as they existed on August 31, 1999.

The provisions to be phased out list differing education and experience requirements depending upon: the date upon which the applicant’s education or experience began; the amount of work experience; the number of semester hours completed; and the date upon which the applicant applied. As a result, there is an array of different standards based upon data that may be difficult or impossible to verify. These changes make Texas regulations more consistent with model law and many state jurisdictional standards as well. This is a subtle but very important issue for practitioners seeking reciprocity in order to practice across state lines.

When the new rules go fully into effect, those differing requirements will be phased out to new applicants. It is important to note that those who have already submitted their applications to TBAE will not be affected and can continue to complete the application process. They are not required to have completed their registration by August 31, 2011. As time passes, eventually all applicants across all three professions will adhere to the same requirements.

If you are currently an architect, landscape architect, or registered interior designer, we do not anticipate any significant impact to you as the result of these most recent rule changes.

Continued on page 3
Holding the Line on Fees

Running a state agency is never a particularly easy thing to do. It's a tricky thing to manage a staff, make sure many thousands of registrants (across three related but different professions) aren't jeopardizing the public's safety, keep rules up to date, and a lot of other tasks as well. And always there's the budget to keep in mind. These days, more than ever.

As you've probably heard, Texas is in the middle of a budget crunch that some people are describing as historic. Across state government, agency budgets will be slashed, services cut, and jobs lost. The task, for the head of any state agency, becomes one of damage control. And the question becomes: How do we keep fulfilling our charge to protect the public, while keeping expenses low?

Like any other organization, TBAE has certain tools to do this. One tool that hasn’t been used, by us at TBAE anyway, since 2004: raising your renewal fee. (As you know, the last renewal fee change was a reduction—not an increase—in 2007.)

I’m proud of our Board and our staff who have helped make it possible to avoid raising fees—and my commitment was and remains to keep avoiding it for as long as possible.

Looking into the future is as difficult as it is necessary to smart leadership. With that in mind, I’ll offer a few thoughts and observations about what might be coming down the road for TBAE and registrants like you.

• Technology will be increasingly important, and relied on more and more. In ways we can’t necessarily even predict right now, interacting with TBAE will become more responsive, quicker, and more seamless. And we’re on the lookout for opportunities to harness tools to make this happen. Two examples: you’re reading this issue of Licensing News online instead of on paper (which saves the costs of printing and mailing), and sometime soon you’ll be able to earn TBAE-produced continuing education credits live, from your home or office, via online conferencing.

• This agency, and many others, will catch more “bad guys,” doing worse things. Investigations now can be conducted—or at least begun—online from anywhere, at any time. Say a three-story building collapses in a small town in Northeast Texas. Once our enforcement team hears a few basic details about it, the research often can be done lightning-quick to determine whether any aspect of the situation falls within our jurisdiction. Armed simply with a smartphone, nowadays anyone can shoot photos or videos of a purported violation, email them off, or even upload to the Web in seconds.

• Cross-border issues will edge closer to the forefront of the business of regulation. Scanning the headlines of any Texas newspaper tells this story neatly—and we on staff and on the Board are thinking more and more about how demographic and economic trends might affect the health, safety, and welfare of the built environment in Texas.

Cathy L. Hendricks, RID
Executive Director

ARE CANDIDATES

Have you applied for your no-strings $500 test reimbursement yet?

If you’re taking the ARE and haven’t looked into the $500 reimbursement yet...well, why haven’t you?

Eligibility is easy, there are no strings attached, and we can’t think of a better time than now to send in the simple application form. There are three application periods per year, and if you apply before the next deadline on May 31, you may be receiving a check before the end of June. Just complete the form and return it with a copy of your most recent tax return.

Read more details about eligibility, new schedules and deadlines, and much else.
Board updates education  

Continued from page 1

changes. In other words, the rule changes affect people who may already be among other design professionals, working in some capacity—but who have not yet, for whatever reason, contacted TBAE staff to begin the path to licensure. Since those potential future registrants haven’t revealed themselves to the agency, we have no way of knowing who they are, or how to inform them of the new standards.

That’s where I ask for your assistance, if possible. If you know of an intern to one of the regulated professions who hasn’t yet contacted TBAE, please let him or her know about these important changes; encourage them to call us; or even forward this newsletter to them. We are always here to assist anyone on the path to licensure, and we welcome your participation in spreading the word.

Alfred Vidaurri, Jr.,
AIA, AICP
Chair

Welcome to the new, digital Licensing News

In the previous issue of Licensing News, which arrived in your mailbox as the weather began to turn cold in 2010, we promised you a new, digital format for future issues of the newsletter.

Well, here it is!

As we noted before, the shift from a printed newsletter to this new online version serves mostly as a cost-saving measure. Texas state government is facing, as you’ve certainly heard by now, a very tough budgetary challenge, and TBAE is doing its part to save every possible penny as well. (The alternative to saving as much as possible, obviously, is raising fees—and we don’t want to do that any more than you want us to do it.) So a simple way to save a large chunk of money is to move the newsletter online, saving the cost of designing, printing, and mailing it to every registrant from coast to coast, and even internationally.

Of course, one tangential benefit of a digital product like this is its environmental friendliness.

But if you’re mourning the loss of the paper product even in light of the cost savings, there is an upside. With this digital platform, TBAE is now free to bring you much more content, free of the restraints of a printed product.

What does that mean? Well, for starters, it means we can bring you types of media we couldn’t before. Photos, hyperlinks, slide shows, even video or podcasts are in the future of Licensing News. Plus, since the content is online, it’s easily shareable on any social media platform you might use—or you can just email the URL to those who might want or need to read it.

With that, we give you the new-look Licensing News, and we hope you enjoy it!
A refresher on business registration

Q: What is the “business registration” requirement of the Board?
A: Businesses that offer and/or provide architectural, registered interior design, or landscape architectural services in Texas must register with the board annually and comply with certain rules.

Q: What are those “certain rules?”
A: The pertinent rules for TBAE registrations are “Business Registration” and “Association,” both in Subchapter G. Basically, the former says that each design firm (or business using the terms “architect/architecture,” the analogous terms for Landscape Architects, or the term “Registered Interior Designer”) must register annually with the Board. Only one registrant within the firm must do the registration—which is free at this time—and will become the “Principal” or “Architect, Landscape Architect or Registered Interior Designer” for registration purposes. If a registered business dissolves, or if the registrant leaves the business, the registrant must notify the Board within 30 days of the dissolution or departure. Such a business cannot offer or provide regulated services until a new registration form is received. Note that the individual registering must be a registrant. Sole proprietorships are exempt under most circumstances (see below); no business registration is necessary for them.

Q: Wow, that sounds complicated!
A: It sounds more confusing than it actually is. It’s really not any more complicated than this: one Registered Architect/Landscape Architect/Interior Designer from each business needs to send in the registration form—which is free currently and mostly merely asks for contact information—each year. Voila!

Q: Okay—what about the other rule about “Association?”
A: That rule comes into play when a registrant forms a business association with a nonregistrant, an employee, a client, or a subcontractor/consultant of the firm. (Basically, this might apply when a furniture/home store or a builder wants to advertise “architectural” services, for instance.) That Architect must agree in writing to be responsible for the preparation of all construction documents issued by the business association between the Architect and the furniture store (for instance). Rules 1.122 and 3.122 and 5.132 have all the details.

Q: If my firm offers more than one type of regulated design services, do we need to register each separately?
A: You must submit a separate registration form for any or each of the TBAE-regulated services your business offers.

Q: You mentioned that sole proprietorships are sometimes exempt. Can you expand on that?
A: Sure! A sole proprietorship refers to a registrant who owns an operation and so advertises, such as: Jane Smith Architect or John Brown Landscape Architecture. If this sole proprietor advertises as illustrated above, business registration is not necessary. Requiring Jane Smith to register as an individual and then register as a business seemed like double-registration—unnecessary and unduly burdensome—so the Board created this exemption.

If the firm were to use the plural in its name, like “Jane Smith Architects” or “Jane Smith + Associates Architecture,” the firm’s name would give the impression that there are two or more registered professionals, which would be problematic if in fact Jane is the only registrant. This would represent a violation of our dishonest practice rule. If there’s only one registrant in the firm, avoid the plural.

Q: Anything else we should know?
A: Most importantly, stay tuned for news. We anticipate discussion of the Business Registration regulations at upcoming Board meetings this summer, so keep an eye on our Web site, sign up for the list-serve, and feel free to call with questions about developments on this or any other matter.

Resources

- Business Registration information online
- Printable Business Registration form
- Mailing address for Business Registration forms: Investigations Specialist
  Texas Board of Architectural Examiners
  P.O. Box 12337
  Austin, TX 78711-2337
The National Council of Architectural Registration Boards (NCARB) has modified its standards for recording the experience gained through an internship as a prerequisite for registration as an architect. While they were at it, NCARB also changed the definition of the term “direct supervision,” which is an important concept for interns, future interns, and IDP supervisors.

To conform to the new definition of “direct supervision,” the Board recently made some changes of its own. As it turns out, NCARB’s new definition of “direct supervision” is substantively identical to TBAE’s own definition of “Supervision and Control.” Rather than defining the same standard of supervision for two distinct terms, the Board chose to eliminate “direct supervision” altogether and apply the “Supervision and Control” standard to an intern’s work under an architect.

Here is how the “Supervision and Control” definition reads in TBAE’s rule 1.5: “The amount of oversight by an architect overseeing the work of another whereby: (A) the architect and the individual performing the work can document frequent and detailed communication with one another and the architect has both control over and detailed professional knowledge of the work; or (B) the architect is in Responsible Charge of the work and the individual performing the work is employed by the architect or by the architect’s employer.”

Since part (B) above refers to yet another defined term, “Responsible Charge,” here is the agency’s definition of that term also from rule 1.5: “That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the applicable architectural standard of care.”

In summary form, here is a list of the changes made by the Board’s rule amendment:

- The IDP experience requirement is changed from 700 training units to 5,600 training hours. The actual hours required to complete the internship remain the same. In other words, the change regards nomenclature, not actual time.
- There are minor revisions to the minimum number of hours per week and the minimum number of consecutive weeks an intern must work in order to receive credit for training hours. To wit: an intern now must work 32 hours (down from 35) per week for at least 8 consecutive weeks to earn credit, or work at least 15 (down from 20) hours per week for at least 8 consecutive weeks (down from 6 or more consecutive months).
- The change to the “Supervision and Control” standard, discussed above.

Next Fall, further changes will occur in the IDP program. Some training areas will be combined or split into new experience areas, but no experience already submitted will be lost. The transfer of training hours in the new experience categories will be seamless within the e-EVR. For more information, visit the NCARB Web site at www.ncarb.org.

For the latest news and updates, visit: www.tbae.state.tx.us
New Enhanced Audit Process

Were you aware that the TBAE could ask for proof of continuing education (CE) hours for a period of up to five years back? At the July 2009 TBAE Board meeting the board instructed staff to implement the Enhanced Audit Process concerning continuing education. In meetings past, it was the general opinion of the Board that a registrant who failed to complete continuing education in one year may have failed to do so in previous years or may fail to do so in future years. Therefore, from this point forward, registrants who are sanctioned for failing to fulfill CE requirements will be subject to a mandatory CE audit the following year. Additionally, if an audit reveals a registrant is seriously deficient on continuing education credits, it raises a reasonable belief that the registrant likely neglected continuing education requirements in previous years and an audit will be conducted on records for any part of the five-year period for which registrants are required to maintain CE records.

Between this new policy and the fact that we have almost doubled the number of audits every month, I am looking at much more information than before. Registrants should at all times be ready to show proof of meeting their CE requirement—and keeping an accurate record of CE hours for five years could be tricky if you have as many files as I do. But I can offer a few helpful tips to make record keeping a simpler task:

• CE should be kept on a renewal cycle to renewal cycle basis, not by the calendar year. TBAE renewal cycles run from expiration date to expiration date (the end of your birth-month), so a May expiration date would have a renewal cycle of 6/1/2010-5/31/2011. This would be the time period in which your CE should be taken, logged and filed.

• A simple manila folder is all you need. Keep course completion certificates or other forms of verification of attendance in the folder. Unless the TBAE specifically requests the documents, please do not send these to the agency.

• AIA and ASLA transcripts may substitute for course completion certificates.

• During the renewal process, all registrants are required to answer a question asking, “Are you currently compliant with the CE requirements?” If you have any lingering doubts as to whether your CE is complete or not, it would be a good time to call me at 512-305-8528 or email ce@tbae.state.tx.us.

• Ask questions. If you find yourself without verification of attendance to a course you attended, you should contact the provider or instructor and ask them to write you a letter confirming attendance, date of class, name of class and length of class.

• Ask more questions. If you need any clarification concerning Texas CE policy, please contact me, Tony Whitt, Continuing Education Coordinator, at 512-305-8528 or ce@tbae.state.tx.us.

• Ask even more questions. If you find yourself close to renewal and still have not completed your CE and need help determining what your best course of action is, call me.

Continuing Education does not have to be boring these days—there are informative classes in every design subject you can think of, and they are rarely very demanding. These days you can take a Caribbean cruise and get your CE hours, or merely sit at home and dial up a structured course right in your living room. Whatever your choice, don’t let it stress you out. Keep your CE documents filed and stay informed. TBAE sends out emails concerning rule changes, so keep your contact information, including email address, current.

Contact Tony Whitt directly about continuing education issues!

PHONE: 512-305-8528

EMAIL: ce@tbae.state.tx.us
Disciplinary Action

Cases Involving Registrants:

**Hector and Protasio Guerra** (Brownsville, TX)
Administrative Penalty of $6,000.00
Hector and Protasio Guerra are owners of Home and Commercial Designs, LLC in Brownsville, Texas. Neither they nor their design firm is registered to engage in the practice of architecture. Two sheets of construction documents which they prepared and issued for a single-family home were marked as “architectural plans.” While a single family home is generally an exempt structure (one which anyone may design) this exemption is lost if the draftsman or firm uses any form of the word “architect” or “architectural” to describe the work product. In addition, the Web site for the firm stated that it was “one of the premier architectural and design firms in South Texas” and that one of the owners had “obtained the professional architect title in 2000.” The Board assessed a combined administrative penalty of $6,000.00 upon Hector and Protasio Guerra.

**Jose Farias** (San Antonio, TX)
Administrative Penalty of $10,000.00
Jose Farias has never been registered to practice architecture. In 2009, he created a bogus architectural seal, which he used to seal 4 sheets of architectural plans. The Board assessed an administrative penalty of $10,000.00 upon Jose Farias.

**Robert Dillard** (Houston, TX)
Administrative Penalty of $350.00
Robert Dillard sealed eight roof inspection reports after he had requested that his architectural registration be placed on inactive status. Board Rule 1.68 prohibits a person from engaging in the practice of architecture while his or her registration is on inactive status. In addition, the inactive architect may not use his or her seal during the period of inactivity. The rule’s prohibition against an inactive architect engaging in the practice of architecture is very broad and goes so far as to prohibit an inactive architect from engaging in “architectural projects that may be designed by nonregistrants” such as exempt structures. The Board imposed an administrative penalty of $350.00 upon Robert Dillard.

**Marley Porter** (Marble Falls, TX)
Administrative Penalty of $4,500.00
Marley Porter failed to seal or label architectural plans for an exempt structure as required by Board rules 1.101 and 1.103. As the Board has made clear in numerous decisions, an architect who engages in work on an exempt structure (such as a single family residence) must still comply with the professional obligations attached to the registration. Board rules noted above require that an architect either place his or her seal, signature and date of issuance upon construction documents or, if the materials are not issued for construction or similar purposes, the architect must place—in a conspicuous place on each sheet of drawings—the statement: “Not for regulatory approval, permitting or construction.” The Board imposed an administrative penalty of $900.00 for each of 5 sheets of drawings for a total administrative penalty of $4,500.00.

Continuing Education Violations:

**Michael Dean**, Architect (San Antonio, TX)
William G. Holmes, Architect (Houston, TX)
Based upon random audits, it was determined that each of these registrants failed to complete his annual continuing education requirements within requisite program years. In addition, each of them certified at the time of their license renewal that they had completed all continuing education in order to renew their architectural registrations. The Board assessed its standard administrative penalty in these two cases: $500.00 for failing to timely complete continuing education requirements and $700.00 for falsification of information in order to obtain license renewal.

**Michael R. McIntyre**, Landscape Architect (California)
Based upon random audits, it was determined that this registrant failed to complete his annual continuing education requirements within the requisite program year. In addition, Mr. McIntyre falsely certified at the time of his license renewal that he had completed all continuing education in order to renew his landscape architectural registration. The Board assessed its standard administrative penalty of $500.00 for failing to timely complete continuing education requirements and $700.00 for falsification of information in order to obtain license renewal. In addition, because Mr. McIntyre failed to respond to written correspondence from the Board seeking information, an additional penalty of $500.00 was imposed for a total administrative penalty of $1,700.00.

**Gordon Meehl**, Architect (Georgia)
Mr. Meehl failed to complete his continuing education within a program year and was assessed the standard administrative penalty of $500.00.
Change of Address
Please make sure that we have your current mailing and email address so we may send your renewal notice to you in a timely fashion. You may update your own record by logging in to your online account on our Web site, www.tbae.state.tx.us. You can also mail or fax 512.305.8900 the address change along with your signature. We will send renewal reminders to registrants at the e-mail address on file with TBAE, so be sure to keep your valid and unique email address updated.

Upcoming Board Meetings
• June 16-17, 2011
• August 18-19, 2011
• October 20-21, 2011

Executive Director
Cathy L. Hendricks, RID

Board Members
Alfred Vidaurri Jr., AIA, AICP
Chair, Architect Member; Term ends 1/31/15

Chuck Anastos, AIA
Vice-Chair, Architect Member; Term ends 1/31/13

Corbett “Chase” Bearden
Secretary-Treasurer, Public Member; Term ends 1/31/15

Rosemary A. Gammon, PAHM – Public Member; Term ends 1/31/11

H.L. Bert Mijares, AIA – Architect Member; Term ends 1/31/15

Brandon Pinson – Public Member; Term ends 1/31/13

Diane Steinbrueck, RLA – Landscape Architect Member; Term ends 1/31/15

Lew Vassberg – Registered Interior Designer Member; Term ends 1/31/11

James S. Walker II – Architect Member; Term ends 1/31/11

The mission of the Texas Board of Architectural Examiners is to protect the public health, safety, and welfare through the regulation of the practice of the professions of architecture, landscape architecture, and interior design.

www.tbae.state.tx.us