

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 20, 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, August 10. The last meeting scheduled for 2007 will take place 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



Much done, and still much to do

Where has the time gone? It seems like only yesterday when the Governor appointed me to serve on the Board, and yet it has been more than six years now. And what a ride it has been! I am deeply honored to have been given the opportunity to serve and am grateful to have been blessed with such professional colleagues and talented staff members throughout my term.

My first priority has been to serve the great state of Texas by protecting the health, safety and welfare of its citizens and ensuring qualified design services. Toward that end your Board has remained committed to defending current laws requiring an architect to be used on specific projects, by requesting an Attorney General Opinion as well as adopting rules to more clearly define the practice of architecture. While my stance has not always been popular, I earnestly believe we arrived at all the right decisions.

I have attempted to bring the three professions—interior design, architecture, and landscape architecture—together and have been fortunate to organize two legislative summits. I am most proud of the accomplishments of the three professional societies, as they set aside their differences and worked as a team to cooperatively represent the interests of all Texans, the agency, and the professions it regulates.

The agency's staff and the entire Board are to be commended for improved service to our registrants by allowing more access via online services, improving this newsletter and Web site, and offering a first-ever reduction of registration fees. We have also been able to take the issue of early examination for architects to the national level, where we successfully lobbied to allow states to control when candidates can take the registration examination.

I have been blessed to serve as Chair, and it is with mixed emotions that I will soon take my leave. I have been at turns challenged, humbled, frustrated, elated, and gratified to be a part of this great organization. Once or twice, I felt all those emotions during a single Board meeting. At all times, I've been deeply honored.

Thank you to all who have been a part of making TBAE successful, to all who have made comments and suggestions, and to the Board members who understand the meaning of sacrifice and duty. My best wishes and heartfelt encouragement go to those of you involved in defending the legal actions against the agency, discussed by Executive Director Cathy Hendricks in later pages of this newsletter. I know the issues will be handled with grace and professionalism, and I know TBAE will continue to do what's right for the professionals it regulates and the people of Texas. I salute you all and look forward to reading about your many accomplishments, rather than writing about them!

My best to you all, and may God bless Texas!

Gordon E. Landreth, AIA
Chair

INSIGHT FROM THE EXECUTIVE DIRECTOR



Some of you already know that in May, “our nation’s only libertarian public interest law firm,” as the group describes itself, sued the Board on behalf of four non-registrants who wish to advertise interior design services. The Washington, D.C. firm complains that our state’s interior design registration statutes run afoul of the First Amendment, guaranteeing free speech.

The Institute for Justice (IJ) claims that the state’s interior design title statute limits truthful speech. The firm’s argument appears to be that since non-registrants cannot call themselves “interior designers” or advertise with that wording, they cannot accurately “advertise” themselves. That, says IJ, infringes upon their freedom of speech. The East Coast group contends that other titles such as “interior consultant” do not have the same value as the title “interior designer.”

Without getting too far into the intricate details of the suit, I’d like to say a word about the issues brought up in the case, not the least of which is the very meaning and value of occupational registration in Texas.

The issue is bigger than licensing interior designers, and it is not confined just to Texas. The IJ refers to occupational licensure as “invasive” and refers to licensing as a “cartelization” or monopolization of an industry. Texas is not the first state this law firm has attempted to strong-arm into changing its laws, but we hope it will be the last—because we are fighting their attempts to take away a state’s right to self-govern.

I’m the Executive Director of the Texas Board of Architectural Examiners. I am also an Interior Designer, duly registered in Texas. What that means is that I chose—voluntarily—to meet the higher standards of education, experience, and examination. My previous clients knew when they hired me that, because I could call myself an Interior Designer, they were getting a higher standard of care, a higher standard that encompassed a spectrum of safety, accessibility, and sustainability issues. If I had not met that higher standard, wouldn’t it seem misleading to imply that I had?

An interior design registration means something in Texas. We intend to keep it that way, because it’s the right thing to do.

As of late June, there’s more legal news. The Texas Society of Professional Engineers filed a separate lawsuit against the Board regarding—you guessed it—the “overlap” between architecture and engineering. The suit seeks to restrain the Board from enforcing its laws against engineers.

While the issue has simmered for some time, we had hoped to be able to reconcile our differences amicably. Through a series of meetings with our counterparts at the Texas Board of Professional Engineers, we received input from professors and design professionals (of both professions), engaged in fact-finding regarding the respective roles of architects and engineers, and hammered out an agreement on some concepts reflecting the overlap of practice. The rules the Board adopted were reflective of a greater understanding gained during those meetings. Unfortunately, a small but vocal group of engineers is devoted to the notion that the scope of the practice of engineering includes the practice of architecture.

TBAE is stepping up to the plate and meeting this challenge head on. TBAE will not retreat from upholding the intention of the Texas Legislature to ensure that architectural plans and specifications are prepared and issued only by architects. The practice of architecture is distinct from the practice of engineering, as made clear by the distinctive education and testing requirements necessary to become an architect. We are confident that this legislative distinction will be honored by the judiciary as well. I’m pleased that the Board has chosen to aggressively exercise the authority that the Texas Legislature has charged it with; namely, to protect the health, safety, and welfare of all Texans. Ultimately, these lawsuits come down to precisely that issue: the denial of the state’s authority to protect its own citizens.

We are proud of the three professions we oversee, we are proud of our staff, and we are proud of our Board members. We will defend our position with vigor, reason, and passion—because it’s the right thing to do.

Cathy L. Hendricks, RID/ASID/IIDA
Executive Director
July, 2007

With fewer than 26 staff, one might consider TBAE such a small outfit that little news could come from inside the agency. That’s not the case, as indicated below. Here are items of interest about the agency and you, our registrants—and all of it good news!—that you should know.

Online registration renewal: easy and instant

You probably recognize the paper renewal coupon TBAE sends you each year to fill out, attach a check, and mail back to us. Well, that old-style renewal process is getting a facelift.

From now on, instead of a mail-in renewal coupon, we’ll send you a postcard reminder each year to go online to our Web site and renew your registration. While you’re visiting our site to renew, you’ll also have a great chance to make sure your contact information—including your email address—is still accurate so we can inform you of breaking news and important information like upcoming renewal deadlines. To make online renewals as hassle-free as possible, we accept Visa, MasterCard, and American Express. You can even pay from your checking or savings account!

It’s such streamlined processes as online renewals that enables TBAE to operate smoothly, responsively, and efficiently. That efficiency, in turn, is the kind of virtue that translates directly into benefit to you (like this year’s registration fee reduction, for instance).

So save a trip to the post office for stamps. When you’re due to renew (your birth month), we’ll send you the postcard reminder, so just log in at www.tbae.state.tx.us and see how easy it is!

Registration fees are falling

In the last issue of Licensing News, Executive Director Cathy Hendricks noted that the Board had voted to reduce registration fees. At the June Board meeting, it became official: in-state registration fees are dropping by \$5, effective September 1—an unprecedented event for TBAE! The Board and TBAE staff are proud to have made the fee reduction happen, especially nowadays when filling up the gas tank can be such a painful event. For all the details of the new fee schedule, check www.tbae.state.tx.us.

Auto-cancellation stretches from one year to two

You probably already know that if you let your license remain expired for more than one year, it becomes cancelled by operation of law. Worse, that would mean you’d have to start the registration process all over again: education, experience, examination, everything.

Well, some good news for the forgetful: now the auto-cancellation of your registration will happen at two years instead of one. We certainly don’t advocate letting your registration remain lapsed—on the contrary, if your registration is late, you should not practice. But for those times when things are a little hectic, a lapsed license won’t be the end of your practice!

Remember, however, that there’s still a late fee for a lapsed registration (starting at just one day after expiration), and you can’t legally practice when your license is lapsed. So there’s no free lunch, but at least you won’t have to start again at the end of the cafeteria line.

INSIDE
TBAE

News You Can Use

You'll notice that this issue of *Licensing News* is devoted in large part to new rules, laws, and developments you should know about. It's been a quick-paced year so far, and we're making every effort to keep our registrants up to date. So listen up—here's more to know!

Not your father's ARE

In July of next year, the National Council of Architectural Registration Boards (NCARB) will begin offering a new-look version of the Architect Registration Examination, which they call the ARE 4.0, with some substantive changes that exam candidates should know. The first thing to notice is that the ARE 4.0 integrates graphic and multiple-choice elements. The new

format will also include seven divisions, instead of the current nine. (Read on for resources to learn all the specifics, such as what topics will be grouped together.)

For candidates already taking the exam, NCARB is providing a 12-month window during which both the current and new ARE versions will be offered. The window will begin in July, 2008, and run through June, 2009. Candidates who have passed one or more division of the current ARE by May, 2008, will be allowed to continue to take the current ARE through June, 2009.

For much more on the ARE 4.0, visit NCARB's Web site at www.ncarb.org/are/40, or TBAE's ARE 4.0 Information Clearinghouse at www.tbae.state.tx.us/tbae/are40.shtml.

ARE PASS RATES BY DIVISION
(PERCENTAGES IN TABLE INDICATE PASS RATE)

Multiple-Choice Divisions	2000	2001	2002	2003	2004	2005
Pre-Design	73%	76%	77%	77%	75%	76%
General Structures	76%	76%	77%	73%	73%	75%
Lateral Forces	89%	90%	93%	92%	77%	76%
Mechanical & Electrical Systems	78%	73%	74%	74%	67%	68%
Materials & Methods	90%	90%	88%	86%	76%	77%
Construction Documents & Services	85%	86%	86%	85%	79%	77%
Graphic Divisions						
Site Planning	72%	64%	68%	70%	71%	73%
Building Planning	61%	62%	68%	68%	64%	63%
Building Technology	78%	67%	67%	65%	63%	66%

Have you ever wondered how ARE passing rates have changed over the past few years? Recently TBAE became curious, so we looked it up. Here's the raw data, courtesy of www.ncarb.org

Sweeping up 20,000 square feet of confusion

You may have heard that in Texas, anyone may design a building that is not larger than 20,000 square feet or higher than two stories. Well, not so fast!

The laws on this are a bit confusing and there were some subtle but very significant changes made to this exemption a few legislative sessions ago. Anyone may design a commercial building that does not exceed 20,000 square feet or a height of two stories. But if a building is not commercial—used for the

purchase, sale or exchange of commodities—it might not be exempt from the Architects' Registration Law.

Of course there are projects that have never been subject to the exemption. For example, the design of an institutional residential facility requires the services of an architect regardless of its size. There are also other exemptions that may apply to a particular project. Always check the law and the rules. And when in doubt, give us a call.

You spoke, and TDLR listened

You may have noticed a new requirement that a proof of submittal form must be filled out to accompany plans submitted for TAS review. This new form was developed by Texas Department of Licensing and Regulation (TDLR) staff in response to numerous comments and suggestions they have received over the years from design professionals and registered accessibility specialists.

This revision took effect on March 1, 2007, and states:

An architect, interior designer, landscape architect, or engineer with overall responsibility for the design of a building or facility subject to §469.101 of the Act, shall mail, ship, or hand-deliver the construction documents along with a Proof of Submission form to the department, a registered accessibility specialist, or a contract provider not later than the fifth day after the plans and specifications are issued. In computing time under this subsection, a Saturday, Sunday or legal holiday is not included.

Why is filling out a new form such good news? First, the required form must be filled out and signed by you and submitted with the plans for review. This gives you control over documenting on which date the plans were issued. The issue date has historically been entered in an online project registration form, usually by a third party, but under this system you control the issuance date, and so will be less likely to be in violation. In addition, the form is a clear reminder that your only two responsibilities (other than preparing plans that comply with TAS and are accessible) are to submit the form and the plans within the five-day period.

For new forms and rules, TDLR contact information, and much more, visit www.tdlr.state.tx.us. Click "Architectural Barriers" on the home page, under Programs—Building and Mechanical.

Signing bonus: whose signature goes in the block?

Some documents (such as change orders, owner agreements, etc.) include a signature block or field referring to "Architect" (or Interior Designer, or Landscape Architect). Often, the name of a design firm is typed or stamped into the space. Sometimes an architect will sign and date the documents. Sometimes an "authorized employee" of the firm will sign.

Who is allowed to actually sign and date the document? If the signer is an architect, everything is fine. If the signer is not an architect, s/he should make that fact obvious on the document.

TBAE's stake in this matter is simple: if a non-registrant signs in a field that says "Architect," s/he is representing himself as an architect. Clearly, a violation of state law.

If an "authorized employee" signs in the Architect field, the best thing to do is to mark through the words that indicate the signer is an architect. Better safe than sorry!

New laws you should know

Here are several bills of particular importance to our TBAE registrants.

House Bill 2060, often referred to as a "housekeeping" bill for the agency, includes technical corrections and changes primarily affecting the operations of the board. However, the bill also includes some more significant amendments you should know about.

Under this bill, a registrant will be allowed to renew a certificate of registration up to two years after it expires. Before this change, a certificate of registration was cancelled by operation of law one year after its expiration. Once cancelled, a registration cannot be renewed and the design professional who held the registration must restart the registration process, including examination, to obtain a new license. This change in the law lightens a rather severe penalty for neglecting to renew a registration. (Learn more about this change in "Inside TBAE" on page 3.)

The Legislature also created statutory authority for landscape architects and interior designers to obtain emeritus status. The same legislation clarifies the emeritus architect statute. As amended, the statute explicitly allows architects to engage in practices to the same extent that unregistered people may. For example, the law will specifically allow emeritus architects to act as expert witnesses.

Texas lawmakers also closed a significant legal loophole by prohibiting unregistered persons from using the title "landscape architect." The law was clarified to ensure that only landscape architects may use the title, while maintaining the authority of architects (as well as anyone else) to practice under the exemptions to the law.

A bill relating to another agency will impact some TBAE registrants. House Bill 1038 revises the enabling legislation of the Texas Residential Construction Commission (TRCC). The bill exempts from TRCC regulation interior designers supervising or arranging for the construction of an improvement to a home. The bill also includes significant enhancements to the enforcement authority of TRCC.

Senate Bill 541, relating to continuing education on sustainability or energy efficiency, has been enacted and will take effect September 1, 2007. The bill requires TBAE registrants to obtain one hour of continuing education in sustainable or energy efficient design standards each year. The required education will be part of the 8 hours of continuing education currently required. Rules to implement this law are being developed for Board review during its August meeting.

Disciplinary Action

The following enforcement cases were decided at the June 11-12, 2007, Board meeting. 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

STEPHEN K. UPHAM, ARCHITECT (HOUSTON TX)

For failing to take steps adequate to protect or secure copies of engineering plans which were to be provided under the terms of a contract, Mr. Upham's architectural registration was suspended for six months. He was ordered to complete the monograph titled Professional Conduct published by NCARB, pass the examination thereon, and pay an administrative penalty of \$ 4,000.

LOUIS DANIEL NELSON, JR., INTERIOR DESIGNER

(DALLAS, TX) Administrative penalty of \$500 for failing to respond to the Board's requests for information.

TIEN NGUYEN, ARCHITECT (RICHMOND, TX)

Administrative penalty of \$700 for failing to submit plans and specifications to the Texas Department of Licensing and Regulation for accessibility review within five days after he issued them.

JOSE "JOE" A. LOPEZ, ARCHITECT (PHARR, TX)

The Board accepted the voluntary surrender of Mr. Lopez's registration in lieu of disciplinary action based upon a federal indictment which was unsealed on March 21, 2007, alleging various criminal acts and conspiracies.

MOURHAF SABOUNI, ARCHITECT (HOUSTON, TX)

An administrative penalty of \$6,000 was imposed for Mr. Sabouni's failure to seal, sign and date architectural plans and specifications which were prepared and issued for permitting and construction.

DINESH SHAH, ARCHITECT (HOUSTON, TX)

An administrative penalty of \$7,000 was imposed for Mr. Shah's preparation and issuance of construction documents which were neither sealed, signed and dated, nor clearly marked to indicate that the sheets were not to be used for regulatory approval, permitting or construction as required by Rule 1.101.

Continuing education violations

The following registrant was 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 ordered to pay an administrative penalty of \$500.

DEBORAH L. WILLIAMS, ARCHITECT (ARGYLE, TX)

The following registrants were found to be in violation of the board's mandatory continuing education requirements and for reporting false information regarding his or her continuing education activities as set forth in the rules regulating the practice of architecture (Rule 1.69), landscape architecture (Rule 3.69) and interior design (Rule 5.79). Administrative penalties are listed.

JUDY BUCHANAN, INTERIOR DESIGNER (HOUSTON, TX) \$1,200

IRIS DATES, INTERIOR DESIGNER (DALLAS, TX) \$1,200

JOSEPH DETUNO, ARCHITECT (CALABASAS, CA) \$1,200

IAN HUGH GORDON, ARCHITECT (HOUSTON, TX) \$1,200

JENNIFER HUNGATE, INTERIOR DESIGNER (HOUSTON, TX) \$1,200

HUMBERTO SALDANA, ARCHITECT (SAN ANTONIO, TX) \$1,500

MICHELLE TYCHER STEIN, INTERIOR DESIGNER (DALLAS, TX) \$1,200

THOMAS BILICH, ARCHITECT (FAIRVIEW, TX) \$1,500

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.

SHAILENDRA GOEL (HOUSTON, TX)

Administrative penalty of \$5,000

DIERDRE WILSON (DALLAS, TX)

Administrative penalty of \$15,000

THEODORE R. TRAUTNER (SAN ANTONIO, TX)

Administrative penalties totaling \$15,000

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

SELINDA GARCIA (LAREDO, TX)

Administrative penalty of \$2,500

KYLE B. SMITH (NO. RICHLAND HILLS, TX)

Prior to completion of the ARE Mr. Smith represented to a project owner that he was an architect and affixed a bogus seal to architectural plans and specifications. During the course of the board's investigation Mr. Smith successfully completed all portions of the ARE and the Board permitted Mr. Smith to become registered but imposed a probated suspension upon him for a period of five years in response to his unauthorized practice of architecture. In addition, the Board imposed a \$25,000 administrative penalty and numerous conditions were placed upon his ability to practice architecture. If, during the course of his probated suspension, Mr. Smith complies with these conditions the administrative penalty shall be considered paid upon receipt of \$15,000.

AREFAF: What is it?

The Architect Registration Examination Financial Assistance Fund (AREFAF) scholarship is a one-time reimbursement of \$500 for taking the Architect Registration Examination. TBAE awards scholarships twice each year—December 31 and June 30. 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/HowToRegister/Architects_Scholarship.shtml

Scholarship Awards

Congratulations to the recipients of the Architect Registration Examination Financial Assistance Fund (AREFAF) scholarships for the first half of 2007:

GREGORY TAYLOR – Dallas, TX
MARIA BASILICO – Plano, TX
JEFFREY FEATHERSTON – Austin, TX
MEGAN SLATTERY – Austin, TX
STEPHEN ANDREWS – Houston, TX
MUSHFIQUR ARIF – Houston, TX
TIMOTHY CRANDALL – Richardson, TX
JENNIFER YOUSSEF – Katy, TX
WILLIAM JACKSON – Austin, TX
SHAWN KASHOU – Houston, TX
LEI YEUNG – Dallas, TX
JASON BUSH – Lubbock, TX
DANIEL MENDOZA – El Paso, TX
BRETT GRINKMEYER – Austin, TX
JONATHAN HODGE – Austin, TX
SANDRA BEER – Dallas, TX
JENNIFER WIDMER – Dallas, TX
RENE ATKINSON – San Antonio, TX
SCOTT JOHNS – Dallas, TX
CARLOS MACHADO – Houston, TX
MICHAEL POSEVINA – Houston, TX
ROBERT CHARLES – Houston, TX
MOTUNRAYO BADRU – Houston, TX
CARLA HARAMBOURE – Houston, TX
MICHAEL GATTO – Austin, TX
JON ESTES – Dallas, TX
PEJMAN JAMEA – Houston, TX
REYNOLD MAGNUSON – Pearland, TX
BOBBI SPENCER – San Marcos, TX
LOREN FREED – Houston, TX