

Licensing News



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

ARCHITECTURE

INTERIOR DESIGN

LANDSCAPE
ARCHITECTURE

WINTER 2020/21

CHAIR'S COLUMN

Debra Dockery, FAIA
Chair



Decades ago, the Texas Board of Architectural Examiners (TBAE) began publishing a newsletter about once a year. Entitled the *TBAE Bulletin*, it provided content much like what you've come to expect from *Licensing News*.

But it's been years, and it's time for a new look for this publication. Inside, you'll continue to find valuable updates, news, and how-to articles. A fresh layout is always good, but the fact is that we still have information you need to know, so the news-delivery part won't change much. But in the future, we look forward to sharing new content in this space—and we'd like your feedback on just what such new content might be. For that matter, if you have any other suggestions for us outside this newsletter, we'd love to know that too. Please feel free to share any suggestions you may have.

All that said, in this freshly rethought issue we have a lot of good information to convey. Our Executive Director will reveal some top-level metrics and trends the agency uses every day to ensure it keeps delivering timely, professional services to stakeholders like you and your clients. A Registered Accessibility Specialist shares some valuable thoughts, and TBAE staff will share some tips to avoid trouble. There's additional useful information sprinkled inside these pages, too, but we'll not forget our statutory duty to publish recent disciplinary actions as well.

P.S. TBAE staff, Board Members, and I have in no way forgotten that we are still riding out a pandemic. Over the past nine months or so, I'm sure you have never once forgotten it either. This postscript is one of a very small number of places in this issue of the Board's newsletter where COVID-19 is mentioned, and since you've heard about it nonstop since February or March, I'll only say this. On behalf of the Board and its 20 staff, we hope you and your loved ones are safe and healthy. We can't wait to see our registrants, candidates, and stakeholders on the other side of all this. Be well.

When your mailing or email address changes, let us know

As you surely know, well before you're due to renew your registration, we send the first of a series of renewal reminders to your email address. Those messages include a link to click to log into your account and renew your registration, along with other information useful to you.

One thing you might not know: if your email address changes, you're required by Board rule to let us know within 30 days of the change. (The same is true of your mailing address.)

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IN THIS ISSUE:

- RAS Reminder
- ARE Candidates: Are You Eligible for \$500?
- Disciplinary Actions

and more...



INSIGHT FROM THE EXECUTIVE DIRECTOR

Julie Hildebrand

Executive Director

Each year, the agency compiles and submits a report on its performance, key metrics, and other useful data. The report includes the most recent fiscal year's data alongside that of previous years, providing for a simple and useful way to look for trends. While the report is published on our site in full, a summary of some key points and findings in this column might be of interest to professionals and candidates for registration.

One place to start is with the agency's finances, since approval of each year's budget is one of the Board's major oversight responsibilities required by state law. Last year, as in most years, the agency ran modestly in the black with revenues of \$3.3 million and expenditures of \$3.2 million. The majority of agency expenditures are, predictably for a state agency, dedicated to payroll for our 20 employees, and payroll-related expenses like health insurance. Other than paying the Texans who answer your phone calls and emails, investigate complaints, and provide legal services, the Board's only other major expense is an annual payment of more than half a million dollars to the state's General Revenue fund. That payment is required by state law as part of the agency's participation, along with a handful of other occupational licensing agencies, in a program that allows TBAE to set its own fees and operate more like a business than as a traditional state agency.

Agency revenue comes almost entirely from one source: registrants and candidates for registration. It's no surprise, then, that the agency tracks recent trends in registrant and candidate counts, as a way to ensure proper fiscal management. Last year's registrant numbers were up overall, while candidate counts were slightly down. (This is partially due to a change in the path to becoming a Texas Registered Interior Designer, which no longer meaningfully requires being a documented candidate before earning registration.)

Enforcement data are another area I monitor closely, and some highlights are worth sharing. Complaints received by Enforcement staff were sharply down, likely related to this year's disruptions. Last year, just a little under \$88,000 in administrative penalties were assessed on registrants and non-registrants, and 84% of that sum was collected and sent to the state's General Revenue. (All penalties are sent to General Revenue, not used by the agency to fund its operations.)

We've seen the effects of the pandemic on last year's enforcement metrics, and we're expecting those effects to continue into next year for registration metrics as the market reacts to the pandemic. And we're planning ahead with that in mind. However, the pandemic didn't affect many of our other services. We're continuing all the agency activities that we do during normal years—but almost entirely online, rather than in person. The national councils still have their annual meetings, regional conferences, committee work sessions—and Board members and staff are still an active part of those. We continue to do outreach and provide continuing education, only we do it via Zoom or online webinar. Interagency workgroups still meet and share thoughts, ideas, and expertise. This Board and its committees continue to do their work. All of this now online.

We here at TBAE look into data like these much more closely than presented here, of course, but it's worthwhile to share some of the high-level trends we see with our stakeholders. Transparency and openness are important factors for any state agency, and the more you know, the more you might trust and appreciate the agency's efforts to protect the health and safety of the public. Whether it's a matter of stopping unauthorized practice by a non-registrant or ensuring that registered professionals meet every requirement to earn a license, our operations are transparent and we're always a phone call or email away if you need assistance.



Jack W. Stamps
Managing Investigator

Your RAS has a reminder for you

Not long ago, I received a call from a longtime TBAE registrant, Registered Accessibility Specialist (RAS), and if I may be so bold, personal friend. As usual, he had useful information to share, stemming from his work as a Texas RAS, and in this case we thought the matter would be particularly useful to share with TBAE registrants, candidates for registration, and RASs like you.

I asked whether my compatriot would be comfortable doing a Question and Answer for the benefit of all, and he graciously agreed. Below is the substance of that conversation.

So I hear you received some plans for accessibility review the other day. Tell me about that.

Most of our RAS work is done electronically now, including review of drawings typically in PDF format. Many times we receive PDF drawings for review that are not signed, sealed, and dated. That's what happened in this case. Since all drawings submitted for permitting, construction, or regulatory approval are supposed to be sealed, signed, and dated, the error was easy to catch.

How often would you say you see unsealed plans sent to you for review?

I have received 4 sets this year alone and typically receive several a year.

When you receive an unsealed construction document for your TAS review, how do you handle that?

I notify the architect and advise to send a set of PDF's that are properly signed and sealed. Sealing a drawing occurs for any of three purposes: construction, permitting, or regulatory approval. TAS review is a textbook example of the last purpose: regulatory approval.

What would you recommend to your fellow RASs in the same situation?

I would advise a RAS to contact the architect and state that they need signed and sealed documents for regulatory review. Keep in mind that these PDF files are uploaded to TDLR once the review is complete.

Some design professionals may be concerned about keeping their seal secure. How do they do that?

In this electronic age, it is easy to create a seal in CAD software. In fact, the professional seal can be downloaded from the TBAE Web site. What is unique is your signature. Of course, that can be scanned from a paper or copy or even clipped from a PDF. It is easy to convert PDF drawings back to CAD if not properly secured before being released.

Architects can use Adobe Acrobat Pro to optimize the drawing or flatten them in Bluebeam so that they cannot be easily restored to CAD, thus protecting your seal and signature from being easily reused. Note that it is typically easy to see when an image has been scanned and reused versus being an original.

Many of our RASs are also licensed design professionals, and I believe we have an obligation to avoid being a part of a violation of state laws and rules as required of our profession. Other design professionals should not put the RAS in the awkward position of reviewing and passing along to TDLR construction documents that cannot be legally used for construction.

What other thoughts do you have for TBAE registrants and your fellow RASs?

As architects and architect/RASs we all have an obligation to ensure that our practice of architecture is protected and that we are following the rules and regulations of both TBAE and TDLR.

A note from TBAE Investigations: Although this discussion refers to Architects and the practice of architecture, they also relate to Landscape Architects as well as Registered Interior Designers and the practice of their professions.



Remember to update your bookmarks with our new URL

www.TBAE.Texas.gov

When your mailing or email address changes, let us know

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Here's the text of the rule: A TBAE registrant "must notify the Board in writing (email, fax, on the Board's Web site, or by U. S. mail) each time the [TBAE registrant's] email address or mailing address of record changes. The written notice of the [TBAE registrant's] change of address must be submitted to the Board within thirty (30) days after the effective date of the change of address."

This is something to bear in mind when, in the most commonly reported instances, you change jobs and therefore email addresses, or when you move to a new residence and therefore a new mailing address.

If you need to update your email or mailing address, the solution is simple. Simply log into your account and click "Update Personal Information" in the left column. If you can't log in, use the tools for retrieving your username and/or password. And finally, if you still need help, we're here for that at 512-305-9000.

Alternatively or additionally, consider using an email account not tied to a workplace or home internet provider; popular options include gmail, Yahoo, or Hotmail, but there are many from which to choose. In your account, you can manage up to three addresses in our system to maximize the chances that our reminders and messages get through to you—particularly if your "primary" email account is not tied to work or home internet service providers.

There are consequences for failing to keep your contact information updated, we would note. In the most common scenario, our repeated reminders to renew your registration might go unread on your outdated email address. When your renewal date passes, a late fee will be added to your renewal fee, and a failure to update your email address is not a valid excuse for removal of the late fee. Somewhat more seriously, an official Board communication such as an audit notice is always sent to the mailing address we have in our database, and failure to update a mailing address often results in an administrative penalty due to a lack of timely response to that audit.

ARE Candidates: Are you eligible for \$500 in reimbursement?

Did you know that the Texas Legislature created a special fund intended to defray part of the costs of taking the Architectural Registration Examination (ARE)? Under the reimbursement program, technically called the Architectural Registration Examination Financial Assistance Fund or more simply the "scholarship fund," eligible candidates for architectural registration may apply for a \$500 reimbursement. At this time, the Legislature has authorized such a program only for architectural candidates, not for takers of the interior design or landscape architectural registration examinations. [You can learn more about the scholarship program, find out if you're eligible, and apply on the TBAE Web site.](#)



For the latest news and updates, visit:

www.TBAE.Texas.gov

DISCIPLINARY ACTIONS

The following cases were decided during TBAE Board meetings in May and August, 2020. 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.

In order to ensure compliance with continuing education (CE) responsibilities, TBAE staff selects a random sample of its registrants to be audited. All continuing education enforcement cases stem from the random audit program. The cases reflect the most common violations: (1) failing to complete adequate continuing education hours during a program year, (2) failing to maintain continuing education records and verification of participation in CE activities for a period of five years, (3) falsely certifying, at the time of renewal, compliance with continuing education responsibilities, and/or (4) failing to respond to a request for information within 30 days. Each continuing education infraction is subject to a standard administrative penalty.

Registrant/Non-Registrant Cases

Aguilar, Elkin Probated suspension
Architect, RID *Houston, TX*

On or about May 21, 2019, in the 178th District Court of Harris County, Texas, Respondent entered a plea of guilty to the offense of Indecency with a Child Sexual Contact, a second-degree felony offense. As a result of the plea, proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on deferred adjudication community supervision for a period of ten (10) years. Pursuant to its authority under Tex. Occ. Code §53.021, the Board entered an Agreed Order imposing a probated suspension of Respondent’s architectural and interior design registrations until he successfully completes the term of his Order of Deferred Adjudication and Community Supervision in Harris County.

.....
Belan, Catherine \$10,000
Non-registrant *Houston, TX*

Respondent previously was registered as an architect in the State of Texas, bearing registration number 16184. In a previous disciplinary action, the Board entered an Order against Respondent, based on findings of fact that Respondent had identified herself as an architect to prospective clients at a time when the Respondent was not registered as an architect.

In the current matter, Respondent engaged in the unauthorized use of the term “architecture” to describe services offered by her by utilizing a website

for her firm that stated the firm specialized in “architecturally driven design and fine craftsmanship,” in violation of Tex. Occ. Code §§ 1051.701(a) and 1051.752(i).

.....
Doan, Trung Huu \$1,000
Architect *Houston, TX*

Respondent provided architectural services and issued sealed architectural plans during a time when his certificate of registration was expired, in violation of Tex. Occ. Code §§1051.351(a) and 1051.752(i) and 22 Tex. Admin. Code §§ 1.82(b) and 1.148(c). Respondent stated that his failure to renew his architectural registration was due to a clerical error in his office, which he corrected immediately upon notification.

.....
Dunaway, James S. \$1,000
Architect *Austin, TX*

Respondent provided architectural services and issued sealed architectural plans during a time when his certificate of registration was expired, in violation of Tex. Occ. Code §§1051.351(a) and 1051.752(i) and 22 Tex. Admin. Code §§ 1.82(b) and 1.148(c). Respondent stated that his failure to renew his architectural registration was due to a clerical error in his office.

.....
Felan, Russell D. \$3,000
Non-registrant *San Antonio, TX*

In a previous disciplinary action, the Board entered a Consent Order against Respondent, based on findings of fact that Respondent had improperly offered to provide architectural services and

improperly used various forms of the title “architect” at a time when Respondent was not registered to practice architecture.

In the current matter, Respondent engaged in the unauthorized practice of architecture when he issued construction documents while utilizing the business title “Design Plus Architects,” in violation of Tex. Occ. Code §§1051.701(a) and 1051.801(a)(1)&(3) and 22 Tex. Admin. Code §1.123.

.....
Foster, Bob Ryan \$14,000
Non-registrant Baytown, TX

Respondent engaged in the unauthorized practice of architecture by preparing and issuing an architectural plan sheet for a project identified as “Spec House” while providing services under the name “Goose Creek Architecture.”

Respondent engaged in the unauthorized use of the term “architect,” in that he utilized a LinkedIn profile that used various forms of the terms “architect” or “architecture” to describe Respondent or the services he provides.

Respondent engaged in the unauthorized use of the term “architecture” in that he utilized a website for his firm, Foster Home Designs, to offer and/or advertise services including “Specialty Architecture” and “Residential Architecture.” At the time that this website was used, Respondent was not registered as an architect, and the firm was not registered as a firm which may provide architectural services in Texas.

The above actions constitute grounds for disciplinary action in accordance with Sections 1051.701(a); 1051.752(i) ; 1051.801(a)(3) Texas Occupations Code and/ or 22 Tex. Admin. Code §1.123(c).

.....
Gibbs, Donald \$1,500
Non-registrant Houston, TX

In a previous disciplinary action, the Board entered an Order against Respondent, based on findings that Respondent improperly used the term “Architect” and practiced architecture despite not being registered to practice architecture.

In the current matter, Respondent utilized the title “Architect” and the term “architectural” to describe himself and the services he offers to a client by introducing himself as an “architect” and by offering his business card describing his services as “architectural planning,” in violation of Tex. Occ. Code §§1051.701 and 22 Tex. Admin. Code §1.123.

.....
Husmann, Robert Steven \$1,000
Architect Houston, TX

Respondent provided architectural services and issued sealed architectural plans during a time when his certificate of registration was expired, in violation of Tex. Occ. Code §§1051.351(a) and 1051.752(i) and 22 Tex. Admin. Code §§ 1.82(b) and 1.148(c).

.....
Martin, David \$1,500
Architect Austin, TX

Respondent provided architectural services and issued sealed architectural plans during a time when his certificate of registration was expired, in violation of Tex. Occ. Code §§1051.351(a) and 1051.752(i) and 22 Tex. Admin. Code §§ 1.82(b) and 1.148(c). Additionally, Respondent signed the architectural plans in a manner which obscured Respondent’s name on his seal, in violation of 22 Tex. Admin Code §1.103(a)(2).

.....
Monroe, Ludie B. \$2,500
Non-registrant Houston, TX

By issuing an invoice to a potential client and offering “architectural services” on a project and preparing and issuing architectural plans pursuant to the offer to provide architectural services, Respondent engaged in the unregistered practice of architecture in violation of Tex. Occ. Code §1051.701(a)&(b).

.....
Nevins, Donald \$1,000
Architect Houston, TX

In issuing construction documents for the purposes of permitting and/or regulatory review, Respondent failed to comply with the Board’s rules relating to sealing documents, in that documents within the

plan set were not sealed, others were sealed but not signed, and others were sealed and signed, but dated with the Respondent's registration expiration date, rather than the date the documents were signed, as required. Subsequently, the documents were submitted to the building official for review. These actions constitute violations of 22 Tex. Admin Code §1.101 and 1.103.

.....
O'Dell, Carl G. \$1,250
Architect *Georgetown, TX*

In a previous disciplinary action, the Board entered an Order against Respondent, based on findings that Respondent failed to timely submit documents to the Texas Department of Licensing and Review for accessibility review.

In the current matter, Respondent failed to submit plans and specifications for accessibility review within 20 days after issuance, in violation of Tex. Occ. Code §1051.752(2) and 22 Tex. Admin. Code §1.170(a).

Continuing Education Cases

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Anderson, Samuel Mather \$500
Architect *New York, NY*

Failure to timely complete CE requirements.

.....
Batten, Quinton Floyd \$500
Architect *Greenville, SC*

Failure to timely complete CE requirements.

.....
Brusveen, Kyle Jordan \$700
Landscape Architect *St. Joseph, MI*

Failure to maintain a detailed record of continuing education activities for 5 years.

.....
Cardello, Jonathan William \$700
Architect *Miami, FL*

Failure to maintain a detailed record of continuing education activities for 5 years.

.....
Coffman, Jeffrey Scott \$500
Architect *Fullerton, CA*

Failure to timely complete CE requirements.

.....
Cotera, Juan E. \$700
Architect *Austin, TX*

Failure to maintain a detailed record of continuing education activities for 5 years.

.....
Ford, Andrew Scott \$500
Architect *Mansfield, TX*

Failure to timely complete CE requirements.

.....
Frani, Carolyn \$700
RID *Dallas, TX*

Falsely reporting completion of CE requirements in order to renew registration.

.....
Hawks, Stephen Douglas \$700
Architect *Midlothian, TX*

Falsely reporting completion of CE requirements in order to renew registration.

.....
Henderson, Mark Wayne \$1,000
Architect *Katy, TX*

Failure to maintain a detailed record of continuing education activities for 5 years. (Second violation)

.....
Lambert, Robert Douglas \$500
Architect *Austin, TX*

Failure to timely complete CE requirements.

.....
Li, Xiaohai \$700
Architect *Shanghai, China*

Falsely reporting completion of CE requirements in order to renew registration.

.....
Powell, James Craig \$1,700
Landscape Architect Austin, TX

Failure to timely complete CE requirements;
Falsely reporting completion of CE requirements in
order to renew registration; and
Failure to respond to two board inquiries.

.....
Prosser, Stephanie Linn \$700
RID San Antonio, TX

Failure to maintain a detailed record of continuing
education activities for 5 years.

.....
Rachlin, Laura A. \$500
RID Boca Raton, FL

Failure to timely complete CE requirements.

.....
Rector, Richard R. \$1,200
Landscape Architect Fort Worth, TX

Failure to timely complete CE requirements.
Falsely reporting completion of CE requirements in
order to renew registration.

.....
Rose, Grace M. \$700
RID San Antonio, TX

Falsely reporting completion of CE requirements in
order to renew registration.

.....
Scarborough, Hugh Shaffer \$700
RID Dallas, TX

Failure to maintain a detailed record of continuing
education activities for 5 years.

.....
Sonnier, Erin \$700
RID Pleasanton, TX

Falsely reporting completion of CE requirements in
order to renew registration.

.....
Stockard, Pamela J. \$700
RID Abilene, TX

Failure to maintain a detailed record of continuing
education activities for 5 years.

.....
Troia, Maria Elizabeth \$700
RID San Antonio, TX

Falsely reporting completion of CE requirements in
order to renew registration.

.....
Wren, Justin Stewart \$700
Architect West Monroe, LA

Failure to maintain a detailed record of continuing
education activities for 5 years.

For the latest news and updates, visit:

www.tbae.texas.gov



Change of Address

Please make sure that we have your current mailing and email address so we may send your renewal notice to you in a timely fashion. You may update your own record by logging in to your online account on our Web site, www.tbae.texas.gov. You can also mail or fax 512.305.8900 the address change along with your signature. We will send renewal reminders to registrants at the e-mail address on file with TBAE, so be sure to keep your valid and unique email address updated.

Upcoming Board Meetings

- Thursday, February 25, 2021
- Tuesday, June 22, 2021
- Thursday, August 26, 2021
- Tuesday, November 16, 2021

Executive Director

Julie Hildebrand

Board Members

Debra Dockery, FAIA

Chair, Architect Member; Term ends 1/31/23

Bob Wetmore, AIA

Vice-Chair, Architect Member; Term ends 1/31/21

Joyce Smith

Secretary-Treasurer, Public Member; Term ends 1/31/23

Corbett "Chase" Bearden - Public Member; Term ends 1/31/21

Jennifer Walker, AIA - Architect Member; Term ends 1/31/21

Rosa G. Salazar, RID - Registered Interior Designer Member; Term ends 1/31/23

Fernando Trevino - Public Member; Term ends 1/31/25

Darren La Marr James, FAIA - Architect Member, Term ends 1/31/25

Tim A. Bargainer, PLA, ASLA, CLARB -

Landscape Architect Member, Term ends 1/31/25

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.

www.tbae.texas.gov



ATTESTATION OF SELF-DIRECTED CREDIT HOURS EARNED

TBAE newsletter, *Licensing News*

I certify that I read the _____ [Month, Year as found at top of page one] issue of TBAE's *Licensing News* for _____ hours (up to two) on _____ [date].

These continuing education hours will count for self-directed Health/Safety/Welfare study for the calendar year in which they were earned. I understand that up to four continuing education hours of the required 12 per calendar year may be earned via self-study.

Your name

Date

Please keep this Certificate for your records, and submit it if you receive an audit letter from TBAE, along with all additional certificates for the specified calendar year.