

# LICENSING NEWS



## Chairman's Column

Steven T. Ellinger, AIA  
Chairman



*In October of 2003, Governor Rick Perry appointed a new member to the Texas Board of Architectural Examiners. On behalf of the Board and the TBAE staff, I am pleased to welcome our newest architect Board member, Peter L. Pfeiffer, FAIA, of Austin. Mr. Pfeiffer, appointed to fill one of four architect positions on the Board, is the principal architect of the Austin-based firm of Barley + Pfeiffer Architects, specializing in sustainable or green residential and light commercial building practices. Founded in 1987, the firm is a national leader in the fields of energy and natural resource conserving design. Mr. Pfeiffer holds a Master of Architecture degree from the University of Texas at Austin, and a Bachelor of Science degree in Building Sciences from Rensselaer Polytechnic Institute. Congratulations to Mr. Pfeiffer on having recently been selected as Fellow of the American Institute of Architects for 2004.*

*The Board looks forward to working with Mr. Pfeiffer and to the addition of his unique qualifications to the Board's expertise and perspective.*

*The Board is also looking forward to more meetings of the joint committee of the Texas Board of Professional Engineers and TBAE. Both Boards formed this committee in 2001 and the committee has met since then as needed to discuss issues of mutual concern. In 2003, as a result of the two agencies' Sunset Reviews and the Sunset Advisory Commission's recognition of the value of regular communication between these two agencies, the Legislature put the joint committee into statute, making it a formal function of both Boards and requiring that the committee meet at least twice yearly. Our hope is that the committee's work will ultimately benefit the public by forging a better understanding between the two disciplines.*

*Many Board rules have changed and will continue to change due to legislation passed in 2003. After new rules are adopted at future Board meetings, an e-mail notification of rule changes will be sent to everyone signed up with the TBAE list-serve. Please help us keep you informed by signing up for the list-serve at <http://www.tbae.state.tx.us>.*

**VISIT [WWW.TBAE.STATE.TX.US](http://WWW.TBAE.STATE.TX.US)  
TO SIGN UP FOR THE TBAE  
LIST-SERVE AND RECEIVE  
TIMELY UPDATES VIA E-MAIL.**



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# Amendments and New Rules

The following amendments and new rules have been adopted by the Board since September 1, 2003. The full text of these rules is provided on TBAE's Web site (<http://www.tbae.state.tx.us>).

## Joint advisory committee

New rules 1.12 and 3.12 govern issues related to the appointment, tenure, and functions of a statutory joint advisory committee for TBAE and the Texas Board of Professional Engineers. The new rules reflect recent legislation.

## Legal status in United States

Amendments to rules 1.21, 3.21, 5.31 add a requirement that an applicant for registration by examination must provide verification that the applicant is legally in the United States pursuant to the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

## Requirement for reciprocal registration

Amendments to rules 1.22, 3.22, and 5.32 add language that requires a reciprocal applicant to hold a registration that is active and in good standing in another jurisdiction that has registration requirements substantially equivalent to Texas registration requirements or that has entered into a reciprocity agreement with the Board that has been approved by the Governor of Texas. The amendments reflect a recent legislative change.

## Refunds for exams

Amendments to rules 1.41, 3.41, and 5.51 specify the conditions under which refunds for exams may be requested.

## Exam compliance with ADA

New rules 1.45, 3.45, and 5.55 describe the Board's policy for ensuring that the examination process complies with the requirements of the Americans with Disabilities Act.

## Automatic cancellation of delinquent registrations

Amendments to rules 1.65, 3.65, and 5.75 implement recently enacted statutory language regarding the automatic cancellation of any registration that is delinquent for one year. Amendments to rules 1.82, 3.82, and 5.92 describe this provision enacted by the Legislature.

## Reinstatement of registration revoked due to disciplinary action

Amendments to rules 1.66, 3.66, and 5.76 implement recently enacted statutory language regarding the reinstatement of a registration that has been revoked as a result of disciplinary action, surrendered in lieu of disciplinary action, or cancelled due to the registrant's failure to renew the registration.

## Emeritus

New Rule 1.67 implements a recent statutory change that allows architects who have reached retirement age after long professional careers to pay greatly reduced registration fees, use the title "architect emeritus" or "emeritus architect," and practice architecture on a limited basis.

## Fee Schedule

Amendments to rules 1.81, 3.81, and 5.91 add the agency's fee schedule to the rules, a reference to a processing fee to be charged if a check is returned unpaid by the bank upon which the check is drawn and a description of a fee exemption for members of the U.S. military who are on active duty status. The exemption will continue through the remainder of the fiscal year during which the registrant's active duty status expires. Contact the Board to request exempt status and be prepared to provide verification of your active duty service.

# Frequently Asked Questions

Please refer to our Web site (<http://www.tbae.state.tx.us>) for more FAQ's.

## **Q: WHAT ARE THE CONTINUING EDUCATION REQUIREMENTS?**

**A:** Although TBAE does not currently provide a list of pre-approved providers of continuing education, we will do so at some point in the future. In the meantime, here are some things to consider:

- Eight hours of continuing education are required per year for all three design professions. All of the eight hours must be health, safety, or welfare related and must be technically relevant to your profession. One hour must be related to barrier-free design which refers to accessibility.

- While TBAE does not currently certify continuing education classes, a good source for classes can be found through national professional organizations. Keep in mind that TBAE does not endorse the courses so you will still need to make sure the course is relevant to your field and meets the above criteria.
- Once you have determined the course meets the above criteria, keep the course documentation in your files and maintain a CEPH log (found on our Web site). Do not mail the log to TBAE unless we request it for an audit. We currently audit a percentage of all registrants on a random basis.
- Supporting documentation for everything you claim should be maintained for five years; it will be required if you are chosen for an audit.
- Three hours of the CEPH may be self-directed (reading or research) and the other five must be a structured class, seminar, or workshop. The one hour of barrier-free may be either. An online course or monograph that has an independently graded exam is considered structured activity as well.

Please refer to our Web site and link to “Frequently Asked Questions” and then to the continuing education questions. And don’t forget to indicate on your renewal form that you have completed your eight hours of CEPH. Contact Alexander Pina at 512.305.8526 if you have questions.

### **Q: CAN YOU CLARIFY SEAL USAGE REQUIREMENTS?**

**A:** Architects, landscape architects, and interior designers who are licensed to practice in Texas are required to seal, sign, and date construction and other design documents that they prepare or which are prepared under their supervision and control. The primary purpose for affixing the seal to construction and other documents is to assure the reader that the documents are ready to be used for regulatory approval, permitting, and construction. To receive a summary of the seal rules, please contact our office. The seal rules are located in Subchapter F for each profession.

Here are some important things to remember when using the seal:

- If an architect, landscape architect, or interior designer releases a construction or other design document NOT intended for regulatory approval, permitting, or construction, then the following information is required to be printed on each document:
  - the registrant’s name
  - the date the document is issued
  - the statement: “Not for regulatory approval, permitting or construction.”
- The seal, signature and date are required on all construction documents issued for regulatory approval, permitting or construction.
- The image of the seal must be of the same design as that shown in the seal rules. The seal must be accompanied by the date the document is signed, and the signature must be that of the design professional who is responsible for the document.

- Electronic seals and signatures are permitted. Registrants are no longer required to include a special note on electronic construction documents.
- Drawing(s) and specification(s) that are part of an addendum, change order, construction change directive, or supplemental document must be sealed/signed/dated.
- If specifications are issued in a bound grouping that includes a table of contents or index listing each specification, the seal/signature/date must be placed in at least one conspicuous location on the bound document.
- Any individual specification sheet that is issued separately must be sealed/signed/dated individually.
- In a feasibility study, only the drawing(s) and specification(s) included in the feasibility study must be sealed/signed/dated.
- Alternatively, the drawing(s) and specification(s) included in a feasibility study may be marked to indicate that they may not be used for regulatory approval, permitting, or construction.
- Registrants are no longer required to seal their consultants’ documents or include the expiration date of their registration.

**For the complete set of current rules, refer to TBAE’s Web site (<http://www.tbae.state.tx.us>).**

# ENFORCEMENT

Each of the following cases is based on the applicable rule in effect at the time of the violation. Individual rules may change between the time a violation occurs and the case is publicized.

## Registrants

**LOUIS M. CRUZ, ARCHITECT** (Schertz, TX): revocation of registration for directly or indirectly soliciting, offering, giving, or receiving any thing or any service of significant value as an inducement or reward to secure specific publicly funded architectural work.

**EDWARD CARRUTH FLATO, ARCHITECT** (San Antonio, TX): administrative penalty of \$300 for submitting plans and specifications for accessibility review later than the fifth day after the date the plans and specifications were issued; formal reprimand for failure to affix his architectural seal and his signature to architectural plans he issued.

**HERVEY R. LAVOIE, ARCHITECT** (Denver, CO): administrative penalty of \$300 for submitting plans and specifications for accessibility review later than the fifth day after the date on which he affixed his seal to the plans and specifications.

**EDMUNDO LOPEZ, JR., ARCHITECT** (Austin, TX): administrative penalty of \$2,000 for two occurrences in which he engaged in the practice of architecture while his registration was on inactive status; reprimand for use of a noncompliant architectural seal and failure to affix the date of signature to a sheet of architectural drawings he sealed and signed.

**DAVID V. SHRUM, ARCHITECT** (Austin, TX): formal reprimand for violation of Rules 1.102(b) and 1.103(a).

**T. CONRAD STALEY, ARCHITECT** (Wichita Falls, TX): formal reprimand for violation of Rule 1.103(a).

**DAVID SCOTT WINDLE, ARCHITECT** (Dallas, TX): formal reprimand for violation of Rule 1.103(a).

**STEPHEN C. BERKENBILE, LANDSCAPE ARCHITECT** (Southlake, TX): formal reprimand for violation of Rule 3.148(a).

**JAMES A. PATRICK, ARCHITECT** (Dallas, TX): required to complete ethics course for violation of Rule 1.148(b).

## Financial Aid

Are you taking the Architect Registration Examination (ARE) or did you complete the ARE after 9/1/99? If so you could qualify for a \$500 financial aid award program that was created for Texans pursuing careers in architecture. Applicants for the award must meet the following criteria:

- Have resided in Texas for at least twelve months immediately preceding the date of application
- Have passed sections of the exam for which the combined fees total at least \$500
- Have been approved for examination by TBAE and paid all required fees
- Have not been disciplined by an architectural registration board and are not currently under investigation

- Meet established financial requirements

For details, including financial requirements, check TBAE's Web site ([http://www.tbae.state.tx.us/active/arefaf\\_intro.html](http://www.tbae.state.tx.us/active/arefaf_intro.html)), or e-mail [gail.hile@tbae.state.tx.us](mailto:gail.hile@tbae.state.tx.us), or call 512.305.8544.

## Changes to the Landscape Architect Registration Examination (LARE)

The Council for Landscape Architect Registration Boards (CLARB) has introduced a new computerized test format. While registrants will still be required to qualify for testing with TBAE, once the requirements are met candidates may take a portion of the

Landscape Architect Registration Examination (LARE) at any of the testing centers throughout Texas, not just in Austin.

Beginning this summer, TBAE will no longer administer the multiple choice sections of the LARE. Section A—*Legal and Administrative Aspects of Practice*, Section B—*Analytical Aspects of Practice* and Section D—*Structural Considerations and Materials and Methods of Construction* will be administered by CLARB in a computer-based format at LaserGrade test centers. These sections will be administered in August and again in March at the 31 centers across Texas. Candidates also have the option to test at any of the 700 centers nationwide.

The computer format offers several benefits for candidates: travel time and expenses will be reduced, time away

## Cases Against Non-registrants:

**Architecture:** The Board 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.

Brian Buick (Denison, TX) – \$1000  
 J.D. Lammons (Fort Worth, TX) – \$500  
 Maria Perkins (Friendswood, TX) – \$750  
 Dierdre Duchene (Dallas, TX) – \$1000  
 Manuel Berroteran (San Antonio, TX) – \$4,500  
 Rafael Gea (Brownsville, TX) – \$250  
 Robby McKnight (Wells, TX) – \$250  
 Dean Nusbaum (San Antonio, TX) – \$750  
 David C. Parrish (Houston, TX) – \$1000  
 Medardo Guererro (Laredo, TX) – \$500

**Interior Design:** The Board has ordered the following people to refrain from using the title “interior designer” to represent themselves and to refrain from using the term “interior design” to represent services they provide in Texas. Administrative penalties are listed.

Christine Beck (Dallas, TX) (No penalty)  
 L. Jill Parmer (Dallas, TX) (No penalty)  
 Cyndi David (Amarillo, TX) – \$250  
 Christy Kirk (Rockwall, TX) – \$1000  
 Valarie M. Santos (Houston, TX) – \$250  
 Cindy Dickerson (Bellaire, TX) – \$500  
 Kim Hoegger (Rockwall, TX) – \$500  
 Christina Marullo (Dickinson, TX) – \$500  
 Lisa Petrosky (San Antonio, TX) – \$250  
 (Registration reinstated on 1-26-04)  
 Sam E. Kite (Fort Worth, TX) – \$250  
 Dean Owen (Fort Worth, TX) – \$500  
 Joann Wheeler (Tyler, TX) – \$250  
 Susan Venier (Friendswood, TX) – \$250

from work will be reduced, and scores for the computer exams will be reported within two weeks of the exam date.

TBAE will continue to administer the graphic sections, Section C—*Planning and Site Design*, and Section E—*Grading, Drainage and Storm Water Management*, in June and December.

To learn more about the new test format, visit our Web site or call Mary Helmcamp at 512/305-8539.

## FIDER Accreditation

The Art Institute of Dallas Bachelor of Interior Design degree program has recently been accredited by the Foundation for Interior Design Education Research (FIDER). Congratulations to the faculty and administrators for their dedication

and success in achieving professional accreditation for this program. For a complete list of FIDER accredited programs in Texas visit the Interior Design section of our Web site (<http://www.tbae.state.tx.us>) where you will find a link to “Accredited Programs.” Please remember that applicants who begin school after September 1, 2006, must get a FIDER accredited degree to qualify for registration as an interior designer.

## Best Practices: Contract Tips

Contracts are a necessary part of doing business and can mean the difference between a job that sails smoothly and one that ends in litigation. A thorough written contract can help avoid

misunderstandings that could cause significant problems in a professional relationship. Even people who have worked together for years might have different ideas about the terms of a particular business deal. TBAE recommends that an attorney experienced in construction law be consulted to assist in developing a contract form.

Information commonly used in contracts:

- Identifying information such as: the name and location of the project; the name, address, and telephone number of the design professional; and the name, address, and telephone number of the client.
- Detailed description of the services the design professional plans to provide and a clear description of the costs

such as: fees and payment terms; amount of the retainer and how it will be applied; costs that will be covered by the client and payment of additional costs; and approval process for unscheduled costs.

- Clarification of who will own the design documents once the project is complete.
- Procedure for either party to follow to terminate the agreement before the services have been completed as well as one for handling any dispute that might arise.
- Description of the client's responsibilities as well as specific descriptions of any aspects of the project that are unusual.
- Procedure for making changes to the contract (only written changes signed by both parties should be allowed).
- Signatures of the design professional and the client and the date each party signs.
- The statement of jurisdiction required by Texas law (see TBAE Rules 1.106, 3.106, and 5.115).
- Other information recommended by the design professional's or client's attorney.

## Best Practices: Ethics in Business

The best way to prevent potential legal problems in business is to maintain standards that are above reproach. Here are a few tips that might help prevent future trouble:

**Maintain high standards.**

**Acknowledge mistakes.**

**Communicate; be accessible.**

**Respect your clients.**

**Report abuse.**

**When in doubt...** If you encounter a professional dilemma that is not covered by your profession's laws, rules or nationally accepted professional standards consider asking this question: "How will my response be viewed by the public or fellow professionals?" While we generally should treat others as we would like to be treated, we should also consider how others will perceive our actions.

## Insight from the Executive Director

Cathy L. Hendricks, ASID/IIDA



One of the concerns that I hear from registrants is that they want to see more stringent application of the

law. They want architects, interior designers, and landscape architects to be held to a higher standard. I agree and so does the Legislature. Recent legislation has given TBAE the authority to charge higher penalties and to prioritize penalties. This authority strengthens our position as an enforcement agent.

TBAE is also resolving more cases involving nonregistrants and is now authorized to issue a cease and desist order to a nonregistrant who violates the law.

We are committed to ensuring that those who break the law and put the public at risk are dealt with firmly. By taking a solid stand in enforcing the law, everyone benefits—from the citizens of Texas to the professionals who practice ethically and competently.

## Correction

Due to a publication oversight, we failed to mention in our previous newsletter that Dean Barone's firm now employs an architect in good standing. We apologize to Mr. Barone and the members of his firm for this error.

## Professional Fees

The Texas Legislature passed a law effective 9/1/03, requiring a \$200 professional fee from all design professionals which will help fund the state's general revenue. This fee has been imposed on architects for several years, and landscape architects and interior designers will now pay the fee as well. If you wish to see a full fee schedule, please visit our Web site (<http://www.tbae.state.tx.us>) or call the TBAE office (512.305.8544).

## New Registrants

Congratulations to the following architects who have passed the Architect Registration Examination between September 1, 2003, and March 10, 2004:

Gopinath Akalkotkar	Michael Dennis Cowan	Douglas E. Hammel	Martin Millman	Jose L. Santillan
Javier Alvarez	Corey Credeur	William Michael Haynes	Ricardo Muniz Moreira	Mark Leonard Schatz
Chad W. Anderson	Abby Curtin Dacey	Richard Heidenreich	Raul Javier Moreno, Jr.	Lisa Christine Seals
Brian Todd Arenz	Timothy Dacey	Mark Henderson	Sherry Mowles	Darius Shroff
Richard C. Blan	Christopher Dana	Sean David Herring	Christopher Thomas Mundell	Emily Elizabeth Sing
Yvonne Brast	Denise Renee Dana	Mark David Hoesterey	Cory Newkirk	Darrell Richard Smith
Jennifer Kathleen Bruns	Hoang Van Dang	Justin Paul Howard	Leng-Wa Ng	Ray Karol Smith
Steven Brupbacher	Jarod Andrew Davis	Russell A. Hruska	Eric Jon Nielsen	Kyle Patrick Staley
Robert William Bryan	Rebecca Ann Davis	Ronald Allan Javier	David Lynn Oman, Jr.	Allen Swift
Paul A. Buchanan	Dustin Dooley	Christopher B. Jones	Christian Patrick Owens	Justin Lee Swift
Steven Warner Buell	David Drennan	Dianne Elizabeth Kett	Chet Allen Peeples	Maureen Thompson
Richard D. Bugbee	Denis George Ducran	David Magnus Knapp	Frederick Perpall	Richard D. Tuck
Soojin Byun	Lester James Felder	David Magnus Knapp	Davis Jackson Pickens	Michael D. Voit
Christopher Callegari	Jared Webb Filbeck	Lynn Marie Kuckleman	Donald Emil Plattner	Valerie Dawn Warner
Marcelo Daniel Campos	Wyatt J. Frantom	Jade Kanevski	Milton Pyron	Gene Blake Warren
Kelvin Daryl Carlson	James Gersch	Lauren Gay Langston	Jose Luis Rangel	Laura Warren
Pamela Wenglar Carpenter	Charlotte Grant	Patricia Lozano	Lee Andrew Ray	Elizabeth Webber
David Marshall Chase	Brian Patrick Gray	Erin Joseph Machac	Brandi Priest Rickels	Braxton Werner
Michael James Clerkin	Bruce W. Green	Marcello D. Martinez	Steven Anthony Rohr	Yaohua Yu
Steven Paul Courtney	Christopher Green	Brandi Bourque McDaniel	Jason Robert Rose	Ian Derek Zapata
	Michael Friedrich Hall			

Congratulations to the following landscape architects who passed the Landscape Architect Registration Examination between September 1, 2003, and March 10, 2004:

David Mark Beyer	John Thomas Dupuy	Jamie L. Hendrixson	David Dwain Scott	Darin Tubbs
Michael Taylor Black	Bobby C. Eichholz, Jr.	Patrick Frank Hodges	Daniel Scott Slate	Mari Bendinsky Vitro
Joseph Canahuati	Duncan Elliott	Francois De Kock	Christopher Dean Smith	Brian R. Wade
John St. Clair	Kathryn Pamela Eversmeyer	Adam P. Morocco	Elizabeth A. Smidt	Jason Watton
Kolby Jay Davidson	Shane M. Garthoff	Robin Elaine Newman	Kimberly Dawn Terrell	Emily Anne Williams
Aaron Lee Duncan		Cheryl Loraine Quinn	Michal Grissett Tincup	

Congratulations to the following interior designers who passed the National Council for Interior Design Qualification Examination between September 1, 2003, and March 10, 2004:

Amy L. Aiken	Lauren M. Cotrell	Cara Victoria Hines	Kasey Jean McCarty	Mark W. Smith
Jose Roberto Alfaro	Necia Elizabeth Crow	Heather Hirsch	Karie McDowell	Megan T. Srygley
Cheryl Moscowitz Belk	Sarah Ellen Dinsmoor	Clara M. Karnei	Tracy McElhenie	Claudia N. Stone
Amanda Bettge	Myra L. Espinoza	Bethany H. Lindahl	Paige Leigh Neagle	Kimberly Surratt
Mary Janice Blattman	David Scott Frederick	Paige Anne Van Loh	Kristin Marie Peterson	Laura Ann Thielen
Amy Calovich	Charlye Gallaher	Gina Rachelle Loomis	Tami Leann Putman	Traci Lynn Webster
Cindy Darlene Clemons	April P. Gregory	Kristen Loyd	Kristen Lee Radford	Jacqueline Carmen Wheat
Meredith Anne Cloud	Kathryn Elizabeth Hampton	Noreen Flynn Lyman	Julianne Rouquette	Betty Jay Wilson
Kelle Contine	Laura L. Hasse	Roberta Ann Magliolo	Barrie Elizabeth Ryan-Cox	Daniel Ka Kei Yen
Melissa Cooksey	Cindi Ann Hatton	Ana Marquez	Michele D. Sanders	

**TEXAS BOARD OF  
ARCHITECTURAL  
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Please make sure that we have your current address so we may mail your renewal notice to you in a timely fashion. You may search your own record for current address and renewal information via our Web site, <http://www.tbae.state.tx.us>. Put any address change in writing, including your signature, and mail or fax it (512.305.8900). We send renewal notices to registrants as a service. Please be aware that you are responsible for paying your renewal fee whether or not you receive a notice.

**NEXT BOARD MEETING**

The next Board meeting is scheduled for May 17-18, 2004. 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 (<http://www.tbae.state.tx.us>) on May 7, 2004 ([www.tbae.state.tx.us](http://www.tbae.state.tx.us)).

**EXECUTIVE DIRECTOR:**

Cathy L. Hendricks, ASID/IIDA

**BOARD MEMBERS:**

Steven T. Ellinger, AIA—Chairman, Architect Member,  
Term: 1/1/97-1/31/03

Gordon E. Landreth, AIA—Vice-Chairman, Architect  
Member, Term: 8/7/00-1/31/07

Diane Steinbrueck, ASLA—Secretary-Treasurer,  
Landscape Architect Member, Term: 5/31/01-1/31/07

Alan R. Lauck, Interior Designer Member, Term:  
5/12/99-1/31/05

Peter L. Pfeiffer, FAIA—Architect Member, Term:  
11/1/03-1/31/09

Janet Parnell—Public Member, Term: 5/31/01-1/31/07

Anthony Trevino, Jr.—Public Member, Term: 5/12/98-  
1/31/05

R. Nolen Willis, AIA—Architect Member, Term:  
5/12/98-1/31/05

Vacancy—Public Member

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