



LICENSING NEWS

ARCHITECTURE ★ INTERIOR DESIGN ★ LANDSCAPE ARCHITECTURE

SPRING 2008, VOLUME XIII, ISSUE 1

Board welcomes its new Chair, fresh faces



Incoming Board members Brandon Pinson (L) and Chuck Anastos.

TBAE staff received several pieces of exciting news in early Spring, all of which add up to a fresh new look to the Board.

Recently, Governor Perry announced his appointment of Alfred Vidaurri, Jr., AIA, to lead the Board as Chair. Mr. Vidaurri has served as one of the Board's four architect members since August, 2004, and as Vice-Chair since January, 2006. Mr. Vidaurri received his bachelor's and his master's degrees in Architecture from the University of Texas at Arlington, and is now a principal with the multidisciplinary firm, Freese and Nichols, Inc., where he is a certified planner.

Ringling the TBAE staff office with more news, the Governor's staff also announced the appointment of two new Board members. Charles H. (Chuck) Anastos, AIA, and Brandon Pinson, from Corpus Christi and Midland respectively, each will serve until 2013 on the nine-member Board.

Mr. Anastos, Co-owner and President of the firm Chuck Anastos Associates, LLC, will replace outgoing architect member and Chair Gordon Landreth. Mr. Anastos graduated high school in El Paso, and earned his degree in Architecture from Texas Tech University in 1979. Now in Corpus Christi, he leads his seven-person design firm as Principal Architect.

Mr. Pinson will serve as one of the Board's two public members, replacing Janet Parnell of Canadian. Mr. Pinson is a sole practitioner attorney at his Midland law office. Born in Lubbock, Mr. Pinson grew up in Brownfield and earned his undergraduate degree from Angelo State University. In 1995, he earned his Doctor of Jurisprudence from Texas Tech University's School of Law.

But there is news not just of new appointments to the Board and its Chairmanship. Current member Diane Steinbrueck, the Board's sole Landscape Architect member, recently was tapped to join the Board of Directors for the Council of Landscape Architecture Registration Boards (CLARB). Mrs. Steinbrueck's predecessor as Landscape Architect Board member, Cleve Turner, ASLA, just became President of CLARB.

Finally, outgoing Board Chair Gordon Landreth received some welcome news from the American Institute of Architects (AIA): along with only 115 of his peers nationwide, he was elevated to the AIA's prestigious College of Fellows. Just two or three percent of AIA's 83,000 members are so honored. Mr. Landreth earned his "FAIA" appellation for his years of service to society, and joins the Board's Peter Pfeiffer as a Fellow.

From all of TBAE's staff to all of those mentioned above, we give our thanks, our appreciation, and our best wishes. Congratulations, all!

INSIGHT FROM THE EXECUTIVE DIRECTOR



In my last *Licensing News* column, I wrote at some length about legal matters and our agency's position on those issues. Half a year later, you could say that a lot has changed, or not much at all—depending on which legal matter you're talking about.

As a refresher for your memory, TBAE is defending itself in two separate legal actions: one that involves the agency's duty to enforce the title act for interior designers, and a second that deals with a small group of engineers who claim the right to practice architecture (for which some use the phrase, "comprehensive building design").

As for the interior design suit, thus far a flurry of legal activity has resulted in not much difference than at the outset. Both the plaintiffs and the agency filed for summary judgment months ago—which is basically asking the court to quickly decide that one side is so obviously correct that the case is decided and over, with no need to bother the court further.

The court recently decided that neither side was so obviously correct, so in some ways we're back to square one.

In the "overlap" case, however, there are some exciting developments of late. Recently, the court granted our agency's plea to the jurisdiction—which basically dismissed most of the case. Not knowing what twists and turns lie ahead, we're cautiously optimistic about this news.

Along with my staff, I'm being reminded of the hot-and-cold nature of lawsuits; the rhythm of activity, or rather lack of rhythm, means weeks on end with little or no news, punctuated by short but intense stretches of activity.

Meanwhile, our agency just keeps moving forward amid the occasional chaos. TBAE has one purpose: protecting the health, safety, and welfare of all Texans through smart, effective, and responsive professional regulation. It's proven comforting sometimes to remind myself that no matter what challenges appear, the agency soldiers on every day, ensuring that the built environment is safe for all Texans to use and enjoy.

Cathy L. Hendricks, RID/ASID/IIDA
Executive Director

Due to renew? Watch your mailbox (and inbox)!

Longtime registrants might have become used to the system of renewing their licenses—they'd receive a letter from TBAE in the mailbox, fill out the attached renewal form, write a check, and send it all back to our office.

Well, times are changin'.

In 2007 the agency modernized its renewal process, with an emphasis on better using the one tool that has become crucial for almost any organization: the Internet.

So here is what you can expect of the updated renewal process, from start to finish. For the purposes of this exercise, we'll assume that

you suddenly were whisked away to a faraway country at a moment's notice, perhaps on a vital humanitarian mission lasting a few years. You left so fast you had no time to kiss your family goodbye—or change your TBAE registration status to Inactive. (Why else would you ignore all of TBAE's diligent reminders and communications below?)

Four to six weeks prior to your license expiration, you will receive a postcard directing you to our Web site, where you can renew online.

Around the same time, you will receive an email to remind you to renew online. Note: It's critical that

Good news: TDLR responds (again) to your input

More good news from the Texas Department of Licensing and Regulation (TDLR) regarding submission of construction documents for Texas Accessibility Standards review. The Proof of Submission form, AB042, was revised in January 2008 and no longer includes a section that requires completion by a Registered Accessibility Specialist (RAS).

The architect, landscape architect, interior designer, or engineer with overall responsibility for the design of a project is still required to complete, sign, and submit this form with the pertinent plans and specifications within five days of issuance of the plans and specifications. However, the data fields for "date construction documents issued" and "date construction documents submitted" will both be filled out solely by the design professional. This change reduces the likelihood that the design professional

will be referred to TBAE based on erroneous data.

When submitted to TDLR or a RAS for review, the plans and specifications must be accompanied by a completed Proof of Submission form. A copy of the form can also be submitted to TDLR, if there are concerns that the date information on the original form is somehow being altered or revised.

In recent months, our agency saw a dramatic spike in TDLR late submittal referrals.

We anticipate this form change will dramatically decrease the number of TDLR referrals to TBAE.

The form was revised in accordance with input received from design professionals, RAS, and TDLR staff. Most importantly, you are encouraged to review the definition of "issue" as

printed on the form. The most common error which leads to an enforcement referral occurs when a date other than that described in the definition is entered as the issue date.

For more information, see TDLR on the Web at www.license.state.tx.us

each registrant provides us a valid, current, and unique email address—no email sharing! Our brand new user interface with a more intuitive login requires each registrant to have his or her own address.

Two weeks before expiration, you'll receive another email, reminding you to renew online.

On the last day of your birth month, your license expires—no practicing of your profession until you renew!

About five weeks after expiration, we'll send an email notifying you of the expiration and urging you to renew. Note that there

is now a late fee, which will increase, again, after certain periods of time.

About two months after expiration, we'll send you a postcard reminder. In a few short weeks, the first penalty-increasing date (90 days after expiration) will pass and your late fee will increase.

A month or two before the 2-year auto cancellation date, we send a certified letter.

Two years after your registration expires, it becomes cancelled by operation of law—which means re-examination to reacquire your registration.

Continuing education goes green

Certainly by now most registrants are aware of a change in Texas statute which mandates that one of the required eight Continuing Education Program Hours (CEPH) must be in sustainable or energy-efficient design. The new requirement results from a Senate bill passed by the Texas Legislature in 2007.

While the basic fact of the requirement should be common knowledge by now, it's time to get into the specifics. Read on to learn all you need to know about Texas' groundbreaking new continuing education requirement.

THE ORIGIN.

Early in 2007, Senator Royce West filed SB 541 to require "continuing education in sustainable and energy-efficient design standards" for TBAE registrants. The bill wound its way through the legislative process, and passed both the Senate and the House—with no "Nays," as a matter of fact. Finally, the Governor signed the bill and it became law on September 1, 2007.

IMPLEMENTATION.

In Section 3 of SB 541, far past the part of the legislation read by most, there are instructions on how to actually implement the bill's provisions. Specifically, Section 3 instructs TBAE to "adopt rules, procedures, forms, and fees" to administer and enforce the new regulation.

TBAE's board duly convened in October, 2007, and again in February of this year to adopt the necessary rules. (The process of adopting a new Board rule requires two separate Board meetings, during both of which public and stakeholder input is encouraged.)

STAKEHOLDER INPUT.

When the agency first learned of SB 541's introduction, it quickly became apparent that Texas would be the first in the nation to require "green" continuing education. Since the enabling legislation did not define the terms "sustainable" or "energy-efficient," TBAE also knew that in creating the new rule, it would be tasked with crafting language both flexible and practical—and that the eyes of the other 49 states would be on Texas.

With that in mind, TBAE aggressively sought commentary from stakeholders across the nation. Early on, TBAE received word from Thom Lowther, Continuing Education Systems Senior Director at AIA, requesting an opportunity to provide input; Lowther did so during the Board's October, 2007 meeting. Ultimately, the agency received commentary (whether written, verbal, or via Board meeting testimony and discussion) from many sources: the US Green Building Council; CLARB; AIA; ASID; TAID; and individual TBAE registrants.

What emerged from that input and from discussion spanning two Board meetings were these definitions:

Energy-Efficient Design

The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well the incorporation of alternative energy systems.

Sustainable Design

An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure development during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

Recently, TBAE learned from AIA of the Institute's plans regarding continuing education in sustainable design, which broadly will mimic those crafted by the Board. According to Thom Lowther of AIA, starting January 1, 2009, all AIA members will be required to earn at least 4 hours of continuing education in sustainable design, all of which must be health/safety/welfare, and the definition of sustainable design "should fit within the context of [TBAE's] broader definition." AIA will train continuing education providers regarding their definition, and adapt their course registration forms to capture the information.

THE DETAILS.

When the agency began telling our registrants about the new requirement, immediately questions began to arise. When does it go into effect? Is it an additional hour for a total of nine, or is it still eight? Can I earn the "green" CEPH online?

Good questions, all. So here are the most frequently asked questions—and their answers—all in one place.

Q: When does the new rule go into effect?

A: Your first renewal after September, 2009 is the first time you will have to report that you've done your hour of sustainability.

Q: Can I complete my sustainability CEPH via self-directed study?

A: Yes, you can fulfill your sustainability CEPH (or any other CEPH) via self-directed study. Reading trade journals or online sources, for instance, are considered self-directed study—but remember that the content must be about sustainable or energy-efficient design to fulfill that requirement.

Q: Does this sustainability requirement replace the current barrier-free requirement?

A: No, both requirements will apply. So that's one hour of barrier-free and one hour of sustainability, out of the eight CEPH reported to TBAE. A total of eight hours is still the requirement.

Q: How can I tell if a class counts as "sustainable or energy-efficient" design?

A: Use your professional judgment, and for guidance, consult the definition (page 4). And an important side note: when you finish either your sustainability hour or your barrier-free hour, be sure to keep your course description. Sometimes it is difficult for a TBAE auditor to understand the content of a course just based on its title.

Q: I think all this "green" stuff is just a fad, so why did TBAE force this on its registrants?

A: Actually, we didn't. As discussed above, the TBAE rule was enacted in response to SB 541, which required the agency to adopt and enforce the rule. Whether or not we or anyone else believes "green" to be a passing fancy, we were legislatively bound to adopt the requirement. That said, we DO think the rule is worthwhile and serves the public good—and that the requirement is not overly difficult to fulfill.

Q: I'm registered to work in Texas, but live outside the state. Do I have to complete the Texas CEPH requirement for sustainability?

A: Yes, you do. All in-state and out-of-state registrants must complete at least one hour of continuing education in sustainable or energy-efficient design each year.

Disciplinary Action

The following enforcement cases were decided at the October 2007 and February 2008 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 case is publicized. The rules provided on TBAE's Web site (www.tbae.state.tx.us) include the adoption and amendment date(s) for each rule.

Cases involving registrants

DAVID SCOTT WINDLE, ARCHITECT (KELLER, TX)

An administrative penalty of \$700 for failing to comply with Section 469.102(b) of the Elimination of Architectural Barriers Act, Tex. Gov't Code ch. 469 (2003) which requires the submission of plans and specifications for accessibility review within 5 days of issuing them.

BERNARDO LUCERO, ARCHITECT (EL PASO, TX) License suspended after pleading guilty to federal charges.

MARC SCHIFF, ARCHITECT (ALBUQUERQUE, NM) License suspended after pleading guilty to federal charges.

MICHAEL WALKER, ARCHITECT (EL PASO, TX) An administrative penalty of \$2,000 for failure to comply with 22 Tex. Admin. Code § 1.104 and § 1.101 by failing to sign or seal architectural plans and specifications, for illegally affixing his architectural seal and signing plans to a boundary and improvement survey.

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.

RUSSELL GLENN CLARK, ARCHITECT (HOUSTON, TX) \$1,200

KENTON R. HOLCOMB, ARCHITECT (AZLE, TX) \$1,200

JOSE A. MERCADO, ARCHITECT (AUSTIN, TX) \$500

STEPHEN T. PERLITZ, ARCHITECT (ROCKWALL, TX) \$500

MARK R. STEVENS, ARCHITECT (SAN FRANCISCO, CA, TX) \$1,200

NUNZIO DE SANTIS, ARCHITECT (DALLAS, TX) \$1,200

ALLEN TERRILL, ARCHITECT (DALLAS, TX) \$1,000

RICHARD H. ANDREW, INTERIOR DESIGNER (SAN ANTONIO, TX) \$500

TERESA K. CHITTENDEN, INTERIOR DESIGNER (ACWORTH, GA) \$1,700

LISA FULLER, INTERIOR DESIGNER (CEDAR PARK, TX) \$700

PAUL M. GOWAN, INTERIOR DESIGNER (ABU DHABI, AB) \$1,200

DENNIS E. HAWKINS, INTERIOR DESIGNER (RICHARDSON, TX) \$500

MARY E. JONES, INTERIOR DESIGNER (DALLAS, TX) \$1,200

TERRY MAILLOUX, INTERIOR DESIGNER (PISMO BEACH, CA) \$1,000

ERIN RAMIREZ, INTERIOR DESIGNER (THE WOODLANDS, TX) \$500

LISA S. THOMSON, INTERIOR DESIGNER (NACOGDOCHES, TX) \$500

WALTER G. DAHLBERG, LANDSCAPE ARCHITECT (DALLAS, TX) \$1,000

JOHN ST. CLAIR, LANDSCAPE ARCHITECT (DALLAS, TX) \$1,450

Cases involving non-registrants

TBAE has ordered the following people to refrain from practicing architecture and to refrain from using a form of the title "architect" to describe themselves and/or their businesses in Texas. Administrative penalties are listed.

SERGIO ASTORGA (HOUSTON TX) Administrative penalty of \$14,000

EDELIR GARZA (MISSION, TX) Administrative penalty of \$1,200

SUNG KIM (PLANO, TX) Administrative penalty of \$8,000

MICHAEL WALKER (EL PASO, TX) Administrative penalty of \$2,000

TOM PITT (ROUND ROCK, TX) Administrative penalty of \$400

STEPHANE L'ECUYER (LAVAL, QU) Administrative penalty of \$12,000

CRAIG TRAYLOR (HOUSTON, TX) Administrative penalty of \$23,000

BRYAN A. WEISS (HENDERSON, TX) Administrative penalty of \$6,000

TBAE has ordered the following individuals to refrain from using a form of the title "interior designer" to describe him or herself and/or his or her businesses in Texas.

ANN HUNSAKER (SOUTH PADRE ISLAND, TX) Administrative penalty of \$5,000 ← **correction: \$500**

REGGI NICHOLS-HALE (DALLAS, TX) Administrative penalty of \$5,000

ELIAS OLIVAREZ (MCALLEN, TX) Administrative penalty of \$5,000

Scholarship Awards

Congratulations to the recipients of the Architect Registration Examination Financial Assistance Fund (AREFAF) scholarships for the last half of 2007. Each received the maximum award of \$500.

JOSH WATSON – Dallas, TX
ANDY MILLER – Austin, TX
SHANE BOSTICK – Dallas, TX
BAYARDO SELVA – Houston, TX
RUBEN GARZA – Dallas, TX
BYRON ZICK – Dallas, TX
MELISSA CRISPIN – Houston, TX
THIEU TRAN – Austin, TX
JOSEPH FARRELL – Houston, TX
SIU YEUNG – Houston, TX
MATTHEW MONTGOMERY – Arlington, TX
JUNYOUNG KIM – Dallas, TX
ANDREW HERRELL – Dallas, TX
AARON JONES – Dallas, TX
PAMELA MOCZYGEMBA – San Antonio, TX
KIDD QUICK – Arlington, TX
CLIFTON BLACK – Dallas, TX

Reminder to ARE Candidates: ARE 4.0 starts this summer!

The new ARE 4.0 will be offered beginning this July 2008. If you have not passed at least one section of the ARE before May 15, 2008, you will be automatically transitioned to ARE 4.0. Candidates who have passed at least one section of ARE 3.1 will remain in ARE 3.1 and can continue to schedule appointments and test until June 2009. If you have not passed at least one section by May 15, and you already have an appointment for a date after May 15 you should re-schedule that appointment for a date prior to May 15 or the fee will be forfeited. Please see the NCARB Web site for more information on the transition and test appointments.

If you have passed at least one section of the current ARE 3.1, you will be able to continue testing in that version of the exam until June 2009, so please keep that date in mind as you plan your testing schedule. In June 2009, your exam records will be transitioned to ARE 4.0, which might require some retesting.

We highly recommend that you check out the exam section transition chart, and more importantly the reverse transition chart, on the NCARB Web site (http://www.ncarb.org/are/40/transition_chart.html) to see what you will have to take if you don't finish in ARE Version 3.1. Please note that the Building Technology (BT) section is a particularly important section when it comes to the transition. If you have not passed BT in ARE 3.1, and you are transitioned to ARE 4.0, you will have to pass 4 sections of ARE 4.0, so you might want to concentrate on finishing that one before June 2009.

If your TBAE candidate file is currently closed and there are no records for you in the Thomson Prometric system, you will not be eligible to continue testing in ARE 3.1. If a new record has to be created for you in the Thomson Prometric system after May 16, 2008, you will only be eligible to take the new ARE 4.0. In other words, you will be transitioned to the new ARE 4.0 a year earlier than the auto-transition that will happen in 2009 to the remaining ARE 3.1 candidates.

Your online account information just became more secure

Until now, if you forgot your username and password, you could call the friendly staff at TBAE, who could look up your account, verify your identity, and give you that information. For enhanced security, the process has now been automated. If you forget your username and/or password, follow the instructions on the TBAE login page to get that information. A unique email address is required for each person, so you are no longer able to share an email address with your spouse or co-workers—again, for security purposes.

Emeritus status isn't just for architects any more

Emeritus status is now available for landscape architects and interior designers. (Emeritus status for Architects was established by law 2 years ago.) If your registration is in good standing, you are at least 65 years old and have been licensed for at least 20 years, you may apply for emeritus status. Please see our Web site for application information.



TEXAS Board of Architectural Examiners

Architects • Interior Designers • Landscape Architects

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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.

NEXT BOARD MEETING SCHEDULE

The next Board meeting is scheduled for August 8, 2008. It will be held in conference room 102 of the Hobby Building, 333 Guadalupe, Austin, Texas. The agenda for this meeting will be posted on TBAE's Web site on Thursday, July 31. The last meeting scheduled for 2008 will take place October 16-17.

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/ASID/IIDA

BOARD MEMBERS

Alfred Vidaurri Jr., AIA—Chair, Architect Member,
Term ends 1/31/09

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

Rosemary A. Gammon, PAHM—Secretary-Treasurer
Public Member, Term ends 1/31/11

Kyle Garner—Public Member, Term ends 1/31/09

Peter L. Pfeiffer, FAIA—Architect Member, Term ends 1/31/09

Brandon Pinson, Public Member, Term ends 1/31/13

Diane Steinbrueck, RLA—Landscape Architect Member,
Term ends 1/31/07

Lew Vassberg, ASID/AAHID—Interior Designer Member,
Term ends 1/31/11

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