



LICENSING NEWS

ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

WINTER 2019

CHAIR'S COLUMN

Statutes, rules, and standards

This time of year is one of transitions, of saying goodbye to the previous year's victories and defeats, and welcoming the challenges and successes to come. And it's also the time, as it is every January of an odd-numbered year, when the Texas Legislature convenes in Austin.

On the plate of those 181 women and men will be to negotiate and approve the state's budget, amend statutes, and write new laws. If history is a guide, perhaps 6,000 bills will be introduced. Likely only one in five bills will survive and become law—and a handful of those survivors probably will be vetoed. It's hard to change the law, in short.

That is by design. The Texas Board of Architectural Examiners (TBAE) is governed and bound by statutes first enacted in 1937. And for more than 80 years—or 40 Texas legislative sessions—the general outlines and purpose of those statutes has remained the same. Occasionally, TBAE's statutes are modified in this way or that—a provision added, a definition updated, a requirement put in place—but our mission is constant: to protect the health, safety, and welfare of the public.

TBAE writes and enforces rules within the boundaries set out by the Legislature in statute. As a practicing professional or even as an emerging professional gaining experience in your field, you know these rules. And if you do have an issue you need clarified, you simply call the agency for an answer.

But the rules set out by the Board are a backstop more than a goal to be reached. They are in place to establish minimum requirements and provide agency staff with the procedures needed to enforce those requirements. By design, the state becomes involved in an enforcement action only when minimum standards aren't upheld.

Best practice, on the other hand, is variously defined as a method that has shown results superior to those by other means or that by experience produces optimal results. We should strive to apply best practices where applicable to our individual circumstances and to advance the knowledge and experience that informs best practices.

The training you underwent to earn your registration, the mentorship you undertook (and perhaps are providing to an emerging professional now) go far beyond minimum competency and well into the area of ensuring respect and admiration for yourself, your skills, your firm, and your profession. As one year turns to the next, let's rededicate ourselves to providing the very best in professional services and customer care for the people who live, work, and play in the built environment of Texas.



Debra Dockery, FAIA
Chair

Find us at our new home on the Web, and remember to update any bookmarks with our new URL!

www.TBAE.Texas.gov

Texas makes an impact nationwide

Whether you've taken and passed the national examination for your profession, or if you're still working on doing so, you likely know that it's a challenge. And for some time now, the challenge has been the same for test-takers in Maine or Florida or Oregon or Texas; the examinations are national. Have you ever wondered where your national exam comes from?

Those national examinations, particularly the specific questions asked on them, are developed not by an algorithm, but by people. The test question-writers come from across the continent, including from Texas. So do (in some cases) the test-graders, the people who write model law, and the folks who determine appropriate continuing education requirements. The list of the national policies, test items, and recommendations goes on and on, and it's all done by your fellow practitioners and members of the public from across the nation. And like other registration boards across the country, we in Texas pay attention to the model law, recommendations, and suggestions the national councils produce.

Meanwhile, Texas already is positioned as a leader in ensuring the health, safety, and welfare of the people who live, work, and play in the built environment from coast to coast. In my first weeks as Executive Director, I heard from staff, registrants, and other stakeholders that Texas leaves a big footprint in the design professions nationally. Since then, I can confirm it. With a registrant base of more than 20,000 registered design professionals, the Lone Star State is hard to ignore. In order to represent the interests of the Board, its staff, its registrants, and the people of Texas, it's important to be a leader. The nine Texans appointed to the Board expect this, and I have made sure that as Executive Director I serve my state in leadership positions nationally.

For the Council of Landscape Architecture Registration Boards (CLARB), I serve as the Member Board Director on the Council's Board of Directors—the sole representative of state Executive Directors among peers who are all Board Members of various states. At the National Council of Architectural Registration Boards (NCARB), I serve on the Model Law Task Force, a group at work crafting smart model law for consideration by its 55 jurisdictions. Earlier in my tenure here at the agency, I've served on the Bylaws Task Force of the Council for Interior Design Qualification (CIDQ),

on NCARB's Procedures and Documents Committee and Experience Committee, and as the NCARB Region 3 Member Board Executive for the Board of Directors.

It's not only TBAE staff like me who leads the way across the nation. Your Chair, Debra Dockery, has been deeply involved with NCARB for quite some time. She has served on a number of committees—too many to list in full—dealing with examination, continuing education, and other issues. TBAE's former Chair, Alfred Vidaurri, Jr. FAIA, has long been and remains committed to NCARB as well, currently serving as Treasurer and previously in a range of increasingly important roles also too numerous to list fully. TBAE Public Board Member Chase Bearden serves on the Procedures and Documents Committee at NCARB. Meanwhile, an impressive number of Texans (see list below) serve now on various national council committees, task forces, and work groups tackling various issues critical to maintaining their profession's commitment to the health, safety, and welfare of the public across the country. And that's not to mention the many selfless licensing advisors, both formal and informal, assisting aspiring registrants through the education, examination, and experience process.

Those positions are unpaid. Texas design professionals volunteer for the chance to strengthen the quality of the professions nationwide, to ensure that professional standards remain high and the public is well served. To those who serve their profession at the national level, and who represent the interests of the people who live, work, and play in the built environment of Texas, we give our thanks. And to those seeking to give back to their profession and their fellow Texans, we urge you to consider serving on your national council to ensure that Texas maintains its seat at the table. If you're interested in serving in such a role, please contact us and we can help get you in touch with the right people.



Julie Hildebrand
Executive Director

Texans serving on national councils

Sources: NCARB, CIDQ, CLARB

NCARB

Michael Archer – ARE 5.0 Item Development Subcommittee

Chase Bearden (TBAE Board Member) – Procedures and Documents Committee

Lindsey Brigati – ARE 5.0 Forms Assembly Subcommittee

Caroline Buckner – ARE 5.0 Item Development Subcommittee

Leticia Canon – ARE 5.0 Forms Assembly Subcommittee

Shannon Carpenter – ARE 5.0 Forms Assembly Subcommittee

Christian Childs – Continuing Education Work Group

Debra Dockery (TBAE Chair) – Continuing Education Subcommittee

Brandon Hepburn – ARE 5.0 Item Development Subcommittee

Julie Hildebrand (TBAE Executive Director) – Model Law Task Force

Timothy Lavelle – ARE 5.0 Item Development Subcommittee

Paul Li – Think Tank

Heath May – Continuing Education Work Group

Sandra Montalbo – Experience Advisory Committee

Gianna Pigford – Experience Advisory Committee, Experience Committee

Markita Richardson – Think Tank

Jonathan Shelledy – Continuing Education Work Group

Alfred Vidaurri (Former TBAE Chair) – Audit Committee, Board of Directors (Secretary)

Kelsey Vusich – ARE 5.0 Item Development Subcommittee

James White – Continuing Education Work Group

CIDQ

Megan Ebert – IDPX Item Review Committee Chair, IDPX Item Writing Committee Member

Mia Kile – IDFX Item Review Committee Member

Janet Parker – Alternative Review Program Committee – Education Review Group

Donna Vining – Advocacy Task Force Member, Alternative Review Program Committee – Dossier Review Group

CLARB

Kolby Davidson – Exam Committee Member

Julie Hildebrand – Member Board Executive Director

Amber Rothwell – Exam Committee Member

New Members join the Board, and Chair is reappointed to a new term

Governor Greg Abbott announced his new appointments to serve on the Texas Board of Architectural Examiners (TBAE), and his reappointment of San Antonio architect Debra Dockery to serve another term as Chair.

Chair Dockery will continue to lead the nine-member Board for another term ending January 31, 2023. Ms. Dockery first became Chair in January, 2016. We welcome her back and look forward to her strong leadership, fair deliberation, and deep commitment to the protection of the people who live, work, and play in the state of Texas.

Rosa G. Salazar joins the Board as a Registered Interior Designer member, for a term concluding January 31, 2023. Ms. Salazar is a practicing Registered Interior Designer for a firm in her home town of Lubbock, and previously has held leadership positions with the Texas Association for Interior Design, the International Interior Design Association, the American Society of Interior Designers, the City of Lubbock Permits & Licensing Appeals Board, the Westex Federal Credit Union Supervisory Committee, and Fiestas del Llano. Ms. Salazar is a graduate Magna Cum Laude of Texas Tech University and holds NCIDQ certificate number 027351. First registered by TBAE in 2010, Ms. Salazar holds registration number 11041.

Joyce Smith was appointed to the Board to serve as one of two new Public Members, who serve the critical purpose of representing the people of Texas as non-practitioners of the regulated professions. Ms. Smith hails from Burnet and is a Certified Public Accountant, first licensed by the state of Texas in 1983. Ms. Smith is the Director of a central Texas credit union, and her term ends on January 31, 2023.

The second of the two new Public Members appointed by Governor Abbott is Fernando Trevino, Sr. Mr. Trevino hails from San Antonio, where he is a Commercial and Residential Broker licensed by the state of Texas. Mr. Trevino's term will end January 31, 2019.

Finally, we give our heartfelt thanks and appreciation to the two valued Texans whose Board terms have expired: Sonya Odell, RID, of Dallas and Paula Ann Miller of Houston. Both devoted countless hours away from work and family in service to the state of Texas, made lasting contributions to its health and safety, and will be greatly missed on the Board. Thank you, Ms. Miller and Ms. Odell, for your leadership, for your effort, and for making Texas a safer place in which to live, work, and play.

Business Registration: What is it, who has to do it (and who doesn't), and how do you do it?

In 2001, TBAE adopted rules requiring the registration of firms—with some exceptions discussed below—which offer the services of an architect, landscape architect, or RID in Texas. Since then, more than 2,800 Texas firms have become registered by the Board and met the simple requirement. If you're a firm owner or principal and already have registered your business, thank you! If you're a firm owner who hasn't yet registered with the Board, read on to find out whether you need to do so and, if so, how to do it.

First, a short discussion of which Texas design firms are exempt from the requirement and do not need to register. A sole practitioner registered by TBAE who offers regulated services and is doing business under his or her own name is not required to register his or her firm. For instance, there's no registration requirement for a sole practitioner and registered landscape architect named Roberta Jameson to register her business, Roberta Jameson Landscape Architecture. With that exception, firms are required to register with TBAE. Here's everything you'll need to know about the requirement and the process to comply with it.

- The firm registration, also called business registration, requirement is an annual obligation

for all businesses not exempted as described above.

- Its cost is \$45 per year, and there are late fees for renewing registration after the deadline similar to those that apply to your individual registration.
- Your firm's renewal date is the anniversary of the date of initial registration.
- If your business offers two or more of the three professions regulated by the Board, you need only maintain a single firm registration.
- If your firm offers design services but doesn't directly employ an architect, simply provide the requested information regarding the business association your firm maintains with a TBAE registrant.

If you need to register your firm, [you can do so quickly and easily online.](#)

Once your firm is registered, [it will be searchable in our public database.](#) If you choose to include your firm's Web site, LinkedIn, Twitter, or facebook profiles, they will appear in search results for the convenience of the public. If you have any questions regarding business registration, feel free to contact us at 512-305-8530 or bizreg@tbae.texas.gov

Quick answers to common Continuing Education (CE) questions:

- No need to send documentation or transcripts at your time of renewal
- Please only send documentation in response to an audit letter, in the event that you receive one
- Renewal dates are based on your birth month; CE compliance periods run from January 1 to December 31 (calendar year)
- For each calendar year, a registrant is required to complete 12 hours of health/safety/welfare content, including 1 barrier-free and 1 sustainable design
- Up to 4 hours of your credits can be self-study (not in a structured or classroom setting)
- You may earn both your sustainable design and barrier-free credits by self-study, if you choose to do so

A note about unauthorized practice, and what you can do about it

By Jack Stamps *Managing Investigator*

I am a big fan of Christmas and the staff at TBAE know that all too well. So, in appreciation of Christmas past (even though I did not get the motorized travel spa I had requested) and in anticipation of Christmas 2019 (just nine short months away), I would like to share with you some yuletide memories gift wrapped in some investigative wisdom.

An unspecified number of years ago, I fondly remember my children sitting on Santa's lap with an unending list of demands. I knew the guy in the red suit and white beard wasn't actually Santa, and I knew my kids, at some point, would become aware of this as well. No harm, no foul; that's growing up.

But if I were to come home and see that same man, still in Santa garb, rummaging through and gathering up presents from under my tree, I'd quickly secure my home and my family and ensure the burglarizing "Santa" be brought to justice.

Similarly, individuals claiming to be architects, landscape architects, and registered interior designers (but who are not) are like department store Santas: they are holding themselves out to be members of professions to which they do not belong. Let's think health, safety, and welfare issues, TBAE's *raison d'être*. Unauthorized practice often leads to projects that are deemed unsafe, either during the permitting process or after construction. And project owners, deceived by these scofflaws, often spend thousands of dollars on design fees, only to be notified by a plans examiner that the project must be designed and sealed by a registrant. For either the project owner or the people living, working, and playing in a space that required a design professional's expertise but didn't get it, that's more of a sting than the loss of a few gifts swiped from under the tree.

So if you become aware of a person advertising or improperly using our regulated titles, or an instance of unauthorized practice, we want to hear from you. Investigating and prosecuting a case like this often begins with a complaint from a registrant, a client, or a building official, and we appreciate those tips. But there's more to successfully enforcing an unauthorized practice case than simply receiving a complaint form. Here's how you can help bring a case home and deter unauthorized practice by others in the future.

First, while it is allowable to submit a complaint anonymously (on any case, not just one alleging unauthorized practice), doing so makes investigation very difficult. TBAE investigative staff will more easily and thoroughly investigate a case if we can talk to the complainant, the respondent, the building or project owner, and any other people

involved. Although I realize individuals have compelling reasons at times to remain anonymous, this often leads to an all too common occurrence: an unmarked envelope containing a newspaper clipping that is so "clipped" that it doesn't actually contain any useful or actionable information.

Under these circumstances, a case simply can't be made. That's why documentation is important. Like most regulatory entities, TBAE, and the courts wherein these cases are eventually tried, regard documentation—on paper or electronic files—as a critical ingredient in all investigations.

A word about one important aspect of documentation: your seal. Like the days of decorating a Christmas tree with actual lit candles, it seems the days of wet sealing a plan set are largely over. It's been fifteen years since registrants were required to procure and secure a wet seal, though you're welcome to continue using yours if you like.

But the vast majority of registrants use a digital seal—and so too, lately, do a growing number of nonregistrants. This has led to an increasing number of enforcement cases on individuals who have downloaded the seal image and added their name—or someone else's—and a registration number that may or may not be valid. If these nonregistrants enter a name and registration number of a registrant with an active status, these violations are harder to detect and can go unnoticed until the real registrant gets a call from a sharp-eyed building official about a project the registrant has never heard of before.

A building official or plans examiner usually is the first to spot these violations and notify us. Sometimes clients or employers spot the violation and give us a call. We typically get a call from a registrant when, as mentioned above, they are contacted by a contractor for an RFI on a project that the registrant has no knowledge of. These are all good sources of information that have led to enforcement cases and the shutting down of unauthorized practice.

In this digital age, it is particularly important that our registrants be alert. If you receive a phone call, text, email, letter, or RFI on a project with which you're not familiar, please check it out. Better yet, give us a call and we'll check it out. Noticing an anomaly like this and reporting it are two different things. To get the best result, I hope you do both.

Thank you, reader, for your support through the years. So much of what we can accomplish depends on your vigilance and your reporting. Certainly, not everything that looks like a violation ends up being so. But we would rather look into each matter to make sure none slip by unnoticed.

On behalf of the entire agency, I wish you safe, healthy, and prosperous 2019. And I hope you're already at work on your 2019 Christmas list. I certainly am.

Disciplinary Action

The following cases were decided during TBAE Board meetings in August and November, 2018. 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 (CE) 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 meetings 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 continuing education infraction is subject to a standard administrative penalty.

Non-registrant Case

Vu, Anthony **\$11,000** Missouri City, TX

Neither Respondent nor his business, AMC Design Company, is registered to engage in the practice of architecture. Previously, the Board issued a warning notice to the Respondent for unlawfully holding himself out to the public as an architect despite not being registered with the Board. In the current matter, Respondent provided a business card to a potential client in which he was identified as "Anthony Vu, Architect IV." Additionally, Respondent engaged in the prohibited use of an architect's seal when issuing architectural plans and specifications for two projects. The fraudulent seal the Respondent used bore the name and registration number of a registered architect who did not consent to the use of his seal, was unaware of the existence of the projects, and in no way participated in the preparation of the plans for the projects. Respondent admitted to affixing the seal without knowledge or authorization by the architect, and stated that he had copied the seal from a previous project on which the registered architect had provided services. Respondent's actions constitute a violation of: Tex. Occ. Code Ann. §1051.701(a); Tex. Occ. Code Ann. §1051.702(b); Board Rule 1.123; and Board Rule 1.104(c)(2).

Agreed Eligibility Orders

Barker, Jena K. **\$1,700**

Respondent's request to reinstate her interior design registration was granted pending her payment of fines associated with the following violations:

Failure to timely complete CE requirements;
Falsely reporting of CE requirements in order to renew registration; and
Failure to respond to a board inquiry within 30 days (twice).

Traywick, Keith T. **\$1,700**

Respondent's request to change his architectural registration status from Inactive to Active was granted pending his payment of fines associated with the following violations:

Failure to timely complete CE requirements;
Falsely reporting of CE requirements in order to renew registration; and
Failure to respond to a board inquiry within 30 days (twice)

TDLR Cases

Goelzer, Matthew **\$1,000** Seattle, WA

Respondent failed to submit construction documents for a project for accessibility review within 20 days of issuance, as required by Tex. Gov't Code Chapter 469.102 and Board Rule 1.170.

Howell, David B. **\$1,000** Tucson, AZ

Respondent failed to submit construction documents for a project for accessibility review within 20 days of issuance, as required by Tex. Gov't Code Chapter 469.102 and Board Rule 1.170.

Reagan, Charles J. **\$1,000** Richardson, TX

Respondent failed to submit construction documents for a project for accessibility review within 20 days of issuance, as required by Tex. Gov't Code Chapter 469.102 and Board Rule 1.170.

Continuing Education Cases

Dietz, Andrea H. **\$500** Los Angeles, CA

Failure to timely complete CE requirements.

Visit our new Web site: www.TBAE.Texas.gov

Fields, Suzy M. Austin, TX Falsely reporting completion of CE responsibilities in order to renew registration.	\$700	Massouh, Craig G. New Braunfels, TX Falsely reporting completion of CE responsibilities in order to renew registration.	\$700
German, David R. Lubbock, TX Failure to timely complete CE requirements.	\$500	Munoz, Sylvia Holland, MI Failure to maintain a detailed record of her continuing education for 5 years.	\$700
Gustin, Wesley Frisco, TX Failure to timely complete CE requirements.	\$500	Pennoyer, Peter M. New York, NY Falsely reporting completion of CE responsibilities in order to renew registration.	\$700
Hagmann, Gregory G. Richardson, TX Failure to timely complete CE requirements. Falsely reporting completion of CE responsibilities in order to renew registration. Respondent previously received and administrative penalty for a failure to comply with continuing education requirements.	\$2,000	Ragland, Frank W. Dallas, TX Failure to timely complete CE requirements. Falsely reporting completion of CE responsibilities in order to renew registration. Failure to respond to a board inquiry within 30 days.	\$1,450
Kohutec, Robert C. Houston, TX Failure to maintain a detailed record of his continuing education for 5 years.	\$700	Sing, Emily E. Houston, TX Failure to maintain a detailed record of her continuing education for 5 years.	\$700
Lantz, Karen Houston, TX Failure to maintain a detailed record of her continuing education for 5 years.	\$700	Slavik, William B. Cleburne, TX Failure to maintain a detailed record of his continuing education for 5 years.	\$700
LeMaster, Jonathan R. Dubai, United Arab Emirates Failure to timely complete CE requirements Falsely reporting completion of CE responsibilities in order to renew registration. Failure to respond to a board inquiry within 30 days (twice).	\$1,700	Standefer, Sandra K. Dallas, TX Failure to maintain a detailed record of her continuing education for 5 years.	\$700
Libby, Grant C. Burleson, TX Failure to timely complete CE requirements.	\$500	Steinbrueck, Linda D. Driftwood, TX Failure to maintain a detailed record of his continuing education for 5 years.	\$700
Martinec, Dinah J. Ft. Worth, TX Failure to maintain a detailed record of her continuing education for 5 years.	\$700	Taliaferro, Bethany H. Plano, TX Failure to maintain a detailed record of her continuing education for 5 years.	\$700

**Find us at our new home on the Web,
and remember to update any bookmarks with our new URL!**

www.TBAE.Texas.gov

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.texas.gov. 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 13, 2019
- August 13, 2019
- November 19, 2019

EXECUTIVE DIRECTOR

Julie Hildebrand

BOARD MEMBERS

Debra Dockery, FAIA

Chair, Architect Member; Term ends 1/31/17

Chad Davis, RLA

Vice-Chair, Landscape Architect Member; Term ends 1/31/23

Jennifer Walker, AIA

Secretary-Treasurer, Architect Member; Term ends 1/31/21

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

Fernando Trevino – Public Member; Term ends 1/31/19

Corbett "Chase" Bearden – Public Member; Term ends 1/31/21

Bob Wetmore, AIA – Architect Member; Term ends 1/31/21

Rosa G. Salazar, RID – Registered Interior Designer Member; Term ends 1/31/23

Joyce Smith – Public Member; Term ends 1/31/23

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.

www.tbae.texas.gov



Attestation of Self-Directed Credit Hours Earned

TBAE newsletter, *Licensing News*

I certify that I read the _____ [Month, Year as found at top of page one] issue of TBAE's *Licensing News* for _____ hours (up to two) on _____ [date].

These continuing education hours will count for self-directed Health/Safety/Welfare study for the calendar year in which they were earned. I understand that up to four continuing education hours of the required 12 per calendar year may be earned via self-study.

Your name

Date

Please keep this Certificate for your records, and submit it if you receive an audit letter from TBAE, along with all additional certificates for the specified calendar year.



**TEXAS Board of
Architectural Examiners**
Architects • Landscape Architects • Registered Interior Designers

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