



LICENSING NEWS

ARCHITECTURE ★ INTERIOR DESIGN ★ LANDSCAPE ARCHITECTURE
SPRING 2009, VOLUME XIV, ISSUE 1

CHAIRMAN'S COLUMN



Riding the Legislative Roller Coaster

As I witnessed the excitement of the Texas Legislature's opening day from my seat in the gallery, I could not help but wonder what the next 140 days would bring. While all of us do our best to anticipate and lay the ground work for each legislative session, none of us really know what may happen at any given time.

I have always said that if you enjoy riding roller coasters, you must be enjoying this time. I also believe that the only way you can hurt yourself on a roller coaster is to jump off the ride before it comes to a complete stop.

Already during this legislative session I, along with other board members, have spent a great deal of time in the Capitol. We are each personally committed and well prepared to respond to issues affecting architecture, interior design, and landscape architecture.

I would encourage each of you to visit the TBAE Legislative Clearinghouse online to see a broad survey of issues that we are monitoring. There you will not find any kind of opinions or special advocacy. Our interest only lies in protecting the health, safety, and welfare of the public.

It is with specific purpose and intent that our Legislative Clearinghouse is free of commentary or opinion. While often the specific interest of the design professionals aligns with that of this agency, that is not always the case. Our mission as a regulatory body is to provide accurate, unbiased information of which you should be aware. I am proud of the work of this board and agency, especially during these challenging times. Between the current economic conditions and its impact on our professions, and the actions of our legislators, these are challenging days.

It has been an interesting roller coaster ride so far in this session, and we will brief you on any changes to your profession once the ride is finished.

Alfred Vidaurri, Jr., AIA, AICP
Chair

Two new faces to join the Board

Just before this issue of Licensing News went to press, TBAE staff received word from Governor Perry's office that two new Board members had been appointed. The new members replace outgoing members Peter Pfeiffer, FAIA and Kyle Garner, both of whose service to the state of Texas is much appreciated. We wish them well in their future endeavors.

Current Board chair Alfred Vidaurri, Jr. and member Diane Steinbrueck were reappointed to new terms.

Corbett "Chase" Bearden of Austin is an advocate and grassroots organizer for the Coalition of Texans with Disabilities. He is a guest lecturer for the Texas State University Therapeutic Recreation Department, and a member of the Rehabilitation Council of Texas. He also works with local nurses and therapists on teaching life skills and working with patients who suffer spinal cord injuries. Bearden received a bachelor's degree from Concordia University. He replaces Kyle Garner of Amarillo.

H. L. Bert Mijares Jr. of El Paso is president of Mijares Mora Architects. He is a member of the American Institute of Architects (AIA), Texas Society of Architects and El Paso Chapter AIA. He is also incoming chairman of the Paso Del Norte Health Foundation, current chairman of the Center Against Family Violence in El Paso and past chairman of the Texas Public Finance Authority. Mijares received a bachelor's degree from Texas Tech University. He replaces Peter Pfeiffer of Austin.

Learn more at www.tbae.state.tx.us.

INSIGHT FROM THE EXECUTIVE DIRECTOR



Three things you need to know about your license

We know you're busy. You're running your businesses, raising your family, and trying to get everything done on time. The usual controlled insanity is happening at the Capitol, so our agency is busy just like you. Life wouldn't be life if we were not totally buried in stuff!

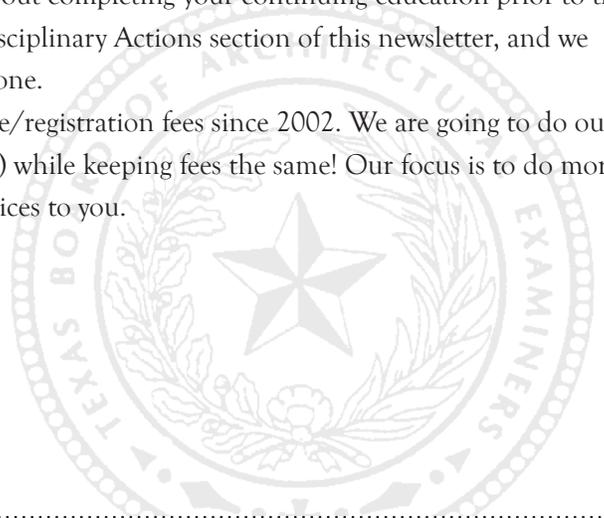
Since your life is busy and your time is precious, let me just give you three points to remember about your license.

First, when you go online to renew, don't wait until the last day. While you may wish TBAE were at the office 24/7 (and it does feel that way to us sometimes), we can't help you with renewal hiccups on weekends or holidays. The ability to renew online is convenient, but you should give yourself a minimum of a week before your license expires at the end of your birth month!

Second, we are trying to save you from yourself: the online renewal process asks you three different times if you have completed your continuing education. Our hope is that you will realize that you have three chances to reconsider your answer before you finalize your renewal. Why do we ask? We do not enjoy fining registrants for having lied to the State of Texas during the renewal process. We are increasing our email reminders about completing your continuing education prior to the deadline. We know that it is embarrassing to see your name in the Disciplinary Actions section of this newsletter, and we hope that this will be an incentive to get that continuing education done.

Third, TBAE is keeping costs down; we have not raised the license/registration fees since 2002. We are going to do our level best to get through 2009 and into 2010 (with our fingers crossed) while keeping fees the same! Our focus is to do more than a good job; we want to be responsible stewards in delivering services to you.

Cathy L. Hendricks, RID
Executive Director



Registered architects eligible for County Inspection Program

Did you know that residential construction in rural areas of Texas now requires a minimum of three inspections conducted by a fee inspector?

It's true. As of September 1 of 2008, the three-inspections requirement is in effect in unincorporated areas or other areas not subject to municipal inspections. The three required inspections are a foundation inspection, a framing/mechanical/delivery

systems inspection, and a final inspection.. The builder/remodeler is responsible for making sure the inspections happen.

Did you know, too, that a registered architect can apply to perform these rural residential inspections? Also true!

The Texas Residential Construction Commission (TRCC) has launched the County Inspection Program, allowing

registered architects, licensed engineers, professional Texas Real Estate Commission inspectors, and other third-party certified inspectors to do the work. There is no fee to become certified online, and no cost to register as a fee inspector.

For much more information on the County Inspection Program, visit TRCC online at www.texasrcc.org and look for the County Inspection Program section.

UPDATE FROM THE CAPITOL: Legislature Tweaks Interior Design Title Restriction

The 81st Texas Legislature recently passed House Bill 1484, which amends state restrictions on the use of the professional title for interior designers. In short, now anyone may refer to him- or herself as an interior designer, while only a TBAE registrant may call him- or herself a “registered interior designer.”

The phrase on which the bill focuses—“registered interior designer”—echoes language many TBAE registered interior designers already have begun to use in their appellation: RID, standing for Registered Interior Designer. That’s a phrase TBAE registrants ought to know well—it’s in each and every registered interior designer’s professional seal!



One word tells your whole story.

Registration roundup

TBAE launches online CE course

By now most registrants remember that the nearing of their birthday (or at least their birth month) also means the nearing of their professional license renewal date. We admit that the license renewal deadline isn’t near as festive as the birthday, but in at least some ways it’s just as important.

But even for those who do remember that their renewal is coming up soon, some still get behind schedule on a related piece of the licensure puzzle: meeting the continuing education requirements!

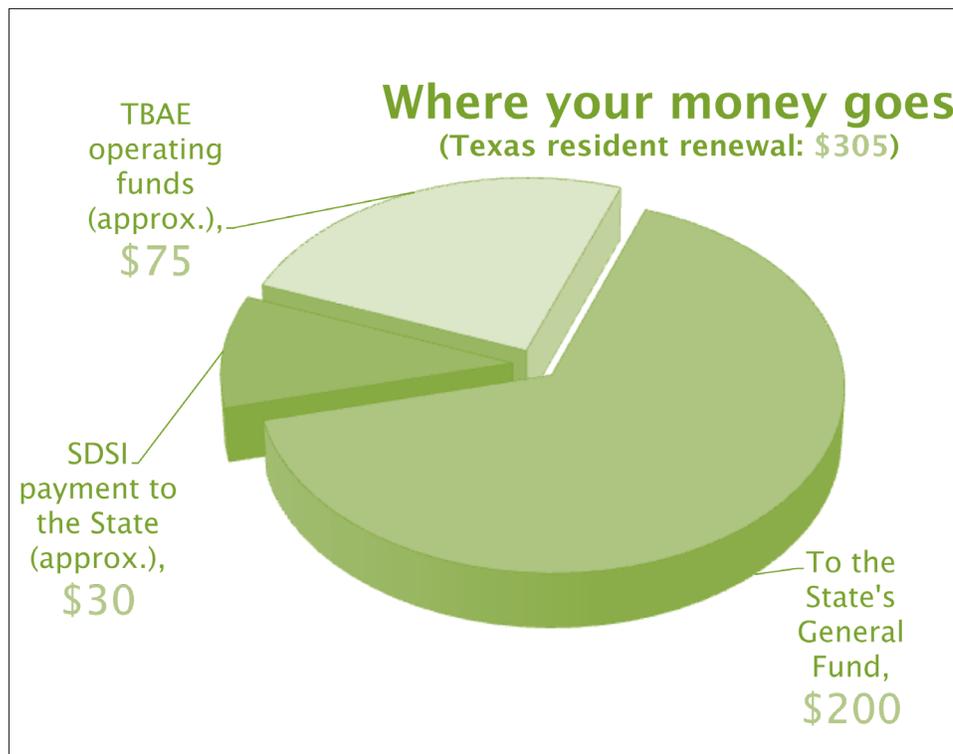
So, what to do if you’re running out of time before renewal and are a little short on CE? Just go online and take TBAE’s new Practices and Procedures online CE program. It’s worth 1.5 CE Program Hours (CEPH), is low-cost, and can be completed from anywhere with an Internet connection.

In 2008 TBAE staff began compiling a storehouse of information, hints, tips, and best practices. Over time, staff shaped and molded the information into what we think is an informative and even entertaining package, and finally in 2009 the course was unveiled.

At only \$35, all of which is passed directly to a third-party provider, the course casts a wide net across all three design professions the agency regulates and provides printable verification of your completion. Be sure to keep the printable information with the rest of your CE documentation.

Have you ever wondered where your registration renewal fees go?

Here’s your answer!



Continued on Page 4

PSPA emerges as a new hot topic

By Michael Shirk, Managing Litigator, and
Glenn Garry, Communications Manager

Throughout the course of each year, TBAE staff is invited to various gatherings to help educate registrants, students, and building officials about state regulation of the design professions. Last year, TBAE spoke to a new group about an important but often neglected topic, and the message hit home in a big way.

The topic of that day's discussion was a provision of the Texas Government Code called the Professional Services Procurement Act, or PSPA. The audience in attendance was composed of school board members, administrators, and school attorneys. Subsequently, the PSPA discussion earned enough interest to merit a detailed article in the School Law Journal of the Texas Bar Association. And the ripple effects continue to this day—read on for more.

So just what is the PSPA, and what do you need to know about it?

Essentially, the PSPA is a law prohibiting public entities from asking for fee or cost information during the selection of a design professional for public work. In other words, if you are responding to an RFQ for public work (a school building, for instance), the public entity cannot ask for cost information, and you cannot provide it until an initial selection has been made based on qualifications and competency. (Discussion about cost occurs later on in the process,

after the public entity has selected the most qualified firm.) At this time, the PSPA applies to architects and (to a lesser extent) landscape architects, along with engineers, accountants, and others; interior designers are not included.

For many, the PSPA process seems to run counter to expectations. After all, isn't cost savings a giant concern when taxpayer dollars are involved? Certainly financial considerations are crucial when spending taxpayer dollars, but according to the logic of the PSPA, there is an even greater concern: the quality of the design. In other words, the PSPA rubric requires a public entity to select a design professional first and foremost by the qualifications of the design professional, and then must discuss price later. The desired outcome is a safer built environment.

The ripple effects of TBAE's seminars and papers on the PSPA issue mark a new direction in investigations and enforcement. For perhaps the first time, after learning of TBAE's interest in the issue, the Texas Education Agency (TEA) referred TBAE enforcement staff to a recent TEA investigation, in which a school district was found to have violated PSPA. That is, the TEA investigated a school board and found that the board had made their decision based on cost, not on competency and qualifications; then TEA referred the case to TBAE to investigate whether the design professionals

who responded to the district's RFQ also violated the law on their end. (TEA has jurisdiction over school boards, while TBAE's jurisdiction encompasses the conduct of responding design professionals.)

TBAE is looking very closely into these and similar situations in which an architect or landscape architect is alleged to have provided price information in response to an RFQ/RFP prior to having been selected based on qualifications and competency. TBAE enforcement and legal staff consider violations of TBAE Rule 1.147 and 3.147 to be significant, and investigates all information which indicates a violation. If staff is able to prove an architect or landscape architect violated Rule 1.147 or 3.147, administrative penalties will be sought and action will be taken against the registrant's license. Stay tuned to our Web site (www.tbae.state.tx.us) for new developments.

But if there's one thing for architects and landscape architects to remember in relation to responding to an RFQ for public work, it's this: the public entity can't ask for pricing or fee information, and even if they do ask for it—you can't give it!

Never hesitate to call us at 512.305.9000 if we can help.

Registration Roundup, continued from page 3

Reminder: "Green" continuing education

Another quick reminder/tip to make your life (or at least your license renewal) easier: Don't wait until the last minute to complete your annual continuing education requirements for TBAE!

Remember that 1 hour related to barrier-free design and 1 hour related to sustainable or energy efficient design is included in the annual 8 hour requirement.

Even if you live out-of-state, you must complete the Texas requirement for 1 hour of continuing education in sustainable or energy efficient design each year.

Your first renewal after September 2009 is the first time you will have to report that you've done your hour of sustainability. You can fulfill this requirement via structured or self-directed study.

For more information, visit the TBAE Web site at <http://www.tbae.state.tx.us/Registrants/ContinuingEducation.shtml>, or email customerservice@tbae.state.tx.us.

Continued on Page 7

Q and A:

Logging in to your online TBAE account

By Glenn Garry, Communications Manager

Six weeks before your registration expires, TBAE mails a postcard to the address you've given us, and sends an email as well. The postcard suggests that you login to your account to renew, and (at the bottom) tells you how to get a hard copy of the renewal form mailed to you. Then, if you haven't renewed two weeks before expiration, we send another reminder via email. So here's a handy Q and A that should answer any remaining questions you may have.

Q: I got ready to log in to my TBAE account and realized I forgot my login information. What do I do?

A: After you click the login link on our home page (www.tbae.state.tx.us, on the left side), you'll see our "pre-login" page with four green boxes. If you're a registrant, click the top left box. If you're not a registrant yet, select the box that describes you.

Q: OK, then what?

A: You'll then be asked for your username and password. It's important to realize at this point that if you're a registrant, you already have both a username and a password—whether you know them or not. So don't try to create a new account; that's for people brand new to TBAE, who want to begin the application process for licensure later on!

Q: So I do have a username and password—but what if I can't remember them?

A: On the page that asks for your username and password, you'll see some links below that should help you automatically retrieve lost login information. Click the link to get your lost username, get a forgotten password, or verify your email address.

Q: Speaking of email address...mine changed a while ago, so I can't verify it. What do I do?

A: Call us and we'll change your email address for you, verify it, and help you out with anything else you need while you've got us on the phone. 512.305.9000 is the number.

Tips to help ensure a smooth and simple renewal

Try to give yourself a few days (or weeks) before expiration to identify any problems with your account—then call us if you need help at 512.305.9000. In almost all cases, our staff can solve your problem in a matter of minutes.

If all else fails, you can always download a renewal form (.pdf) from our site and send it in with a check. As long as it's postmarked before the end of the month, everything will be fine.

We try to ensure that our site works with as many computer platforms and software packages as possible, but in our experience the "most compatible" options are Microsoft Windows and Internet Explorer.

If you move to a new address, change email addresses, or otherwise modify your contact information, be sure to keep it updated in our system. As they say, it's not just a good idea—it's the law (at least the mailing address part). You can control that information in your online account (and of course, call if you have trouble logging in).

Spam and quarantine filters sometimes dislike emails from us and from other state agencies (probably because of our odd-looking domain name: @tbae.state.tx.us instead of @aol.com or @gmail.com, for instance). If you don't get an email from us that you were expecting, perhaps check your spam or quarantine folders. Also, you can try adding our domain name (tbae.state.tx.us) to your "safe/trusted senders" list. Many times, especially with corporate or office email accounts, an IT staff member can release our domain name from an email filter; often those types of filters never indicate to the user that a message was blocked in the first place.

A word about late fees

As with most any payment (your electric or cable bill, for instance) there is a penalty for paying late. In the case of your TBAE registration renewal, the late payment fee is a matter of law. By law, enacted by the Texas Legislature, you are required to pay a penalty fee for allowing your license to lapse—and the fee increases after a certain timeframe.

Since late fees are a matter of statute, obviously TBAE staff can't waive them. And one final reminder: if your license is allowed to lapse, you're not allowed to practice!

So keep up with your registration status, and avoid the costs and hassle of a lapsed professional registration.

Disciplinary Action

The following enforcement cases were decided at the October, 2008 and January, 2009 Board meetings. Each case is based on the applicable rule in effect at the time of the violation, and was considered by Enforcement staff and the Board in light of its unique facts. Individual rules may change between the time a violation occurs and the time the case is publicized. The rules provided on the TBAE Web site (www.tbae.state.tx.us) include the adoption and amendment date(s) for each rule.

Cases involving registrants

TOMMY RAZLOZNIK (EL PASO, TEXAS)

An administrative penalty of \$700.00 for failing to submit the plans and specifications of the University of Texas at El Paso’s Engineering Complex—First floor build-out, El Paso, Texas, for accessibility review no later than the fifth day after the plans and specifications were issued, in violation of § 469.102(b), Texas Government Code, 16 TEX. ADMIN. CODE § 68.50 and in violation of TEX. OCC. CODE ANN. § 1051.752(2).

PHILLIP SHEPHERD (DALLAS, TEXAS)

An administrative penalty of \$1,500.00 for failing to submit the plans and specifications of the Capital Lease finish-out, Dallas, Texas, for accessibility review no later than the fifth day after the plans and specifications were issued, in violation of § 469.102(b), Texas Government Code, 16 TEX. ADMIN. CODE § 68.50 and in violation of TEX. OCC. CODE ANN. § 1051.752(2). Note: This respondent has two prior TBAE violations. In addition, Mr. Shepherd was ordered to attend the Texas Accessibility Academy sponsored by TDLR within ninety (90) days after the Board’s final approval of the Report and Notice of Violation. He was further ordered to provide proof of attendance at the Texas Accessibility Academy within twenty-one days after attending the Academy.

THOMAS C. POWELL (ARLINGTON, TX)

An administrative penalty of \$500.00 for sealing architectural plans and specifications for the design and construction of a motel in Montague County, Texas while his registration status was “Emeritus” rather than “Active,” in violation of TEX. OCC. CODE ANN. § § 1051.357(c)(2) and 1051.606(a)(4)(d). Mr. Powell also violated 22 TEX. ADMIN. CODE § 1.103(a)(2) which requires that seals be clearly visible and legible.

Continuing education violations

The following registrants were found to be in violation of the Board’s mandatory continuing education requirements set forth in the rules regulating the practice of architecture (Rule 1.69), landscape architecture (Rule 3.69) and interior design (Rule 5.79), and/or for failing to comply with 22 TEX. ADMIN. CODE 1.171, 3.171, or 5.181 which requires an answer to an inquiry from the Board within thirty days, and were ordered to pay administrative penalties as shown below.

JULIE LYNN BARR (AUSTIN, TX) \$500

SUZANNE BEILHARZ DUIN (HOUSTON, TX) \$750

ERIK L. HANSON (HOUSTON, TX) \$500

JOHN-LOKE LOW (COPPELL, TX) \$750

LISA ADAMS PATTERSON (WILLIS, TX) \$750

BRETT PRATHER (WICHITA, KS) \$1,000

SHABNAM VAKILI (IRVINE, CA) \$750

MICHAEL WELEBIT (KIRKLAND, WA) \$500

Cases involving non-registrants

TBAE ordered the following to refrain from practicing architecture and to refrain from using a form of the title “architect” to describe himself and/or his business in Texas until he became registered to practice architecture. He is presently registered and in good standing. Administrative penalty is listed below.

CLARK KAMPFE (AUSTIN, TX)

ADMINISTRATIVE PENALTY OF \$23,000.00

.....

TBAE ordered the following to refrain from practicing architecture and to refrain from using a form of the title “architect” to describe himself and/or his business in Texas until he became registered to practice architecture. He has a Bachelor of Science Degree in Architecture and has stated that he plans to become

an architectural candidate and take the ARE. An administrative penalty was imposed and is listed below.

**LUBULA DIXON KANYINDA
(ARLINGTON, TX)**

ADMINISTRATIVE PENALTY OF
\$6,000.00

TBAE ordered the following firm and its principals to refrain from practicing architecture and to refrain from using a form of the title “architect” to describe themselves and/or their business in Texas unless the business becomes registered with the TBAE and it has an architect on record within the firm. An administrative penalty was imposed and is listed below.

**SULLIVAN, STEVENS, HENRY,
OGGERO & ASSOCIATES, INC.
(HOUSTON, TX)**

ADMINISTRATIVE PENALTY OF
\$25,000.00

TBAE has ordered the following individual to refrain from using a form of the title “interior designer” to describe herself and/or her business in Texas. She had been registered as an interior designer with TBAE and her certification of registration became revoked due to non-payment of renewal fees yet she continued to display her revoked certification. She is not currently registered as an interior designer with TBAE. An administrative penalty was imposed and is listed below.

**KATHLEEN WAYNE GASKILL
D/B/A INTERIOR IDEAS
(SPRING, TX)**

ADMINISTRATIVE PENALTY OF
\$3,100.00

Scholarship Awards

Congratulations to the recipients of the Architect Registration Examination Financial Assistance Fund (AREFAF) scholarships, awarded in January of 2009. Each received the maximum award of \$500.

CHRISTOPHER UPTON – Keller, TX

MICAH SIMECEK – Houston, TX

CHRISTOPHER NOLAN – Dallas, TX

YOUNG HAM – Dallas, TX

TEOK KHO – Dallas, TX

GRANT KOERTNER – Lubbock, TX

JOHN D. MONTAG – Houston, TX

MELISSA BIRINGER – Houston, TX

KRISTINA M. HUDDLESTON –
Dallas, TX

BENEDICT KIM – Austin, TX

MUHAMMED KHAN – Garland, TX

JAMES GUNN – San Antonio, TX

JOEL ALBEA – San Antonio, TX

SIMON GUERRERO –
North Richland Hills, TX

THAD REEVES – Dallas, TX

FRANCOIS LEVY – Austin, TX

TRAY TOUNGATE – Austin, TX

REBECCA JEANES – Austin, TX

JUSTIN KAZYNSKI – Dallas, TX

KAREN RAY – Plano, TX

Registration Roundup, continued from page 4

New administrators, testing locations for LARE

There will be a change in the administration of the Landscape Architect Registration Examination (LARE) graphic sections in Texas, beginning with the next graphic section exam in June. TBAE no longer will administer the exam at the Thompson Conference Center in Austin, as we have for many years.

Instead, the Council of Landscape Architect Registration Boards (CLARB) has established two new regional test centers in Texas, one in Austin and one in Dallas, and CLARB will take over the administration of the June and December graphic exams from now on.

For more information, visit the CLARB web site at <http://www.clarb.org>.

For IDP supervisors: have you read your Supervisor’s Manual?

The National Council of Architectural Registration Boards (NCARB) would like to remind architects who are supervising interns to check out their updated Supervisor’s Manual, available online at www.ncarb.org/forms/superguide.pdf. The concise, 18-page document outlines requirements, best practices and tips to help your intern succeed, and offers resources and links to answer a great many questions.

NCARB, coming to an iPod near you

NCARB has punched up its online offerings to architects and interns seeking answers and information about its new developments and programs. Now available are several informative webcasts and podcasts touching on topics ranging from starting a study group within your firm to successful supervision and the new “six-month rule.” Find them and watch or listen at your leisure at www.ncarb.org/webcasts.



TEXAS Board of Architectural Examiners

Architects • Interior Designers • Landscape Architects

333 Guadalupe, Suite 2-350, Austin, TX 78701
P.O. Box 12337, Austin, TX 78711
Telephone: (512) 305-9000
Fax: (512) 305-8900
www.tbae.state.tx.us

Prsrt. Std.
U.S. Postage
Paid
Austin, TX
Permit No. 363

CHANGE OF ADDRESS

Please make sure that we have your current address so we may mail 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.

NEXT BOARD MEETING SCHEDULE

The next Board meeting is scheduled for June 25-26, 2009. It will be held in the Hobby Building, 333 Guadalupe, Austin, Texas. The agenda for this meeting will be posted on TBAE's Web site approximately 7 to 10 days prior to the meeting. The following meetings scheduled for 2009 will take place August 21 and October 15-16.

It is the mission of the Texas Board of Architectural Examiners to ensure a safe built environment for Texas by regulating the professions of architecture, landscape architecture, and interior design.

EXECUTIVE DIRECTOR

Cathy L. Hendricks, RID

BOARD MEMBERS

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

Lew Vassberg, RID/AAHID— Secretary-Treasurer,
Interior Designer Member, Term ends 1/31/11

Chuck Anastos, AIA—Architect Member, Term ends 1/31/13

Corbett "Chase" Bearden—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

James S. Walker II, AIA—Architect Member, Term ends 1/31/11

w w w . t b a e . s t a t e . t x . u s