



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

# LICENSING NEWS

ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

MAY 2015

## CHAIRMAN'S COLUMN

# Forging ahead with new opportunities

As we start another year, we find ourselves facing many new situations and interesting opportunities. In my most recent Chairman's Column, you may recall my writing on the many changes that were ahead for the Texas Board of Architectural Examiners (TBAE). In addition to a new legislative session that is underway, we have a new Governor, many new elected officials, and new legislative staffers which together represent one of the largest changes we have experienced in years.

TBAE also finds itself in the middle of important changes that will have a meaningful impact for many years to come. Our Board, along with staff, has thoughtfully worked through the process of finding a new Executive Director for the agency, and you can read her introductory comments in the Insight from the Executive Director column below.

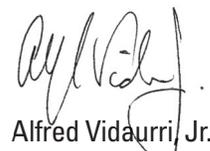
I'll let her tell her story in her own words, of course, but I must add this. I think the Board chose wisely and found a perfect fit for the demanding, wide-ranging job of Executive Director, and I am excited to see her leadership, energy, and new ideas for the agency. With that, I'd like to welcome Mrs. Julie Hildebrand to the Texas Board of Architectural Examiners.

In 2015 we will also say thank you and goodbye to three current board members, and say hello to three new ones. Board appointments are made by the Governor's Office for six-year

terms. In order to maintain Board continuity, appointments are staggered to have a set number of vacancies every two years. The six-year term for three of us will end in 2015, but each of us will continue to serve until new replacements are announced and confirmed by the Texas Senate. Once new appointments are confirmed, there will be an orderly Board transition, as each new member receives training and introductions so that they may quickly and efficiently continue to be "servant leaders" for each of you and the citizens of Texas.

2015 will be a year of big changes as we engage with the newly elected Texas leadership, welcome a new Executive Director, and greet three new Board members. In the near future I will craft my final message to share with you my experience and thanks as my eleventh year of service draws to a conclusion. As always, we will continue to communicate all the exciting news and work of the Board as you have come to expect.



  
Alfred Vidaurri, Jr.  
FAIA, AICP  
Chairman

## Vidaurri elevated to AIA College of Fellows

Each year, the American Institute of Architects (AIA) selects a small handful of architects from across the country for induction into its College of Fellows. Each year's class of inductees has achieved a standard of excellence and contributed significantly to the profession and to society on a national scale. In short, the College of Fellows represents true models of the profession.

It is your TBAE staff's distinct privilege and honor to announce that Chairman Alfred Vidaurri, Jr. of the Texas Board of Architectural Examiners is among the 2015 class of inductees to the AIA College of Fellows.

Of 147 AIA members nationwide elevated to Fellowship, only 14 practice in Texas. Chairman Vidaurri and the other new members of the College of Fellows will be lauded at an investiture ceremony this spring at the AIA National Convention in Atlanta, Georgia.

# An introduction to TBAE's new Executive Director

It isn't every day that you take the reins of a 78-year-old Texas state agency with 17 employees, 4,000-plus candidates, and 19,000-plus registrants. But that's the situation in which I find myself, and I'd like to tell you a little about who I am and what you can expect of me—and of the Texas Board of Architectural Examiners—from now on.

I earned my undergraduate degree from the University of Texas at Austin, and my law degree from Texas Tech University. From there, I worked for the Texas Medical Board as a staff attorney before moving to the Texas State Board of Pharmacy. I served as Assistant General Counsel and Litigation Counsel to the Pharmacy Board for almost thirteen years.

Most recently, I served as Executive Director of the Texas State Board of Dental Examiners, after advising the agency as its General Counsel. I am certified in administrative law by the Board of Legal Specialization, and I serve as Past Chair of the Administrative Law section of the Austin Bar Association.

Perhaps of more direct interest to you is a brief discussion of my style of leadership. My vision for the Texas Board of Architectural Examiners aims for high quality work, transparency of information and decision-making, and non-arbitrary and responsive decisions. I support the Board's mission to ensure a safe built environment for Texas by regulating the professions of architecture, landscape architecture, and interior design. I believe in the Board's philosophy and approach my work with the deepest sense of purpose to serve and protect the public. At the same time, I believe the registrants, the public, and the Board all deserve the highest levels of

customer service by meeting their customer demands and expectations.

While it is the Board's role to govern the regulation of our registrants, it is my role to manage the agency. I will develop a comprehensive strategic plan in conjunction with the Board and supplement it with regular progress reports to the Board. We will establish our goals with consultation and participation by our stakeholders. In the end it will be imperative for the Board to reach its goals by fully aligning the Board's plans, processes, decisions, employees, and other resources.

The current agency staff has proven that they also have the same commitment to excellence in serving the State of Texas. I have not only been welcomed by staff, but have also been greatly impressed by their work quality and job knowledge. I am honored to work with such a great group of people. Lastly, I would like to thank the Board for giving me the opportunity to work with this agency and for their vote of confidence in me and my abilities. I am excited for this agency's future and look forward to working with all of our stakeholders.



**Julie Hildebrand**  
*Executive Director*

## Attention future architects: Changes to IDP coming soon

Over the years, the Intern Development Program (IDP) has undergone a long series of upgrades and improvements. It's easy to understand how the tweaks and adjustments could be tricky to keep up with. But in 2015, there's a big change to IDP in the works that should prove to be a boon to future Texas architects.

For some time now, the National Council of Architectural Registration Boards (NCARB) has been evaluating its IDP from top to bottom to look for ways to streamline the program and make it more efficient in delivering high-caliber

candidates to the doorstep of licensure. As a result, NCARB proposed a significant change in its requirements: removing the requirement to earn the 1,860 hours of experience in elective topics, while leaving intact the 3,740-hour requirement in core subjects.

In January, the Board voted unanimously in favor of a change to agency rules mirroring NCARB's proposal. Any rule change, this one included, requires a two-step approval process, and the Board will again consider the rule change at its next meeting on May 7 of this year.

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## How to submit a complaint for investigation: Tips from the Enforcement Department

During my tenure as Managing Investigator, I have had the pleasure of talking with many of you regarding when, how, and if you can file a complaint. I would like to share some key points that may help answer some of the most common questions.

The agency may accept a complaint and open an enforcement case on evidence that indicates a person or entity has violated a specific agency rule or statute. To make that determination, you can visit our Web site and in the Quick Links section (right side, with a light green background), click on [Statutes and Rules](#). If you find the legalese a bit much, you can always call us for guidance and interpretation.

Complaints can only be accepted on events that occurred within the past ten years.

To file a complaint, you need to fill out the agency complaint form, which can be downloaded from our site. More general information about complaints and links to these forms are also located in the Quick Links section under [Complaints](#).

When making a complaint, be sure to submit all supporting evidence you have. News articles or advertisements found in publications should include information that identifies the publication, such as a scan of the cover (showing the publication date and other details). The complaint and evidence can be mailed, faxed, or scanned and emailed to the agency. Scanned email attachments tend to provide the best copies.

We receive a number of anonymous complaints each year, sometimes in the form of a copied or clipped advertisement. We act on these when they can be authenticated. Unfortunately, we quite often receive inadequate information. Before you send in information anonymously, consider giving us a call—anonously, of course—so we can discuss the matter and advise you regarding what you need to provide.

There are a number of common events that give rise to a registrant (an architect, landscape architect or registered interior designer) wishing to file a complaint. Let's touch on a few of them:

- A principal of a firm learns that a former employee, who has opened his own firm, is posting pictures of projects on his Web site that were developed when the former employee was still with the principal's firm.

This can represent a violation of our Dishonest Practice rule, which states a registrant cannot make an assertion with the intent to deceive. If the former employee indicates that the project was completed while at the former firm, there is no violation.

- A registrant learns that construction documents have been issued bearing the registrant's seal. The registrant has no knowledge of the project, and obviously did not authorize the use of the seal.

You may think that this is a bit far-fetched, but we are seeing an increase in this egregious behavior. If you become aware of such an event, call us immediately. We treat these matters with great urgency and prosecute violators to the fullest extent.

- A client comes to you with a set of plans for a building that is not exempt from our practice act. The plans were prepared by and issued to the client by a non-registrant. A plans examiner has rejected them because they are not sealed, and the client asks you to review and seal them.

As most of you are aware, you cannot do that. You cannot affix your seal to documents you did not maintain supervision and control over during their preparation. What you can, and should, do is forward the plans to this agency so that we can review them and if appropriate, open an enforcement case against the non-registrant for practicing architecture. At this point, unfortunately the client likely has spent a good deal of money and time for a set of plans that are useless.

- A firm employs a "registrant" and at some point (many years in one actual case) discovers that the "registrant's" credentials are false.

You must notify this agency at the point of discovery, as required by rule. To avoid the potential liabilities as well as the embarrassment this situation should generate, it is always best to verify an applicant's credentials. If you discover an applicant is using false credentials, contact this office.

This certainly is not an exhaustive list of all potential violations. I am continually surprised at the interesting and creative ways individuals seek to violate agency rules and statutes. If you come across a situation that you think could potentially be a violation, but are not sure, please call. If you are not sure whether or not an action you are about to take could be a violation of our rules, please call.

As I always say, it's better for you to call me than for me to be calling you.

**Jack Stamps**

*Managing Investigator*

# Renewal reminders by email only

Like so many other facets of life in 2015, TBAE registrants soon will receive annual renewal notices digitally via email. The annual postcards reminding you to renew your license or licenses will cease by the end of this year, so it's more important than ever to make sure your email addresses are kept up to date on your account.

As you might expect, this change is a way to save a significant amount of money in printing and especially in postage. Around the TBAE office we're continually on the lookout for ways to do more with less, in particular with regard to making technology work for us and our stakeholders.

On a related note (and a very helpful note this could be), TBAE registrants have an option they might not know exists. In your ac-

count menu, you may have noticed that there are fields to include not just one, but up to three email addresses at which to receive notices and updates from TBAE, including the important renewal reminders. That feature could be very useful, so you can be more confident of receiving notices when you need them. For instance, if you have a business manager at work, you could enter his or her email into one of the fields, and finish up with your personal email as a third contact point.

Another tip to help ensure you receive your renewal notice (or anything else from TBAE) is to make sure our emails don't get routed to your spam or quarantine filter. By [taking steps to add TBAE to your safe senders list](#), you can ensure you don't miss a beat with regard to news and updates from TBAE.

## What to do when taking over a project from another architect

It happens sometimes: For one reason or another, you find yourself working on sealed plans and specifications begun by another design professional who's no longer on the job.

So the documents are sealed, and they need to be modified, then later sealed by you and issued for construction, permitting, or regulatory approval. How do you handle that within TBAE rules?

First, you need to try to notify the design professional who sealed the plans you're working on. The rule (see Subchapter F, Prohibitions section of your profession's rules) requires you to take "reasonable steps" to notify the sealing design professional that you intend to modify the document. Reasonable steps might include sending a letter or email to the sealing design professional—and keeping a copy of that letter or email. That should be your first step; TBAE rules clearly state that this should be done prior to working on the document itself.

Once you've taken reasonable steps to notify the sealing design professional, there's the matter of the changes you make to the plans themselves. There are two things to remember at this point. First, you'll need to clearly identify which portions of the documents you modify. Sometimes this is referred to as "clouding" the relevant parts of the plans. And finally, you simply need to clearly indicate on the plans that your professional seal only applies to those portions you prepared (or that were prepared under your supervision and control). In other words, you'll simply call out the parts of the document you modified, and state clearly that your seal applies only to those parts.

And that's all there is to this somewhat common and yet vexing situation. If you follow the process above when taking over a project from a colleague, everything will be in order and no laws violated.

# Disciplinary Action

The following cases were decided during the TBAE Board meeting in October, 2014 and January, 2015. 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 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 infraction is subject to a standard administrative penalty.

## Registrant Cases

### **Bishop, Brian Lee** **\$3,000.00**

Austin, TX

Violation of TEX. OCC. CODE ANN. §1051.701(a)

Mr. Bishop is a registered architect in Texas. From December 1, 2012 through February 26, 2014, his architectural registration was delinquent. During this period, he provided architectural services on at least four projects in and around the Austin area. In response to the Board's inquiry, Mr. Bishop claimed that he was unaware of his delinquency due to his failure to update his contact information after a change in employment. Agency records corroborate his statement. He has since corrected his status, and paid all fees immediately after he was alerted to his delinquency by the City of Austin plan reviewer. Mr. Bishop is currently in good standing with the Board and is on active status.

### **Boynton, Jay** **\$1,500.00**

Ft. Worth, TX

Violation of TEX. GOV'T CODE ANN. §469.102(b)

Mr. Boynton failed on two separate projects to timely submit plans to the Texas Department of Licensing and Regulation (TDLR) for accessibility review within 20 days after issuance, as required by the Elimination of Architectural Barriers Act. Failing to timely submit plans to TDLR is a violation of the Architect's Practice Act as well as Board rules. In 2002, the Executive Director issued a Formal Reprimand to him for an unrelated violation. Because he had a disciplinary history with the Board, he was subject to an administrative penalty of \$750.00 per project, resulting in a total administrative penalty of \$1,500.00.

### **Townsend, Phillip B.** **\$5,000.00**

Wichita Falls, TX

Violation of 22 TEX. ADMIN. CODE §1.141

From January 1, 2012 through June 3, 2012, Mr. Townsend's architectural registration in Texas was delinquent and not in good standing due to his failure to take necessary steps to renew it. However, he remained a registrant subject to the jurisdiction of the Board for all times pertinent to this case. Mr. Townsend has never been registered to practice architecture in the State of Oklahoma, and was denied reciprocal registration. Mr. Townsend affixed his Texas architectural seal and signed the cover sheet for a project located in Oklahoma. The Oklahoma Board of Architects entered a "cease and desist" Order against Mr. Townsend for practicing or offering to practice architecture in Oklahoma, and imposed an administrative penalty. As a result of the enforcement case brought by the State of Oklahoma, the Board imposed a \$5,000.00 administrative penalty upon Mr. Townsend for engaging in the unlawful practice of architecture in another jurisdiction.

## Continuing Education Cases

### **Bubis, Barry R.** **\$500.00**

Austin, TX

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

### **Carson, Virginia E.** **\$1,200.00**

Plano, TX

Failure to timely complete CE requirements within the program year  
Falsely reporting completion of CE responsibilities in order to renew registration

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For the latest information about fingerprinting, visit:

**[www.TBAE.state.tx.us/PRINTS](http://www.TBAE.state.tx.us/PRINTS)**

<b>Douthitt, Thomas</b> Plano, TX Failure to timely complete CE requirements within the program year Falsely reporting completion of CE responsibilities in order to renew registration	<b>\$1,200.00</b>	<b>O'Dell, Carl G.</b> Dallas, TX Failure to timely complete CE requirements within the program year	<b>\$500.00</b>
<b>Effland, Frank L.</b> Dallas, TX Failure to timely complete CE requirements within the program year Falsely reporting completion of CE responsibilities in order to renew registration Failure to respond to two Board inquiries within 30 days	<b>\$1,700.00</b>	<b>Peterman, Cherryl</b> Ft. Worth, TX Failure to timely complete CE requirements within the program year	<b>\$500.00</b>
<b>Elliston, Stacy</b> Dallas, TX Failure to timely complete CE requirements within the program year	<b>\$500.00</b>	<b>Pope, Lisa G.</b> Irving, TX Failure to timely complete CE requirements within the program year Falsely reporting completion of CE responsibilities in order to renew registration Failure to respond to two Board inquiries within 30 days	<b>\$1,700.00</b>
<b>Hailey, Royce J.</b> Round Rock, TX Failure to timely complete CE requirements within the program year Falsely reporting completion of CE responsibilities in order to renew registration Failure to respond to two Board inquiries within 30 days	<b>\$1,700.00</b>	<b>Rude, Brian C.</b> Phoenix, AZ Failure to timely complete CE requirements within the program year Falsely reporting completion of CE responsibilities in order to renew registration	<b>\$1,200.00</b>
<b>Kingham, Alva Hill</b> Nacogdoches, TX Failure to maintain adequate records of CE activities for a period of 5 years	<b>\$500.00</b>	<b>Sander, Erin L.</b> Dallas, TX Failure to timely complete CE requirements within the program year Falsely reporting completion of CE responsibilities in order to renew registration	<b>\$1,200.00</b>
<b>Lorance, Bill</b> Singapore Failure to timely complete CE requirements within the program year Falsely reporting completion of CE responsibilities in order to renew registration	<b>\$1,200.00</b>	<b>Reibenstein, Charles A.</b> Dallas, TX Failure to maintain a detailed record of his continuing education for 5 years	<b>\$500.00</b>
		<b>Slack, Holt M.</b> Plano, TX Falsely reporting completion of CE responsibilities in order to renew registration	<b>\$700.00</b>

## NCIDQ exam is going digital (tell your interns and ask them to tell their friends)

The Council for Interior Design Qualifications (CIDQ) recently announced a big change coming up: the practical portion of their NCIDQ exam, called the PRAC, will switch from hand-sketching to a computerized format. The change is expected to take place starting in the spring of 2017.

CIDQ reports that in 2014 the organization undertook an intensive project to ensure that the transition goes smoothly. They synthesized their research with outside recommendations, developed a timeline, consulted with a specialized vendor, and called up a task force to export written practicum questions to a digital

environment. This year, CIDQ plans to further ensure the exam's defensibility, by testing and validating exam questions and developing software.

If you are a mentor or supervisor to a future Texas RID, we urge you to let your intern know about this development. The same is true for accredited design programs, student groups, and study groups, so please lend TBAE a hand in informing examination candidates current and future of this bold new direction from CIDQ. If you have questions about the computer-based exam, CIDQ can be reached at [info@ncidqexam.org](mailto:info@ncidqexam.org).



# TEXAS Board of Architectural Examiners

Architects ■ Landscape Architects ■ Registered Interior Designers

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](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

- May 7, 2015 – Room III-102
- August 24, 2015 – Room III-102
- October 29, 2015 – Room III-102

## EXECUTIVE DIRECTOR

**Julie Hildebrand**

## BOARD MEMBERS

**Alfred Vidaurri, Jr.**, FAIA, 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.

[www.tbae.state.tx.us](http://www.tbae.state.tx.us)