



# LICENSING NEWS

ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

NOVEMBER 2014

## CHAIRMAN'S COLUMN

### Embracing change

In January of 2015, 181 Texans will again gather in Austin to go about making, striking, and amending state laws. Among the 150 House Members and 31 Senators will be a number of new faces, and that's not to mention that Texans will have a new Governor, Lieutenant Governor, Comptroller, Attorney General, and more. This legislative session will be my fifth as a Member or Chair of the Texas Board of Architectural Examiners (TBAE), and I can safely say that even to my experienced eyes, this amount of change in state government is remarkable.

Closer to home for Texas design professionals, we have change as well. TBAE's longtime Executive Director has chosen to retire after two decades of service, and the Board has tapped an agency staff member to serve as Interim Executive Director while the board works thoughtfully on finding a permanent replacement. (See stories starting on next page.)

Agency staff isn't alone in managing change, as I myself am winding down my decade of service on the Board as Member and as Chair in 2015, and as two of my colleagues on the Board will be replaced with new appointees as well.

While the days ahead will usher in change at various levels, you can be assured that TBAE is ready and prepared for an

orderly transition and response. I am always excited about changes because of the fresh new energy, ideas, and opportunities it brings. Both Board and Staff have been around long enough to know that we can and will manage change and maintain the high performance TBAE registrants and stakeholders have come to expect. We'll continue to enforce the law fairly and uniformly. We'll still produce quality newsletters and keep our stakeholders updated in a timely and accurate manner. We'll still ensure that new registrants are properly qualified for licensure, and that all registrants maintain their high standards of professionalism and practice—and that the names of the professions we practice remain among the most highly respected in the state of Texas and elsewhere.

The standards we have set for ourselves, and those you have set for us, will be maintained—even if it is some new faces and names maintaining them. I am certain that the best is before us!



**Alfred Vidaurri, Jr.**  
AIA, AICP  
*Chairman*

### Chairman receives NCARB's highest honor

The President's Medal for Distinguished Service is bestowed by the National Council of Architectural Registration Boards (NCARB) on a small handful of design professionals each year. In 2014, only one Texan was so honored out of six recipients nationwide, and that Texan is Chairman Alfred Vidaurri, Jr., AIA, AICP, of the Texas Board of Architectural Examiners.

Chairman Vidaurri was recognized specifically for his years of work in establishing alternatives to NCARB certification and for leading the Council's Tri-National Agreement Program, allowing qualified architects

to practice in all North American countries. Chairman Vidaurri currently serves as the NCARB Southern Region Chair, is in his 11th year of service on the Texas Board of Architectural Examiners, and has served for the past 8 years as Governor Rick Perry's appointee to Chair the Board.

On receiving the highest honor NCARB can bestow, Chairman Vidaurri noted, "I feel a significant part of my job in serving on the Council is working to ensure that Texas remains a key voice across the country and internationally. I'm deeply humbled to receive this honor in the course of representing the Board, the state of Texas, and all Texas design professionals."

# Making the trains run on time

In September, for the first time in decades, TBAE began a search for a new Executive Director. (See story below.) That same month, a committee of the Board chose me to serve as Interim Executive Director while the full Board goes about its search for a permanent hire. I am deeply honored to serve in this capacity, and I have full confidence in the agency's leadership team and staff to continue operating at its usual high level.

Naturally, you may want to know something about your new Interim Executive Director, and what you can expect from me. I'm happy to share on both counts.

I've served as Communications Manager for the Board since January of 2007, responsible for producing (among other things) this very newsletter you're reading right now. For a decade-plus prior to arriving at TBAE, I held positions with private, public, and nonprofit organizations, always related to state or local government. I'm a native Texan and a product

of Central Texas schools, including the University of Texas at Austin.

More importantly, I'll tell TBAE registrants and stakeholders what they can expect from the agency on my watch, and it boils down to this simple mission: I'll keep the trains running on time, and maybe squeeze in a few improvements here and there. While the Board searches for a permanent Executive Director, I intend to get the agency ready on day one for the permanent Executive Director to take over. I know this is doable because our staff, from one corner of the org chart to the other, surely must be among the very most effective and professional in state government. It doesn't take a lot to get the very best from this crew, so I'm asking them to keep doing what they do so well, and then learn where the permanent Executive Director wants to lead them.

**Glenn Garry**  
*Interim Executive Director*

## Sincere thanks and best wishes to TBAE's longtime Executive Director

Twenty years is a long time. A gallon of gas went for about \$1.11 in 1994, 20 years ago. *Friends* appeared for the first time on NBC. *Forrest Gump* was playing in theaters (for about \$4 a ticket), and there probably wasn't a single cell phone call to disturb the audience.

Also that year, the Texas Board of Architectural Examiners (TBAE) hired Texas Registered Interior Designer #5, Cathy L. Hendricks of San Antonio, as Executive Director.

Ms. Hendricks chose to step down this year in August, after a two-decade term of service to the Board, its registrants, and the people who live, work, and play in the built environment of the Lone Star State.

Along the way, Ms. Hendricks piloted the agency and its registrants through sometimes treacherous waters, and always arrived safely in port. It's worth taking a look back at some of the challenges and achievements of the past 20 years with Ms. Hendricks at the helm, and thanking her sincerely for all she has done.

These days, TBAE offices in downtown Austin, not far from the Capitol and other state office buildings. But twenty years ago, the agency was housed in a small office complex in a quieter, leafier part of town ten miles north. There wasn't much in the way of computers in the office, but there was a fancy new gadget for putting words on a page: a typewriter with "memory." Sometimes the memory was enough to actually hold a full Board meeting's worth of notes—but only if the meeting was a short one.

The following year, TBAE moved into its current home downtown, and Ms. Hendricks participated in her first legislative session. As with any agency at the time, Ms. Hendricks' first priority was to negotiate the complex process of securing enough appropriated funding from the State to keep the agency operating. She did, and TBAE stayed in operation. Every odd-numbered year, Executive Directors from each agency must undergo the same appropriations process simply to keep their offices open.

Until 2001, that is. That year, TBAE and two other agencies were authorized to operate under a pilot program allowing them to bypass the appropriations process, set their own fees, and generally operate like a business instead of like a government agency. Called the Self-Directed, Semi-Independent project, or SDSI for short, the 2001 law governs how TBAE operates to this day.

One benefit of the SDSI program is an agency's ability to adjust its own fees as the situation demands. Ms. Hendricks, a former business owner herself, knew that running an efficient operation is a good way to keep fees low for registrants, and two years after the arrival of SDSI marked the last time registrant renewal fees were raised. Over the past ten years since 2004, in fact, the only renewal fee change has been a \$5 reduction in 2007. Considering that \$200 of every active-status renewal fee passes immediately to the State, not to mention the annual SDSI fee of \$510,000 TBAE pays to the State, it's a testament to Ms. Hendricks' business sense that no fee increases have been necessary for a decade.

Biennial legislative sessions aren't the only thing an Executive Director gets to look forward to. Periodically, each agency undergoes a thorough top-to-bottom review by the Sunset Advisory Commission of Texas (Sunset). Ms. Hendricks' first Sunset review came in 2002, followed by the 2003 legislative session, during which the "Sunset bill" passed. The Sunset bill continued TBAE and all three regulated professions—abolishment or deregulation is always at least a remote possibility—and the experience of a Sunset review was valuable for the future.

A few years later in 2007, an unexpected challenge arose in the form of a federal lawsuit filed against the agency for its administration of the interior design title act, passed by the Texas Legislature in the early 1990s. The Legislature eventually drew the curtains on the issue in 2009 by simply switching the protected title from "interior designer" to "Registered Interior Designer."

Perhaps the most significant milestone of Ms. Hendricks' tenure as Executive Director was overseeing the 2011 resolution to the longstanding dispute among some from the architectural and engineering professions regarding the so-called "overlap" between the two professions. Ms. Hendricks worked for years to find a way toward a peace accord. After years of discussion and negotiation among Board Chairs and Members, committee designees, agency staff, and practitioners, legislation in 2011 brought the disagreement to a close. Among other welcome solutions, HB 2284 defined certain areas of practice that are architecture, areas that are engineering, and activities in which an architect or an engineer may engage.

In 2012, Sunset returned for another periodic review of the agency. This time, a recommendation by Sunset staff early in the process suggested the deregulation of Registered Interior Designers entirely. During the Sunset and legislative processes, however, the idea faltered. Instead, the Legislature passed Sunset legislation calling for, among other things, the fingerprinting of all active-status registrants and the passage of a national licensing exam by all Registered Interior Designers who have not yet done so. As in 2003, the agency, the SDSI project, and all three professions TBAE regulates were continued into the future, this time until 2025.

Meanwhile, since year one of her tenure, Ms. Hendricks also stayed deeply involved with the Council for Interior Design Qualifications, the National Council of Architectural Registration Boards, and the Council of Landscape Architectural Registration Boards. In representing the interests of the Lone Star State before these national groups, Ms. Hendricks delivered presentations, contributed to strategic planning, spoke up during important national discussions, and shaped decisions for the improvement of the professions and, above all, for the protection of the public.

What's not recounted in this story are the many hundreds of smaller, but no less pressing, challenges Ms. Hendricks met over her term of service. Every week, it seemed, there was a new fire to put out—unforeseen staffing issues, an audit here, a scheduling conflict there. Registrants wouldn't know about all those things, but they were critical to making the agency function day to day. Perhaps more noticeably, Ms. Hendricks made her commitment to customer service a driving force behind the agency's actions. Her goal was to give the agency a human face, and to make interacting with its staff as non-bureaucratic as possible.

On behalf of TBAE's Board, staff, and registrants, we say, "Thank you, Cathy." We appreciate your dedication to the people of Texas, and your professionalism in leading the Texas Board of Architectural Examiners for all these years. Best of luck in everything you do in the future.

Sincerely,

**TBAE Board Members and Staff**

**If you have questions about any of the topics in this newsletter, feel more than free to give us a call at 512-305-9000 and we'd be happy to help.**



**Tony Whitt**  
Continuing Education Coordinator

## Simplifying your CE requirement

I have been Continuing Education (CE) Coordinator at TBAE for more than 5 years. In that time I have personally sent out every audit letter, evaluated the documents as they were submitted, and answered a lot of questions via email and phone. In many cases the caller sounds anywhere from frustrated to confused. This is understandable, since we have had a couple of major changes. I'd like to briefly run over those changes and give you some tips to make your CE requirement a little less burdensome.

In 2012, the Board amended the rules regarding continuing education. Hours went up from 8 to 12 and your CE was to be recorded based on calendar year (January 1 through December 31) instead of during your renewal cycle. Many registrants are contacting me to inform me their renewal date is approaching and they want to know how many hours they still need. This is an obvious sign that the caller has not heard about the CE reporting period that began on January 1, 2013.

Additionally, I have had registrants explain to me how hard it is to keep up with their CE since the CE is no longer lined up with their renewal cycle. I think of it like this, and you might do the same: If you take 12 hours of CE a year, you will never have a problem with your TBAE continuing education. It doesn't matter when you take the CE during the year; you are welcome to take it at the exact same time you used to take it before the CE period switched over, and you will still be meeting your requirement. In other words, it doesn't matter specifically when, during a calendar year, you earn your 12 hours. It just matters that you earned them!

Acceptable CE courses need to have content pertinent to your profession and to the HSW (health, safety, welfare) of the public, and there are no other requirements—but don't forget that one hour is required for sustainable design study, and another for barrier-free study. The courses do not have to be taken through any particular provider or organization; we accept courses based on content only. Registrants should always secure a certificate of completion or some other proof of attendance. Please keep in mind that structured classroom credit cannot be granted without evidence of attendance and completion.

All registrants have until December 31, 2014 to complete the 12 hour requirement for the year. When you renew this year (2014) you will be asked to attest to completion of your 2013 requirement. Since every registrant has until December 31 every year to complete the requirement, TBAE will always inquire about the previous year's continuing education hours.

Here's a quick run-down of a few simple things you can do to stay compliant.

- Always secure a certificate of completion or a transcript. If you cannot prove you took a course, TBAE can't grant credit for it.
- Make sure you have one hour relating to barrier-free design. If you're not sure about content, you can always read the Texas Accessibility Standards for an hour, or call/email me for some tips.
- Don't procrastinate. Since all registrants have the same CE cycle, it could be difficult to find an open seat in a class at the last minute.
- NEVER, under any circumstances, attest to completion of the required CE hours if you are unsure you completed them.
- Respond to audit notices.

With all that said, I want to also make myself available to answer questions. I'm always available at 512-305-8528.

**Contact Tony Whitt directly about continuing education issues!**

PHONE: 512-305-8528 • EMAIL: [ce@tbae.state.tx.us](mailto:ce@tbae.state.tx.us)

## When a title violation is (and isn't) a title violation

During the customer service survey (see story on next page), we received some comments regarding title usage. In short, several respondents suggest stricter enforcement of the use of the word "architect" (or related words) by non-registrants.

From submitted comments, it appears that most concern over title usage is less about non-registrants passing themselves off as registered architects, and more about professionals in fields totally unrelated to architecture using some form of the word "architect." Obviously, a nonregistrant posing as a registered architect is a violation, and TBAE has assessed and will continue to assess heavy penalties against violators.

But where do we draw the line between a real title violation and a non-violation?

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More than any other sphere, the IT and technology sector is mentioned when we hear allegations of title violations, e.g. “software architect” or “systems architect” and the like. But other examples from the past have included such things as an orthodontist advertising as a “smile architect,” and a gym marketing itself as “body architects.” In one case, we received a complaint about a well-known political consultant widely known as “the Architect” of a very prominent successful national American political campaign...if you know what we mean.

It’s clear, then, that title violation complaints run the gamut from the very legitimate to the mildly amusing. A line must exist somewhere to differentiate between them, and one way to find that line is the “reasonable person” test. And it works by asking questions like this:

“Would a reasonable person likely be misled into thinking that the ‘Smile Architect’ is registered by the State of Texas to engage in the practice of architecture, or that the ‘Body Architects’ are a firm registered to practice architecture?”

Most would agree that a reasonable person would not likely think that the orthodontist and the gym are, in fact, registered to practice architecture. Confounding any potential TBAE enforcement action is the fact that the smile architect’s Web site likely has pictures of healthy teeth and happy patients, and the body architects’ site probably has images of free weights and yoga mats—with not an elevation, floorplan, or hard hat photo to be found. Context plays a large role in these matters.

It’s no different for such title usages as “software architect” or “systems architect.” Consider the underlying rationale for the restriction: to keep consumers from being misled into hiring an incompetent and potentially dangerous design professional. Given the context, it’s difficult to imagine a project owner being tricked into hiring a “software architect” to design an office building.

Think of it like this: a “CAD Architect” (who isn’t registered by TBAE) could pose a real danger to an unwary client needing design services. A “hair architect” who isn’t registered poses no threat.

TBAE will continue to actively pursue all allegations of title or practice violations, of course. Having said that, it’s good to keep in mind that not all complaints are equally actionable, and tools such as the “reasonable person” test will always play a part in whether the agency can take action.

## Customer service survey results: Listening to our stakeholders

As you probably remember, this spring TBAE released its biennial Customer Service Survey to find out from you, our stakeholders, what we’re doing well and what areas we should shore up a little. By “stakeholders,” we mean more than registrants; we asked the opinions of building officials, consumers, candidates for licensure, and more. We submitted our required report in June, and we’d like to share some of the highlights of the feedback we received.

Perhaps unsurprisingly, one particular topic permeated the report like no other: fingerprinting. A whopping 700-plus respondents to the survey submitted free-text responses to questions in the fingerprinting section. Also unsurprisingly, many were not pleased with the new legislative requirement.

While there is not now and never has been anything TBAE can do to overturn or ignore the legislative requirement, the agency does have control over two aspects of the fingerprinting program: telling people about it, and making it as easy as possible to comply. On that score, respondents gave the agency fairly high marks. 82 percent of respondents heard from TBAE about the requirement two or more times, and only 8.4 percent thought our detailed step-by-step instructions weren’t helpful to them.

Respondents also had some great suggestions for new rules, ideas, and projects. One popular idea was for TBAE to provide online continuing education courses, and we’re working diligently toward that goal. Another idea was for the agency to create a social media presence, and we’re working on that as well.

Asked about rule changes our respondents would like to see, one idea that came up a handful of times was to address the square-footage threshold above which an architect is required on a project. We have heard over the years that this issue is important to some registrants, but to be clear, TBAE has no authority to make such a change. Rather, the “threshold” is in statute, not in agency rule, and so it must be addressed by the Legislature.

The agency’s entire staff would like to thank every person who took the time to contribute answers and comments to our survey this year—and to extend an invitation to everyone again in 2016. TBAE’s leadership reads and reviews the survey results very carefully to learn where and how we can improve service delivery, and your participation provides us the road map necessary to get where we need to be.

# Disciplinary Action

The following cases were decided during the TBAE Board meeting in August, 2014. 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 have changed between the time a violation occurs and the time the case is publicized.

In order to ensure compliance with continuing education responsibilities, TBAE staff audits 10 percent of its registrants each year through a random selection process. All of the continuing education enforcement cases brought to the Board at the August, 2014 meeting stem from the random audit program. The cases reflect the most common violations: (1) failing to complete adequate continuing education hours during a program year, (2) failing to maintain continuing education records and verification of participation in CE activities for a period of five years, (3) falsely certifying, at the time of renewal, compliance with continuing education responsibilities, and/or (4) failing to respond to a request for information within 30 days. Each infraction is subject to a standard administrative penalty.

## Registrant and Non-Registrant Cases

### **Dooley, Thomas A.** **\$1,500.00** Nashville, TN

Violation of Texas Occupations Code §1051.355(c)

Mr. Dooley is a registered architect in Texas, bearing architectural number 18531. From September 30, 2009 through November 22, 2013, Respondent's architectural registration was inactive. In calendar year 2013, he provided architectural services for projects located in Burleson, Texas and Plano, Texas. Upon discovering that his registration was inactive, Mr. Dooley reported his violation to the Board.

### **Sanchez, Rafael** **\$15,000.00** San Antonio, TX

Violation of Texas Occupations Code §1051.701

Mr. Sanchez, who is not and never has been registered as an architect in Texas, is a partner in the design firm of Contempo Advance Solution Construction, L.L.C. and a partner in a business entity identified as "Sago Construction, L.P." No architect was employed by either firm.

In 2006, Mr. Sanchez executed contracts to provide architectural design services on a project in McAllen, Texas. Mr. Sanchez subsequently prepared construction documents issued for the project. By executing contracts on behalf of two firms to provide architectural services by one or more persons who were not architects or under the supervision and control of an architect, Mr. Sanchez unlawfully offered architectural services on behalf of each firm. By preparing architectural plans and specifications for the construction of multifamily dwellings which exceeded the height of two stories, Mr. Sanchez unlawfully engaged in the practice of architecture. By engaging in construction observation during the construction of the project, Mr. Sanchez again unlawfully engaged in the practice of architecture.

## Continuing Education Cases

### **Fridrich, Susan L.** **\$500.00** Dallas, TX

Failure to maintain adequate records of CE activities for a period of 5 years.

### **Hagmann, Gregory G.** **\$500.00** Richardson, TX

Failure to maintain adequate records of CE activities for a period of 5 years.

### **Merwin, Peter C.** **\$700.00** Houston, TX

Falsely reporting completion of CE responsibilities in order to renew registration.

### **Noah, Robert S.** **\$250.00** Live Oak, TX

Failure to respond to a Board inquiry within 30 days.

### **Preston, Brigitte** **\$750.00** Dallas, TX

Failure to timely complete CE requirements within the program year.  
Failure to respond to a Board inquiry within 30 days.

### **Spina, Victor** **\$500.00** Hayward, CA

Failure to maintain adequate records of CE activities for a period of 5 years.

### **Suttle, William G.** **\$500.00** Plano, TX

Failure to timely complete CE requirements within the program year.

### **Valadez, Francisco M.** **\$500.00** San Antonio, TX

Failure to maintain adequate records of CE activities for a period of 5 years.

For the latest information about fingerprinting, visit:  
**[www.TBAE.state.tx.us/PRINTS](http://www.TBAE.state.tx.us/PRINTS)**



# TEXAS Board of Architectural Examiners

Architects • Landscape Architects • Registered Interior Designers

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Telephone: (512) 305-9000 • Fax: (512) 305-8900 • [www.tbae.state.tx.us](http://www.tbae.state.tx.us)

Registrants, please encourage your interns to sign up for the TBAE list serve for important news and updates.

## 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](http://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

- January 22, 2015 – Room III-102
- April 23, 2015 – Room II-225
- August 24, 2015 – Room III-102
- October 29, 2015 – Room III-102

## INTERIM EXECUTIVE DIRECTOR

**Glenn Garry**

## BOARD MEMBERS

**Alfred Vidaurri, Jr.**, AIA, AICP

*Chair, Architect Member; Term ends 1/31/15*

**Debra Dockery**, AIA

*Vice-Chair, Architect Member; Term ends 1/31/17*

**Paula Ann Miller**

*Secretary-Treasurer, Public Member; Term ends 1/31/17*

**Chuck Anastos**, AIA – Architect Member; Term ends 1/31/19

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

**Corbett “Chase” Bearden** – Public Member; Term ends 1/31/15

**Sonya B. Odell**, FASID, AAHID, RID – Registered Interior Designer Member; Term ends 1/31/17

**Chad Davis**, RLA – Landscape Architect Member; Term ends 1/31/19

**Davey Edwards**, PLS, GISP – Public Member; Term ends 1/31/19

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.

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