



LICENSING NEWS

ARCHITECTURE ★ INTERIOR DESIGN ★ LANDSCAPE ARCHITECTURE

SPRING 2007, VOLUME XII, ISSUE 1



The Texas Legislature convenes in Austin every odd-numbered year for 140 days. During those frenetic months, everyone who wants a law changed, created, or removed descends on the Capitol and tries to bend the ear of a lawmaker. Every special interest group—from classroom teachers to cotton growers—asks for legislative changes to serve its interests.

The Texas Board of Architectural Examiners (TBAE) regulates three professions—architecture, interior design, and landscape architecture—each of which is represented by its own professional society. TBAE protects the interests (namely, the health, safety, and welfare) of Texans, and the professional societies serve their members. Often, the interests of the professions and of TBAE coincide, in which case it's important for all parties to speak with a unified voice.

To that end, in November TBAE convened a special “legislative summit meeting” facilitated by TBAE deputy director Priscilla Pipho. Our goals were to assemble the three professional societies to understand our common ground and be prepared before the commotion really began in Austin. On the agenda were profession-specific legislative priorities, housekeeping items to allow the board to more efficiently manage the agency, and more. I can say without reservation that the meeting was an unprecedented success, and that each profession was represented with expertise and distinction.

The legislative summit concept adds such value to public policy and benefit to the citizens of Texas that I believe it should be held on a regular basis to continue the momentum achieved.

At the end of the day, the three groups were able to set aside many differences and work in the spirit of cooperation. My hat is off to the participating stakeholders, and to the TBAE staff who organized the summit and helped make it a success.

Gordon E. Landreth, AIA
Chair

THANKS TO SUMMIT ATTENDEES:

**TEXAS
SOCIETY OF
ARCHITECTS**
David Lancaster
Yvonne Castillo
Elizabeth Richter
Heather McKinney
Mary Crites

**TEXAS
SOCIETY
OF
LANDSCAPE
ARCHITECTS**
Chad Davis
Dean McWilliams
Ann McGinnes
Brandi Reaves

**TEXAS
ASSOCIATION
OF
INTERIOR
DESIGNERS**
Donna Vining
Pat McLaughlin
Jay Brown

TBAE Transitions: Texas Mourns the Passing of Two Architectural Titans

From distant corners of the state, Texans lament the passing of two influential design professionals and former TBAE chairs. Daniel Boone, 1965 TBAE chair and Abilene architect, passed away on December 25, 2006, at age 93. A few weeks later, architect and two-time TBAE chair (1971 and 1993-95) Theodore “Ted” S. Maffitt, Jr. was laid to rest in his native Palestine at age 83.

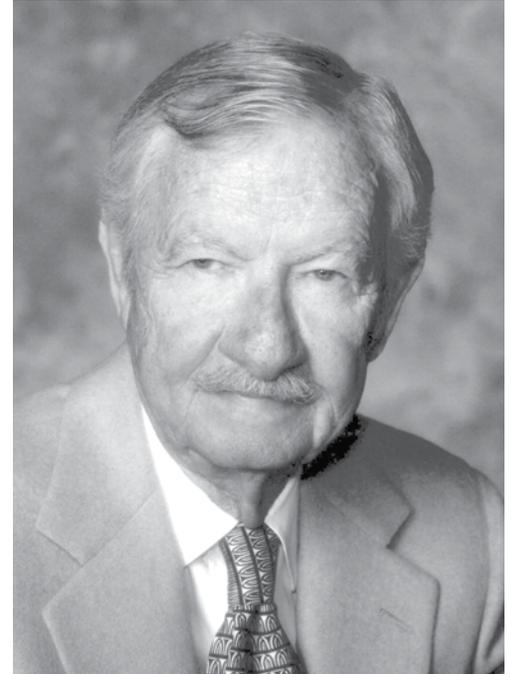
Along with loving friends and family, each man left behind a remarkable professional legacy in his hometown and across the state.

Abilene and the surrounding area is peppered with buildings designed by Mr. Boone’s architectural firm. In addition to many public schools in the area, the firm of Boone Pope Wheeler’s portfolio includes university campus buildings, the Abilene Civic Center, the Abilene City Hall, and the Taylor County Museum. A seven-year member of TBAE—serving as Vice-Chair in 1964 and Chair in 1965—Mr. Boone remained very active in support of the profession. The Waco-born architect served in all offices of the Texas Society of Architects (TSA), including that of president in 1967, and on the boards of directors of the American Institute of Architects (AIA) and the National Council of Architectural Registration Boards (NCARB). The AIA Fellow’s lifetime of service to the profession was acknowledged by his acceptance of TSA’s Llewellyn W. Pitts Award in 1972.

Almost 300 miles to the east, Mr. Maffitt spent years leaving his distinctive mark on his hometown of Palestine. Like Mr. Boone, Mr. Maffitt served his country in World War II. He returned to Texas to design many notable area buildings: Palestine High School, City Hall, Police and Fire Stations, Civic Center, and many more. Also like his West Texas counterpart, Mr. Maffitt stayed very active in his profession, serving as TSA president, AIA board member, and recipient of the Llewellyn W. Pitts Award for lifetime achievement from TSA. Mr. Maffitt graduated Texas A & M University’s College of Architecture, which named him as Outstanding Alumnus, and to which he endowed a scholarship. In 1998 he donated a collection of thousands of architectural drawings to the University of Texas’ Alexander Architectural Archive.

Both Mr. Boone and Mr. Maffitt were honored with a moment of silence at the January 29, 2007, meeting of TBAE members. During a brief remembrance of the two former chairs, current TBAE chair Gordon Landreth noted that he was able to attend services for Mr. Maffitt. Describing those gathered to pay their respects to the Palestine native, Landreth noted “a gathering of eagles” from the architecture world.

TBAE sends its condolences and best wishes to all those touched by the lives of Mr. Boone and Mr. Maffitt.



Daniel Boone
(1913-2006)



Ted Maffitt, Jr.
(1923-2007)

The Evils of “Plan Stamping”

Here’s a hypothetical situation—You receive notice from TBAE that the Texas Department of Licensing and Regulation has referred a case against you for failing to timely submit plans for accessibility review. You respond by stating you were not responsible for the plans because you only sealed them for someone else. Wrong answer!

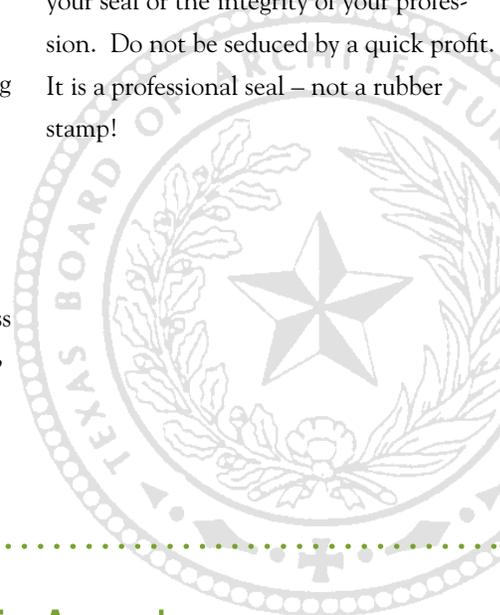
As a registered professional, you are expected to apply your education, training and experience in the practice of your profession with regard to every document you seal. Your seal on construction documents symbolizes your professional determination that the documents are safe for regulatory approval, permit, construction, and ultimately use by the public. It is a serious violation to “plan stamp”—to seal the

work of another person without adequately overseeing that work. Under the rules and regulations of TBAE, there are only limited circumstances under which you may seal work that you did not author:

- When work is prepared under your supervision and control;
- When work is prepared under your responsible charge by an out-of-state licensee with whom you are consulting on a project in Texas; and
- When sealing prototypical designs and then only after your thorough review and modification to ensure that necessary modifications or adaptations have been made to address the unique environmental conditions, anticipated use and other specialized, nonstandard conditions which surround construction and use.

The same applies to electronic sealing. An electronic image of a seal, signature, and date of signature may be affixed to an electronic construction document so long as it is clearly visible and legible on any copy or reproduction of the document.

Do not compromise the integrity of your seal or the integrity of your profession. Do not be seduced by a quick profit. It is a professional seal – not a rubber stamp!



Scholarship Income Caps Increased Scholarship Awards

In November 2006, TBAE raised the income maximums that must be met to qualify for an Architect Registration Examination Financial Assistance Fund (AREFAF) scholarship. The income caps are based on the adjusted gross income as shown on an applicant’s most recent federal income tax return. The new caps are \$52,000 for applicants whose filing status is “single” and \$75,000 for applicants whose filing status is “married.”

Applicants who failed to qualify in the past may reapply online by submitting a new application and mailing to us a signed and dated copy of their most recent tax return. The scholarship is a one-time reimbursement of \$500 for taking the Architect Registration Examination. TBAE awards scholarships twice each year - December 31st and June 30th. The deadline for submitting scholarship applications is two weeks prior to each award date. To learn more about the scholarship, visit <http://www.tbae.state.tx.us/documents/ApplicationAREFAF.pdf>.

Congratulations to the recipients of the Architect Registration Examination Financial Assistance Fund (AREFAF) scholarships for the last half of 2006:

Dustin O’Brien, Sugar Land	William Allen, Dallas
Loren Freed, Houston	Scott Maddux, Houston
Claire Walpole, Austin	James Simone, Spring
Monica Savino, Houston	Travis Albrecht, New Braunfels
Mohammad Ashraf, Austin	Chaithanya Jayachandran, Dallas
Theodore Turner, San Antonio	Jason Santeford, Austin
Qiuni Yang, Plano	Shawn Genenbacher, Lubbock
Carlos Lievanos, El Paso	Brian Carlson, Austin
Trent Schoenemann, Corpus Christi	Elizabeth Price, Brenham
Laura Bennett, Lubbock	Gaurav Khadse, Houston

TBAE Enforcement Measures Protect the Value of Your Registration

A significant portion of the Board's January 29, 2007 meeting was devoted to enforcement proceedings presented for informal settlement by agency staff. Learning more about TBAE's enforcement procedures will help you steer clear of anything that might result in your noncompliance.

Enforcement proceedings—whether brought against a registrant or a person practicing or representing him- or herself as a registrant—may be settled before formal proceedings begin. In order for a case to be resolved without a formal hearing, the Executive Director must approve the terms of a proposed settlement based upon the unique facts uncovered during staff's investigation. In addition, the person against whom the charges have been filed must sign a settlement agreement, and the Board must, by a majority vote, approve the settlement.

While most settlements involve the payment of an administrative penalty, there are other options available to TBAE to assist in fulfilling its statutory duty to protect the health and safety of Texans. In response to violations, prescriptive and remedial responses (such as requiring professional ethics classes, for example) can be used effectively, along with issuance of cease and desist orders.

Enforcement proceedings are also used to protect the integrity and status affiliated with a person's professional licensure as a design professional in Texas. It is important to maintain public confidence in the professionalism, ethical practices and technical knowledge of the professions so that the respect afforded your profession is warranted. Individuals who have chosen not to acquire the knowledge and skills necessary to obtain TBAE registration lack not simply the technical skills and cutting edge knowledge which is assured by examination and continuing education, but have decided to maintain their practice outside of the standards of conduct and ethical mandates to which each TBAE registrant adheres.

If a design professional holds him- or herself out to be registered, he or she seeks to benefit from the trust, competency and ethical values rightly attributed to TBAE registrants. In order to maintain public confidence, and the professional and economic value of registration, non-registrants must be aggressively prosecuted.

By its enforcement activities, the Board sends a clear message that protecting public safety, enforcing high standards of professionalism and safeguarding the integrity and economic value of licensure remain critical agency functions.

As a registered design professional, you have chosen voluntarily to meet high standards and enjoy the public's trust and expectation of integrity indicated by your registration. TBAE enforcement measures ensure that your registration continues to mean something to the people of Texas.

What do I do if... I realize I'm out of compliance with regulations?

It can happen to anyone. You get a letter from TBAE (or you read a newsletter article) one day and it hits you: you're out of compliance with regulations for practicing your profession! *What do you do?*

- 1. Don't panic.** We're here to help resolve any situation that arises. It is in everyone's interest that a quick and proper resolution is found, and it's part of TBAE's duty to help make that happen.
- 2. Contact us as soon as possible.** Whether you're self-reporting your noncompliance or responding to TBAE, timely communication with our office is critical. If you are self-reporting noncompliance, this admission often will have a moderating effect on the enforcement experience, and may lead to a resolution without enforcement action or penalty.
- 3. Listen and learn.** Once you are in contact with TBAE, our staff will advise you of the best course of action. Be sure to follow TBAE's instructions closely and remain in contact with the staff person assigned to you. It's also a good idea to keep a copy of any written information related to your situation.

ENFORCEMENT

The following enforcement cases were decided at the October 16-17, 2006, and the January 29, 2007, 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

PATRICK AHEARNE, ARCHITECT (ALLEN, TX) Administrative penalty of \$700 for failing to submit plans for accessibility review to the Texas Department of Licensing and Regulation.

CLARENCE WADKINS, ARCHITECT (FT. WORTH, TX) Administrative penalty of \$700 for failing to submit plans for accessibility review to the Texas Department of Licensing and Regulation.

MARTHA WOOD BAXTER, INTERIOR DESIGNER (HOUSTON, TX) Administrative penalty of \$1,200 for failure to maintain Continuing Education Program Hours (CEPH), failure to timely respond to investigatory inquiries, and providing false CEPH data.

RONALD H. KENT, ARCHITECT (SUGAR LAND, TX) Administrative penalty of \$250 for failing to respond to written inquiries as required by Board Rule 1.171.

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) and interior design (Rule 5.79), and ordered to pay an administrative penalty of \$500.

W.W. Lamkin, Architect (Amarillo, TX)

David S. Minter, Architect (Austin, TX)

Martha Jane Root, Interior Designer (Dripping Springs, TX)

Jack Tisdale, Architect and Interior Designer (Austin, TX)

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.

JOSE REYES (HOUSTON, TX)
Administrative penalty of \$4,000

JOSE REYES (HOUSTON, TX)
Administrative penalty of \$15,000

ROBERT M. ROMANO (DALLAS, TX)
Administrative penalty of \$18,000

DONALD MCCOY (TYLER, TX)
Administrative penalty of \$7,000

DON E. MURRAY (WAXAHACHIE, TX)
Administrative penalty of \$3,000

TERENCE N. JOHNSON (HOUSTON, TX)
Administrative penalty of \$350

TERRY MOORE (DALLAS, TX)
Administrative penalty of \$41,000

CHRISTINE SHIPLEY (AUSTIN, TX)
Administrative penalty of \$3,000

CONTACT TBAE ENFORCEMENT

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Michael Shirk, Managing Litigator
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INSIGHT FROM THE EXECUTIVE DIRECTOR



Coming this year: TBAE news and developments previewed

2007 already has proven to be a lively year, with the 80th Texas Legislature in full swing and multiple board meetings already on the books. We know design professionals like our registrants appreciate being “in the know” about what’s coming up, so we’d like to shed some light on some new and coming developments for this year.

First, some great news for our registrants: your annual fees will be reduced! With the flexibility afforded TBAE by its Self-Directed, Semi-Independent (SDSI) status, coupled with more efficient processes and streamlined operations, the agency was able to cut costs while improving service—and we can now pass the savings on to you.

The fee reduction will weigh in at about five dollars per registration, and was approved unanimously by the board during its January 29, 2007 meeting. The fee reduction must be adopted during the June 11-12 meeting, and will become effective September 1, 2007. TBAE staff and board members are proud to offer this service enhancement, and plan to continue innovating to become more efficient and effective.

Also to increase efficiency and the speed at which we can serve our registrants, TBAE plans to strongly emphasize the use of our Web site in 2007. For instance, starting later this year our registrants will no longer receive a printed renewal notice in their mail boxes. Instead, renewal notices will be sent via postcard, with a reminder to visit our Web site for quick and easy online renewal. Obviously, it is critical that TBAE has your accurate, up-to-date address on file (see story below for more).

Online renewal is another way that TBAE can remain streamlined and efficient in serving our registrants and the people of Texas. New developments like online renewal not only provide for such benefits as reduced fees, but also, to paraphrase the agency’s mission statement, help us to ensure that the built environment in Texas is safe for everyone.

A handwritten signature in black ink, which appears to read "Cathy L. Hendricks".

Cathy L. Hendricks, ASID/IIDA
Executive Director

WE NEED YOUR EMAIL ADDRESS

Many of you visit our Web site frequently for news and information, and to log in to your account to renew your registration or check your status. But there’s one small piece of information that’s becoming more and more important to provide: your valid email address.

Why is it so important? For starters, your valid email address allows us to contact you quickly (and inexpensively) with news about your profession, reminders to renew your license, and other important information. It’s the use of such tools as email (as opposed to “snail mail”) that allows TBAE to improve customer service and be more efficient—as this year’s registration fee reduction exemplifies. And now, we can even selectively target email recipients with profession-specific information, while excluding registrants not affected. (In other words, we’re careful not to “spam” anyone.)

So be sure to log on to www.tbae.state.tx.us and update your email address. It’s quick, it’s easy, and it saves everyone money!

Progress on the Architecture/Engineering Overlap

At its January 29, 2007 Board meeting, TBAE adopted a new rule (1.210) defining the term “architectural plans and specifications” as it is used in the three statutes enforced by TBAE. The laws require architectural plans and specifications for certain projects to be prepared by an architect, while allowing architectural plans and specifications for other projects to be designed by someone who is not an architect. The rule lays out what those plans would be and lists plans that are also, coincidentally, engineering plans.

This rule is the end result of a process initiated in 2006 after Attorney General Greg Abbott issued Opinion GA-391. That Opinion concluded that architecture and engineering are separate professions—with an overlap—which are distinguished by the education, training, and experience

to practice each. The Attorney General also held that the exemption for engineers in the architecture laws does not allow engineers to fully and freely engage in the practice of architecture. In short, the complete and comprehensive design of a building—any building—is not solely engineering.

The Texas Board of Professional Engineers (TBPE) and TBAE continue to have a dialogue regarding the overlap of architecture and engineering through the Joint Advisory Committee (JAC), which met on February 27, 2007. The JAC meeting was widely regarded as the most productive to date.

During that meeting it was decided that a task force would be appointed to determine the details of a possible legislative solution. The next JAC meeting will be held at the TBAE office,

but the date has not yet been set.

The great majority of architects and engineers work well together in securing a safe built environment for Texas, understanding that the greatest value is achieved when both professions are engaged on a building project. The small number of engineers who wish to practice comprehensive building design—reported to be fewer than 25 in Texas—should not dictate the manner in which two distinct professions are regulated. With additional meetings such as that of February 27, it is possible that a negotiated agreement can be reached.

As always, the latest developments on this and other important issues are found at our Web site, www.tbae.state.tx.us—so stay tuned.

Update on Texas' Automatic Cancellation Law

TBAE wants you to be aware: Save yourself a lot of hassle—don't let your registration expire.

Remember: a registration cancelled by operation of law is non-renewable. Individuals who allow their registrations to be cancelled must reapply for a new license—this will include opening a new file with the agency, reapplying for and taking the national registration exam, having all education and experience requirements in place, and paying all fees associated with examination and application.

What, then, should you do if you plan not to practice for a year? Your best choice is to change your registration status to Inactive, which is a way of temporarily resolving the situation—and a way to stave off automatic cancellation. You could also consider voluntarily surrendering your registration. A registration that has been voluntarily surrendered may be reinstated within five years, simply by submitting the application fee. After five years, you will have to take your exam again or prove registration in another state.

On our Web site at www.tbae.state.tx.us, you can read Rules 1.66/3.66/5.76 (architect/landscape architect/interior designer, respectively) for details about how to voluntarily surrender a registration—and avoid the enormous hassle of automatic cancellation.

Landscape Architecture Program Gains Accreditation

In February, 2007, the University of Texas at Austin announced that its graduate program in Landscape Architecture was awarded accreditation by the Landscape Architecture Accreditation Board. According to the university, the program has graduated 15 students.

The newly accredited graduate program is housed in the university's School of Architecture, and offers two programs toward the Masters of Landscape Architecture degrees (First Professional Degree and Post-Professional Degree).



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.

NEXT BOARD MEETING SCHEDULE

The next board meeting is scheduled for June 11-12, 2007. It will be held in conference room 225, Tower 2 of the Hobby Building, 333 Guadalupe, Austin, Texas. The agenda for this meeting will be posted on TBAE's Web site on Friday, June 1, 2007. Other meetings scheduled for 2007 are August 20 and October 15-16.

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

Gordon E. Landreth, AIA—Chair, Architect Member,
Term ends 1/31/07

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

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

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

Janet Parnell—Public Member, Term ends 1/31/07

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

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

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