TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas
Thursday, August 21, 2014
9:00 a.m. – Conclusion

1. Preliminary Matters

A. Call to order — Alfred Vidaurri
B. Roll call — Paula Ann Miller
C. Excused and unexcused absences — Alfred Vidaurri
D. Determination of a quorum
E. Recognition of guests
F. Chair's opening remarks
G. Public Comments

2. Approval of the May 15, 2014 Board Meeting Minutes *(Action)* — Alfred Vidaurri

3. Executive Director Report — Cathy Hendricks

A. Fiscal Year 2014 3rd Quarter Operating Budget *(Information)*; and — Management Staff
B. Board Approval of the Fiscal Year 2015 Operating Budget *(Action)* — Alfred Vidaurri
C. Board approval of the 2015-2019 Strategic Plan *(Action)*
D. Report on Action Items assigned at the May 15, 2014 Board Meeting *(Information)*
E. Customer Service Survey Report *(Information)*
F. Response to the Sunset Advisory Commission Concerning SDSI *(Information)*

Report on Conferences and Meetings *(Information)*

A. NCARB Annual Business Meeting – *Jun 18-21*
B. Building Officials Association of Texas (BOAT) Annual Conference – *Aug 5-6*
C. METROCON14 – *Aug 14-15*

4. Staff recommendation regarding Legislative Committee of the Board *(Action)* — Cathy Hendricks, Scott Gibson

5. Proposed Rules for Adoption *(Action)* — Chad Davis

Report of the Rules Committee — Scott Gibson

Possible Rule Amendments to be Recommended for Proposal

A. Rules 1.69, 3.69, 5.79 relating to continuing education
B. New rules relating to registration of military service member, military veterans; amend Rules 1.22, 3.22, 5.32 to provide an expedited process of reciprocal registration of military spouses
C. Amend Rules 1.232, 3.232 and 5.242 relating to penalty matrix for assessing sanctions for specified violations of laws enforced by the Board
D. Amend Rule 1.147 relating to the implementation of the Professional Services Procurement Act as applied to procurement of architectural services

E. Repeal Rule 3.147 regarding the procurement of landscape architectural services under the Professional Services Procurement Act.
F. Amend Rules 1.144, 3.144 and 5.154 relating to dishonest practices and to define the term "intent" as used in the rules, define the term "knowledge" as used in Rule 1.144, and to clarify prohibitions on offering an inducement to a governmental entity.
G. Amend Rules 1.43, 3.43 and 5.53 to allow for extensions to the 5-year "rolling clock" deadline for passing registration examinations for architecture, landscape architecture and registered interior design.

6. Request for reinstatement after architectural registration was revoked by operation of law *(Action)* — Scott Gibson

7. Enforcement Cases *(Action)* — Scott Gibson
Review and possibly adopt ED's recommendation in the following enforcement cases:

A. Registrant & Non-Registrant Cases:
Dooley, Thomas A. (#085-14A)
Sanchez, Rafael (#116-13N)

B. Continuing Education Cases:
Fridrich, Susan L. (#134-14I)
Hagmann, Gregory G. (#091-14A)
Merwin, Peter C. (#120-14A)
Noah, Robert S. (#203-13A)
Preston, Bridgette (#094-14I)
Spina, Victor (#119-14A)
Suttle, William G. #118-14A)
Valadez, Frank M. (#121-14A)

The Board may meet in closed session pursuant to TEX. GOV'T CODE ANN. §551.071(1) to confer with legal counsel

8. Committee Report on the Executive Director Performance Goals and the Revision of the Executive Director Performance Evaluation form *(Information)* — Sonya Odell

The Board may meet in closed session pursuant to Tex. Gov't Code Ann. Section 551.071 to confer with legal counsel

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9:00 a.m. – Conclusion

9. Board Discussion of following matters regarding Executive Director Vacancy *(Action)* — Alfred Vidaurri

A. Agency staff transition plan for the assumption and execution of executive director duties
B. Appointment of interim or acting executive director pending the appointment of the executive director
C. Development of process for recruitment and selection to fill the executive director vacancy

The Board may meet in closed session pursuant to Tex. Gov't Code Section 551.074 to deliberate on the appointment of an officer or employee

10. The National Council of Architectural Registration Boards (NCARB) Proposed Changes to the Intern Development Program (IDP), the Broadly Experienced Architect Program (BEA), and the Broadly Experienced Foreign Architect Program (BEFA) *(Action)* — Alfred Vidaurri, Debra Dockery

11. Approval of the Proposed 2015 Board Meeting Dates *(Action)* — Alfred Vidaurri

Thursday, January 29, 2015
Thursday, June 25, 2015 *(Board member orientation early June & NCARB 2015 Annual Business Meeting, June 17-20, New Orleans)*
Thursday, August 20, 2015
Thursday, October 29, 2015 *(TxA Conference, Nov 5, Dallas)*

12. Upcoming Board Meeting *(Information)* — Alfred Vidaurri

Thursday, October 30, 2014 – Full Board

13. Chair's Closing Remarks — Alfred Vidaurri

14. Adjournment — Alfred Vidaurri

NOTE:

- *Items may not necessarily be considered in the order they appear on the agenda.*
- *Executive session for advice of counsel may be called regarding any agenda item under the Open Meetings Act, Government Code §551.*
- *Action may be taken on any agenda item.*

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services are required to call (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made

FREQUENTLY USED ACRONYMS

ACSA	Association of Collegiate Schools of Architecture
ADA	Americans with Disabilities Act
AIA	American Institute of Architects
ASID	American Society of Interior Designers
ASLA	American Society of Landscape Architects
ARE	Architect Registration Examination
BOAT	Building Officials Association of Texas
CACB	Canadian Architectural Certification Board
CIDA	Council for Interior Design Accreditation (Formerly FIDER)
CIDQ	Council for Interior Design Qualification
CLARB	Council of Landscape Architectural Registration Boards
GAA	General Appropriations Act
GRF	General Revenue Fund
IDCEC	Interior Design Continuing Education Council
IDEC	Interior Design Educators Council
IDP	Intern Development Program
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
MBA	Member Board Administrator (within NCARB)
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
OAG	Office of the Attorney General
SOAH	State Office of Administrative Hearings
SORM	State Office of Risk Management
TAID	Texas Association for Interior Design
TAS	Texas Accessibility Standards
TASB	Texas Association of School Boards
TBPE	Texas Board of Professional Engineers
TxA	Texas Society of Architects
TSPE	Texas Society of Professional Engineers

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of May 15, 2014 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 102
Austin, TX 78701
9:00 a.m. until completion of business

1. Preliminary Matters

A. Call to Order

Chair called the meeting of the Texas Board of Architectural Examiners to order at 9:00 a.m.

B. Roll Call

Chuck Anastos called the roll.

Present

Alfred Vidaurri	Chair
Debra Dockery	Vice-Chair
Charles H. (Chuck) Anastos	Member
Sonya Odell	Member
Michael (Chad) Davis	Member
William (Davey) Edwards	Public Member

Excused Absent

Paula Ann Miller	Secretary/Treasurer
Bert Mijares, Jr.	Member
Chase Bearden	Public Member

TBAE Staff Present

Cathy Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Christine Brister	Staff Services Officer
Ken Liles	Finance Manager
Jack Stamps	Managing Investigator
Dale Dornfeld	IT Manager
Jackie Blackmore	Examination Coordinator
Katherine Crain	Legal Assistant
Julio Martinez	Network Specialist

C. Determination of a quorum

A quorum was present.

D. Recognition of Guests

The Chair recognized the following guests: Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects (in at 9:12 a.m.), Nancy Fuller,

Assistant Attorney General of the Office of the Attorney General, Matt Ryan of Allensworth & Porter, Jennifer Brevorka of Law Offices of Rusty Hardin, Joel Hernandez, registered architect with PBK Architects, Jeri Morey, registered architect of Corpus Christi, Texas, and David Henners of the Texas Historical Commission, a candidate for registration.

F. Chair's Opening Remarks

The Chair welcomed everyone to the Board meeting. He noted that business seems to be picking up for those who work in the field of design. He stated that although that means we are all much busier, it is much better than not having enough work to make it through the next day. He expressed his appreciation to the Board members for the focus and attention brought to the meetings despite the increased work. The Board meeting package always seems to get thicker and thicker over the years but the Board always seems to get it all done each meeting.

The Chair noted he is pleased to see a shift in the Board's thought process and applying its wisdom in starting to think in terms of the bigger picture, in terms of more "Blue Sky" issues. He observed applying this thought process is hard and challenging to do as a state agency which operates on a biennium basis. He noted it is often hard to think beyond the two-year life span when the future is uncertain beyond that two-year period. The Chair noted his pleasure in seeing that the Board overcame that difficulty and has begun to engage in "Blue Sky" conversations about the future of the profession and the needs of students, interns, and registrants who will practice in that future. The Chair opined those are important and fundamental conversations that have value for the Board, its registrants and future registrants who will practice and serve on the Board beyond our time.

The Chair said his background and interest have always been in planning so he is particularly interested when the Board engages in planning - master planning and strategic planning - which he does for his clients. He said the discussions on planning remind him of a quote about the importance of planning. The Chair stated the quote is attributed to Daniel Burnham who is considered the grandfather of planning. Mr. Burnham planned the Chicago World's Fair against all odds when he was told he could never pull it off. In response, Mr. Burnham said "Make no small plans because small plans do not have the ability to stir men's hearts." The Chair stated he often revisits that quote in his practice. He said that is the challenge for this Board: to think big, dream big and plan big as well. The Chair said, with that, he would move into the substance of the meeting, beginning with the next item on the agenda which is Public Comments.

G. Public Comments

The Chair recognized Jeri Morey. Ms. Morey stated that she wished to comment on the agreed settlement of an enforcement case which was the

subject of deliberations at the Board's last meeting. The Respondent was an architect named Evan Taniguchi. She stated that she was troubled by this case for several reasons:

Ms. Morey commented as follows: "First of all, for many years contractors have helped architects design construction systems for our buildings. And often we believe their suggestions should be used. Although we made the drawings the ideas were the contractors'. And we did review it and we did decide it was sufficient. It seems to me that we want the architect's seal when we have reviewed it because it is only licensed engineers and architects that are required to have the knowledge for health and safety. Contractors are not licensed, so we are the ones that need to be legally responsible.

Secondly, a few years back when I made a public information request on some construction documents given permits by the City of Corpus Christi, I found some documents that did not require an architect's seal, but did require an engineer's seal, but lacked even that so I filed a complaint with the Engineer's Board. Later, staff told me that while some of those projects had not been designed by engineers all of them had been reviewed by engineers and that TBPE's staff was satisfied with the construction documents. If architects are not allowed to review documents in that manner, but engineers are, then that is potentially taking work away from us.

Thirdly, I know there is a church in Corpus Christi that did not have an architect's name on the documents, only engineers. It was built just a few years ago. It is a beautiful building capable I believe of having won a design award. But I do know that an architect was a leading member of the congregation. When I toured the building, I could not find a single violation of building codes. The priest told us that his committee had designed the building discussing almost every detail in common. The only fault I could find was in the women's restroom the stalls which were not handicapped accessible were a little too short and a bit uncomfortable and probably that happened because during construction someone realized that the maneuvering clearance for a handicap stall was not sufficient and they moved the toilet partition over so it would meet. I chose not to file a complaint on that building because I couldn't see anything else that needed improvement and I am strongly suspicious that the architect that was a member of the church had a strong role in the design of that building.

Fourthly, for many years in single-family residential design, clients have brought drawings of what they wanted to build in various stages of completion. What I did was review it, find things that must be changed, find things that would be better changed and discussed these with the

clients. But sometimes clients were stubborn and they refused to accept the optional changes. So when the discussions were done, I completed the contract documents. But, the fact that I drew it without designing 100% of it, seems to me is of little importance because I am responsible for the health and safety of all of it. So getting back to the Taniguchi case, if you want to say that a reviewing architect must study it long enough to recommend a series of changes, including optional changes and discuss them with the client, I find no fault with that. Certainly, just a quick review may not be sufficient. But, if we can't sign what we have only reviewed, it seems to be that the city and the client are losing out on a responsibility for health and safety so I would like for you to go back and rethink your policy and maybe make some changes to it."

The Chair recognized David Henners to make public comment. Mr. Henners thanked the Board for listening to his presentation. Mr. Henners stated he is originally from the United Kingdom where he is licensed as an architect by the Royal Institute of British Architects. He is an intern working toward licensure in Texas. He stated that when he moved to the United States, he learned that licensure through reciprocity was not an option which frustrated him. He said he began working for the Texas Historical Commission as an architect in October 2010 but did not enroll in the Intern Development Program until June 2013. He stated he is interested in changes to the rule requiring reporting of experience in the internship program each 6 months only. The requirement eliminated credit for most of the experience he gained before enrolling as an intern. He reported that the work he did over that 2-year period is the same work under the supervision of the same architect which now counts towards completion of his internship. If he had credit for those 2 years, he would have 3½ to 4 years of experience. He noted that the Board is considering a proposal from NCARB which would allow him credit for some the experience he gained before enrolling in the internship program. He expressed his support for the change and his hope that the Board would support the change.

The Chair asked if there were any other members of the public wishing to make a comment. No one responded. The Chair noted the public comment item on the agenda was concluded.

The Chair stated the Board would take up Item 4 on the agenda out of order to confer with legal counsel from the Office of the Attorney General. After that, the Chair stated the Board would deliberate upon Item 9, relating to the proposed changes to the Intern Development Program reporting schedule. The Chair invited Mr. Henners to remain for that discussion if he wished.

4. TBAE v. Raymond Gignac, Ian Powell, Irene Nigaglioni, and Joel Hernandez Mediated Settlement Agreement (Action)

The Board convened in closed session at 9:15 a.m. pursuant to Section 551.071, Government Code, to confer with legal counsel regarding a proposed mediated settlement agreement of *TBAE v. Powell, Nigaglioni, and Hernandez on behalf of PBK Architects and Gignac on behalf of Gignac & Associates.*

Mr. Anastos had recused himself from participation in the case and did not attend the closed session or otherwise confer with legal counsel regarding the litigation or settlement of the case.

The Board completed its closed session at 9:47 a.m. and reconvened in open session at 9:53 a.m.

The Chair laid out the proposed settlement agreements before the Board. The Chair stated that at a previous meeting, Ms. Dockery, Ms. Miller and the Chair were designated as Board representatives to attend a mediation to settle the four cases arising out of a presentation made to the Corpus Christi ISD Board. The Chair reported that the Board representative met with representatives of the Respondents at a mediated settlement conference with an Administrative Law Judge on February 20, 2014. He stated the General Counsel and Ms. Fuller were present to provide legal counsel. The Chair reported it was a long day of hard work but they were able to negotiate four settlement agreements which outline specific sanctions which include administrative penalties that vary slightly for each Respondent.

A MOTION WAS MADE AND SECONDED (Dockery/Davis) TO APPROVE THE MEDIATED SETTLEMENT AGREEMENTS SUMMARIZED AS FOLLOWS IN *TBAE V. POWELL, NIGAGLIONI, AND HERNANDEZ ON BEHALF OF PBK ARCHITECTS AND GIGNAC ON BEHALF OF GIGNAC & ASSOCIATES*:

RAYMOND GIGNAC	$17,500.00 ADMINISTRATIVE PENALTY
JAMES IAN ADAMS POWELL	$15,000.00 ADMINISTRATIVE PENALTY
JOEL HERNANDEZ	$10,000.00 ADMINISTRATIVE PENALTY
IRENE NIGAGLIONI	$10,000.00 ADMINISTRATIVE PENALTY

FURTHER, THAT EACH RESPONDENT VOLUNTEERS TO COMPLETE TWO (2) HOURS OF ETHICS TRAINING ACCEPTABLE TO THE BOARD WITHIN 12 MONTHS OF THE BOARD ORDER. IN ADDITION, EACH RESPONDENT ACKNOWLEDGES THAT ANY RE-OFFENSE OR SUBSEQUENT VIOLATION INVOLVING CONDUCT AT ISSUE IN THIS CASE COULD RESULT IN AN ADMINISTRATIVE PENALTY OF $50,000.00, SUSPENSION OF CERTIFICATE OF REGISTRATION OR REVOCATION OF CERTIFICATE OF REGISTATION.

The Chair put the Motion before the Board for deliberation. Ms. Odell requested progress reports from agency staff at future Board meetings on whether

Respondents have completed the ethics training over the next 12 months. The Chair directed staff to note that request and make sure the report is made at future board meetings.

The Chair recognized Matt Ryan, an attorney who represents Mr. Gignac in the case. He asked for clarification regarding the agreed administrative penalty amounts. The Chair recited the amounts from the signed agreements. The Chair inquired as to whether there were any other comments, questions or conversations and stated that he was calling for the vote.

THE MOTION PASSED UNANIMOUSLY (5-0). MR. ANASTOS DID NOT VOTE.

The Board took a break at 10:00 o'clock a.m. and reconvened at 10:08 a.m.

The Chair directed the Board to item 9 on the agenda.

9. Board Response to NCARB Solicitation of Input regarding Proposed Changes to NCARB Intern Development Program (IDP) (Action)

The Chair explained to the Board that NCARB is considering an adjustment to its 6-month reporting requirement. NCARB is trying to reduce impediments to registration while maintaining the rigor for establishing qualifications for registration. NCARB sent a letter in March 2014 to 54 jurisdictions giving a 90-day comment period to allow architecture boards to provide feedback on the proposed change. The Chair stated NCARB has a reporting requirement which requires interns to report experience in 6-month blocks of time. The intent behind the requirement is to prevent reporting old experience and make the interns maintain diligence in ongoing reporting. The Chair noted the requirement poses a problem for some interns who have experience pre-dating the reporting period, as was stated in public comment earlier in the meeting. The change will allow an intern to go back 5 years to report experience for which NCARB will award 50 percent credit. The change will still require reporting in 6-month increments going forward but will allow interns a one-time opportunity to report old experience. The NCARB Board will meet in Philadelphia to consider the state boards' input and consider the change. The Chair asked if there is a motion to vote on the proposal.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO SUPPORT THE PROPOSED CHANGE TO THE NCARB INTERNSHIP REPORTING REQUIREMENTS TO ALLOW 50 PERCENT CREDIT FOR UP TO 5 YEARS OF EXPERIENCE. The Chair called for the vote. THE MOTION PASSED UNANIMOUSLY. The Chair requested the Executive Director or the Registration Manager to report the Board's decision to NCARB.

2. Approval of the February 13-14, 2014, Board Meeting Minutes

The Chair put the draft minutes of the last Board meeting before the Board. A MOTION WAS MADE AND SECONDED (Edwards/Dockery) TO APPROVE THE

FEBRUARY 13-14, 2014, BOARD MEETING MINUTES. The Chair noted the list of "Blue Sky" items which were discussed at the February 13 meeting which is in the Board notebook. The list also includes actions for the implementation of each item. The Chair recognized the Executive Director who reiterated the Chair's comments that the document is helpful and beneficial to the Board and agency staff. The Chair noted the document will be helpful in budget planning and listing priorities of the Board. The Executive Director recognized the Executive Administration Manager for creating the document.

Mr. Anastos asked about the creation of the legislative committee which appears on the list and suggested it be placed on an upcoming agenda for Board action. The Chair directed agency staff to include the creation of the committee and the expectations for the committee on the Board's agenda for its next meeting.

The Chair asked if there were any further deliberation on the Motion. There was none. He put the Motion before the Board for a vote. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director Report – Presentation of Budget

A. 2nd Quarter Operating Budget
   Enforcement Penalties and Fee Transfers to General Revenue
B. Report on Action Items assigned at the February 2014 Board Meeting
   I. Analysis of number of registrants paying late fees
   II. Software application for Tablet-friendly Board Notebooks
   III. Compare registrant trends to national data
C. Fingerprinting update
D. Customer Service Survey

The Executive Director requested agency managers to present the portion of the report that corresponds to each manager's role in operations of the agency.

The Executive Director introduced the Finance Manager to outline details of the 2nd quarter Operating Budget. The Finance Manager stated that the agency's revenue was on schedule – each month on target. He stated that the agency's biggest months of revenue are usually June, July and August so the agency is expecting more revenue in the coming months. He noted that the revenue from Business Registration was below budget projections at the last Board meeting, but were trending upward now. He stated that the late fee payments are probably going to exceed our original projections as reported at the last meeting. The revenue item identified as "other" refers to interest income and agency charges for fulfilling public information requests. He said that expenditures such as salaries, wages, and payroll related costs were coming in below their projections. In addition, travel was coming in below projections at 58.55% for 7 months of the year. Other expenditure items, postage and printing, will exceed budgeted projections. There was an $8,000 postage expense for mailing notice to registrants regarding the new fingerprinting requirement. The expenditure for

printing is also higher than budgeted because of a single $5,600 charge for imaging from State Library and Archives. This is a significant charge, considering $7,000 is the total amount budgeted for printing.

He reported a $9,300 charge for credit card fees which exceeds the $9,000 budgeted. This was a charge for the month of September only and is the only charge for the entire year.

He stated that the office rental expense, the Statewide Cost Allocation Plan payment and the General Revenue payment were apportioned over the year, but have not been paid yet because they are not due until August. This is intended to prevent the distortion of the amounts which are subject to expenditure at the end of the year.

The Finance Manager reported on the scholarship fund and said that the agency typically does a May disbursement in early June. He pointed out the document in the Board notebook showing the Board had paid $12,981 in scholarships. He noted that a projection for the future of the scholarship fund is a separate item on the agenda to be discussed later.

The Finance Manager outlined the next page in the notebook relating to collections of enforcement penalties. He noted that 2013 was the last year the agency retained what it collected in enforcement penalties. He stated that in 2013 the agency collected almost $68,000.00. To date, in 2014, the agency has collected $65,500 – ahead of last year's collection, but the agency cannot keep the funds collected in 2014. He stated that all enforcement penalties go to the General Revenue now. Mr. Anastos asked what the reason is for the higher collections in 2014 than 2013. The General Counsel stated there is nothing in particular which might affect enforcement revenue. He speculated that it might have to do with 2013 being a legislative session year when the agency was under Sunset review. The Chair noted that there might be a trend on enforcement collection tied to legislative session years or whether it is a matter that ebbs and flows depending upon how well the economy is performing which affects the amount of activity of design professionals.

The Finance Manager outlined a series of pie charts in the Board notebook which shows roughly 2/3 of the Board's revenue gets transferred to the General Revenue fund. The agency operates on the remaining 1/3 of the revenue it collects. The Chair asked whether this is similar to the experience of other SDSI agencies. The Finance Manager responded that the experience of the other SDSI agencies is probably similar. Ms. Dockery expressed concern that although the agency is able to operate on 1/3 of the revenue, it is doing so by leaving positions unfilled, particularly in enforcement which might lead to the agency failing to fulfill its mission. She expressed interest in the agency seeking to recoup some of its expenses for enforcement in pursuing the administrative penalties which are transferred to the state, perhaps from the $510,000 annually transferred to the General Revenue fund. Mr. Davis agreed with Ms. Dockery and observed the budget is being subsidized by reserves. He commented that if the state benefits from the administrative penalties, it is reasonable for the state to cover at least the salaries of those who work to collect those penalties. He

suggested the Board should consider seeking some legislative solution to that problem.

The Chair recognized the Executive Director to discuss the Architectural Registration Examination Financial Assistance Fund. The Executive Director outlined a document to the Board showing future fund balances based upon the imposition of a surcharge in differing amounts and the future of the fund if no surcharge were imposed. Mr. Anastos noted a general effort by NCARB and TxA and others to make registration more efficient and reasonably attainable. He suggested the Board should continue the program in that spirit. Ms. Dockery suggested the program should be expanded to the other two professions. There was discussion about the qualification for the scholarship. Mr. Davis expressed his doubt about whether it is an appropriate function of government to offer reimbursement for private individuals' examination costs. He suggested imposing only the smallest fee to keep the program going in order to comply with the statute.

The Chair directed the Board to the next item on the agenda relating to an analysis and explanation of an unexpected increase in the number of late renewals in December 2013. This was reported to the Board at the last meeting. At the Board's request, agency staff prepared a report on the likely reason for the spike in late renewals. The Executive Director outlined a document prepared by agency staff showing a monthly comparison of the number of late renewals for the first 6 months of Fiscal Years 2013 and 2014. The graph shows a higher rate in three months of the 2014 Fiscal Year. However, the average number of late renewals month-to-month has not increased. Staff determined the sudden increase is likely the result of an email sent by the agency to delinquent Respondents, providing notice that renewing registration by the end of the year would allow them to postpone fingerprinting until their next renewal date.

The Chair laid out the next item for discussion regarding the creation of Board notebooks in PDF format. The Executive Director pointed out a document in the Board notebook and stated the agency's IT Manager is available to answer questions. The document lists different software Apps for viewing meeting materials before and during Board meetings. Ms. Odell stated that she uses the iPad for Board meetings and has an application called "Good Reader." This application allows the reader to make notes, highlights and comments or create copies for editing.

The Chair moved to the next item on the agenda comparing the number of Texas registered architects to nationwide registration numbers. The Chair recognized the Communications Manager to discuss the graph. He noted that the Board requested comparison numbers for Texas registration compared to national trends. He stated that they were unable to find national trends for interior designers or landscape architects, but had numbers for the architects. Mr. Anastos asked for clarification of the number of registrants in Texas. The

Communications Manager noted the number for Texas represents the total number of Board registrants, not just architects. The national number relates only to the number of architects.

The Executive Director asked the Managing Investigator to provide an update on the fingerprinting process. The Managing Investigator explained the fingerprinting process to the Board and the policies and procedures that the agency has in place for evaluating late fees, and rejected fingerprints. He said that there are 149 individuals whose fingerprints were rejected. He explained those individuals will have a name-based fingerprint check. In addition, the agency has approved late fee removals for 78 individuals who submitted fingerprints prior to their expiration dates and who therefore should not have been assessed a late fee. He reported that 8772 registrants have been fingerprinted and 8153 have yet to be fingerprinted. Mr. Davis asked to confirm his understanding that the agency does not have access to fingerprints. The Managing Investigator confirmed that is correct. Fingerprints are not filed with the agency and agency personnel never have access to fingerprints. Mr. Davis said he asked because registrants frequently ask him about that.

The Chair recognized the Communications Manager to report on the agency's Customer Service Survey. The Communications Manager reported the survey is conducted every 2 years and this particular survey has been out in the public for 2 weeks. The agency has received 1450 responses thus far, but had received 1600 responses in 2012. The agency has received more responses than 2010. The agency has received a 93% satisfaction rating in 2010 and 2012. Now that the agency has the fingerprinting requirement in place and the test taking requirement approaching, it was anticipated that the approval rating would drop. The Communications Manager reported it did drop to 89.5% which is better than he anticipated and is still good for a state agency.

The survey includes a new section regarding fingerprinting to receive feedback on the new process and to determine the nature of any complaints. One question was "What is your least favorite part of the process?" The most-cited (almost 50% of those who have a complaint) reported a philosophic objection to giving fingerprints. The next highest amount was 19% who cited practical problems finding a location, scheduling an acceptable time, and other issues. The agency showed up in the second lowest rated complaint in which respondents stated they could not contact the agency. The Communications Manager noted it is difficult to understand how that was a problem. The survey asked how helpful the agency's communications have been. Roughly 60% heard about the fingerprinting requirement from the agency at least three times. He noted there were close to 700 respondents who wrote in comments in addition to the options that could be selected.

The Communications Manager stated the survey asked what sort of social media they use. The survey shows that LinkedIn has surged ahead as the most popular

social media tool. The survey shows agency registrants are most interested in continuing education on our Web site.

The Chair directed the Board to the section on conferences and meetings.

Report on Conferences and Meetings

A. NCARB Regional Summit – March 6-9, 2014

The Chair recognized Ms. Dockery. Ms. Dockery reported that it was an excellent conference and it was great to interact with all six regions. It was good all regions heard from the NCARB national group at one time. She stated she worked with NCARB and the San Antonio AIA chapter to arrange tours and they did a great job. She recognized Tory Carlton of the local AIA chapter as doing an excellent tour of the Pearl Brewery. Ms. Dockery noted it was a very positive representation of the city and the state. The Chair said that it was the first time for all NCARB regions to meet up at one time in one place. He stated he was given the opportunity to meet with everyone and look at the Introduction of Resolutions Elections held in our region. This is the second year he served as Regional Chair. He stated that if things go well he will move to the National Board next year. He noted Board members and staff who attended the meeting.

B. NCARB Region 3 Educators Conference – March 22-23, 2014

The Chair reported on the Regional Educators-Practitioners Conference held in March at North Carolina State University in Raleigh, North Carolina. The Chair was there as a Regional Chair. The southern region holds these conferences every other year. There were deans that attended from the College of Architecture across the United States. Every State in the Southern Conference had a dean from their school. Prairie View A&M and UT-Austin sent the dean of the architectural school and UT-San Antonio sent a director. He said that twenty-one educators and fourteen NCARB board members were there from the different states. The President of NCARB, the Secretary of NCARB and the Director of Internship all attended. There were a variety of presentations, including a presentation from Marvin Malca, a Fellow of AIA, who stated that they had a 91% percent graduation rate in their architecture school. He commented on the challenges of an architecture school at a major research institution with a strong STEM emphasis. Walter Gropius, founding architectural advisor made a powerful presentation on IDP to the group. The Chair and Dan Bennett, former Dean at Auburn, gave a joint presentation on architectural accreditation regarding developments for the next 5 years. There was a presentation of a videogame on IDP professional practice in the office featuring topics such as shop drawings and issues in the field. The Chair also reported a tour of the Hunt Library at North Carolina State was available for continuing education credit. The Chair stated the library is the most high-tech environment he has ever seen. It is a world-renown facility designed by Snowden Architects out of Norway. The principal owner of Snowden Architects is a graduate of the University of Texas. Craig Divers, a UT Austin graduate architect and broadly experienced architect, is also at the firm.

C. Texas ASLA Conference – April 3-4

The Chair recognized Mr. Davis to report on the ASLA Conference held in San Antonio, Texas. He reported that he made a presentation at the request of the Texas chapter regarding government affairs and the Sunset process. He said that the Board's Registration Manager and Communications Manager attended. Mr. Davis reported ASLA broke a record for attendance at the conference. He thanked agency staff for sitting in on his presentation.

The Board took a break for lunch at 11:50 a.m. and reconvened at 12:45 p.m.

6. Proposed Rules for Adoption *(Action)*

A. Rules 1.28/3.28/5.38 prohibiting the issuance or renewal of architectural/landscape architectural/registered interior design certificate of registration to certain child support obligors.

The Chair directed the Board to item number 6 on their agenda, specifically pages 61-62. The General Counsel explained that this proposed rule implemented laws withholding licensure from individuals who are in arrears on child support. The proposed rule was published for 30 days. The agency received no public comment.

A MOTION WAS MADE AND SECONDED (Edwards/Davis) TO ADOPT PROPOSED RULES 1.28, 3.28 and 5.38. THE MOTION PASSED UNANIMOUSLY.

B. Rule 1.92 amending architectural internship requirements

The General Counsel stated the proposed amendment modifies the architectural internship requirements to implement a change by NCARB to streamline internship. The rule eliminates conditions upon work experience which limited circumstances in which mandatory experience could be obtained. The proposed amendment was published for 30 days. The agency received no public comment.

A MOTION WAS MADE AND SECONDED (Dockery/Anastos) TO ADOPT PROPOSED RULE 1.92 AMENDING ARCHITECTURAL INTERNSHIP REQUIREMENTS. THE MOTION PASSED UNANIMOUSLY.

7. Enforcement Cases *(Action)*

Review and possibly adopt Executive Director's recommendations in the settlement of the following enforcement cases:

A. Registrant & Non-Registrant Cases:

The Chair recognized General Counsel to present the following cases to the Board for their consideration and possible approval of proposed agreed settlements:

Chase, Mike (#132-13N)

The General Counsel stated that the Respondent hired an architect to ensure that his house could meet the City of Austin "McMansion" ordinance. Respondent removed the architect's seal from a document and affixed it to documents Respondent submitted to the City for permit. The proposed settlement includes Respondent's acceptance of responsibility and imposed an $8,000 administrative penalty. Ms. Dockery stated the

proposed penalty is inadequate to address the seriousness of Respondent's conduct. The General Counsel explained that the penalty was derived according to the penalty matrix for a moderate offense, taking into account mitigating circumstances. Respondent was frustrated with the city for rejecting his plans a number of times. The prospective penalty imposed a $1,000 administrative penalty per sheet. The Chair questioned the methodology for the penalty amount. The General Counsel stated that the agency has the statutory authority to impose a $5,000.00 penalty per violation. However, this was a moderate offense since it involved a single family dwelling owned by Respondent. Mr. Edwards asked whether the architect was going to seek damages from Respondent and the General Counsel replied "not to my knowledge." The Managing Investigator stated that the architect had reported the matter to the Board. Mr. Anastos asked whether the Respondent was a home designer, homeowner or contractor. The Managing Investigator replied that Respondent was the homeowner and the architect's client. Mr. Anastos said that he does not believe the Respondent deserves a reduction in the penalty because he was frustrated with the City of Austin and believes that a penalty of $16,000.00 would be more appropriate. Ms. Dockery asked if the architect knows about the proposed administrative penalty. The General Counsel stated he doubted she knows because the proposed administrative penalty is part of a settlement between the agency and Respondent. Ms. Dockery acknowledged the complainant's opinion is not controlling but was interested because this is a matter of great importance to all architects.

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO INCREASE THE PROPOSED PENALTY FROM $8,000.00 TO $16,000.00 REPRESENTING A $2,000.00 PENALTY PER SHEET OF ARCHITECTURAL PLANS AND SPECIFICATIONS. THE MOTION PASSED UNANIMOUSLY.

Tyler, Lance (#056-13N)
The General Counsel stated that this case involved essentially a title violation. Respondent's firm was advertised as having an architect on staff when it did not. The Respondent had received a previous warning for similar activities.

A MOTION WAS MADE AND SECONDED (Anastos/Dockery) TO APPROVE STAFF'S RECOMMENDATION OF THE IMPOSITION OF A PENALTY OF $2,500.00. THE MOTION PASSED UNANIMOUSLY.

Townsend, Phillip B. (#225-12A)
The General Counsel explained that this case involved an architect who practiced architecture while his license was expired. The proposed penalty in the case is $3,000.00.

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO APPROVE STAFF'S RECOMMENDATION OF THE IMPOSITION OF A PENALTY OF $3,000.00. THE MOTION PASSED UNANIMOUSLY.

B. Continuing Education Cases:

The General Counsel outlined the cases on the agenda. For continuing education cases, the Executive Director's proposed agreed orders include a standard penalty of $700 for misstatements to the Board, $500 for failing to complete continuing education, and $250 for failing to timely respond to an inquiry of the Board. The Chair asked if any case had unusual facts or otherwise required particular discussion. The General Counsel stated that they all fit the same fact patterns and none required specific discussion and all proposed administrative penalties adhere to the standard matrix.

A MOTION WAS MADE AND SECONDED (Dockery/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDED ADMINISTRATIVE PENALTIES IN THE PROPOSED AGREED SETTLEMENT OF THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:

Brink, Thomas C. (#106-14A)
Bryant, Albert (#090-14A)
DePree, E. Austin (#079-14A)
Dierkes, David (#102-14A)
Gereda, Julie E. (#071-14A)
Hendricks, Philip E. (#092-14L)
Hildinger, Douglas C. (#083-14A)
Jackson, Heather (#084-14I)
Jin, Rick (#067-14A)
Johnson, Randal S. (#103-14A)
Johnston, Courtney M. (#052-14I)
Kelly, Donald R. (#105-14A)
McCaffrey, Robin H. (#047-14A)
Marcussen, Robert E. (#101-14A)
Miller, Tracy A. (#082-14I)
Schaumburg, Michael K. (#081-14A)
Welter, Lane E. (#202-13A)

THE MOTION PASSED UNANIMOUSLY.

8. Committee Report on the Executive Director Performance Goals and the Revised Performance Evaluation *(Action)*

The Chair recognized Ms. Odell, the Chair of the Committee, to deliver the Committee report. The Chair suggested, due to the absence of Board members, that Ms. Odell introduce the Committee, the review of the evaluation documents used each year, the information gathered and allow the Board to take action at the next Board meeting. Ms. Odell stated Mr. Davis, Ms. Dockery, and Mr. Bearden served on the Committee so there was representation of all regulated professions and a public member. She stated that they all looked to their own

professional organizations to get standards for an executive director position. They also referenced the American Society of Association Executives. The Committee's goal was to look at the review as position-specific and not person-specific with the best interest of the agency in mind. They found good resources but the Committee was not completely satisfied with what they found. The Committee began reviewing state agencies' evaluation processes. At Mr. Bearden's suggestion, the Committee focused on the Board of Pharmacy. Ms. Odell contacted the Executive Director for the Pharmacy Board and obtained a copy of the document used by that Board for the Executive Director's evaluation. The Committee found much of that document included what it had been looking for. She outlined materials in the Committee report, the process and instructions for the evaluation, including anonymous input from Board members and staff, a template for Board and staff input, and materials for employee self-evaluation. She outlined the process for scoring the evaluation. She noted the document was intended to be updated throughout the year and not completed only in anticipation of the review. Ms. Odell requested comments from the Board.

Ms. Dockery stated that using a state agency other than TBAE brings validity to the proposed form. She noted that the Committee liked the proposed form because it includes an ongoing process to report activities of the agency to the Board throughout the year. She noted the form would give the Board a bigger picture of what the agency is doing. Mr. Edwards asked about an available rating of "I don't know" as an answer and whether it would affect the score. Ms. Odell noted "I don't know" should not count against the Executive Director's evaluation. It was determined such an answer should have no effect on the final score. The Chair thanked the Committee for the work the Committee has done. He asked the Executive Director if she was provided a copy of the Pharmacy Board's materials. The Executive Director stated she received it as the Board did. Much of the information prompted on the form is covered by other reports the agency currently uses to report to the Board. The proposed forms consolidate many of those reports. The Chair said the material should be shared with absent Board members, the Executive Director should have a chance to review it and Board members should provide comments and input to the Committee. The Chair proposed reconvening in August for the Board to deliberate on a document developed by the Committee with the Executive Director's input, the Board's comments, and the input of the agency's Human Resources department. Mr. Davis stated he thought the template could serve as an annual report of the Executive Director and not just an evaluation document. He thought it was a great way to put objective data in front of the reviewer. The Chair thanked Ms. Odell and the participants of the committee for their work.

10. Resolutions for the NCARB 2014 Annual Meeting *(Action)*

The Chair put five NCARB resolutions before the Board. He explained each member board sends a voting delegate to the NCARB annual meeting to vote on resolutions. The Chair noted he is the voting delegate of the Texas Board. He explained to the Board members that they either vote yes or no to provide direction to himself, as the Board's delegate, on how to vote on each resolution.

2014-A – Freeze of Member Dues and Bylaw Amendment

The Chair noted NCARB has reduced the travel budget by about half and has realized other cost savings. The Resolution would freeze member dues because there is not a need for higher dues.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE THE FREEZE OF MEMBER DUES AND BYLAW AMENDMENT. THE MOTION PASSED UNANIMOUSLY.

2014-B – Incidental Bylaw Changes

The Chair noted it is a "clean up" recommendation. It changes the names of committees, reports and makes no substantive changes. A MOTION WAS MADE AND SECONDED (Edwards/Dockery) TO APPROVE THE INCIDENTAL BYLAW CHANGES. THE MOTION PASSED UNANIMOUSLY.

2014-C – Bylaw Change – Regional Directors

The Chair noted that the Resolution has to do with the organizational structure of NCARB. Each NCARB Region has a governing body with a set of offices, including a Secretary, Vice Chair and Chair. The Chair stated that he serves as the Chair for Region 3 of NCARB. But there is another office above the Chair which is the Regional Director. The Regional Director sits on the National Board and is the voice of the Region at the National Board. The Resolution modifies the credentials for the Regional Director. The Resolution would require a former member of a member Board to have ended service on that Board no sooner than 1 year before nomination, to have served at least 2 years on a member Board, and, if an architect, to hold an active NCARB certificate. The crux of the change is an architect may not advance to the national leadership track without an NCARB certificate. The Chair reported that currently, there are two individuals that are Regional Directors who do not have a certificate. To avoid eliminating them from the leadership track, this requirement will not take effect until 2017. Ms. Dockery stated that she believes the 3-year implementation schedule is not adequate. She opined there are highly-qualified architects who will be eliminated from service under the implementation schedule. The Chair stated he does not agree. He supports the Resolution. He stated that the biggest problem was people getting degrees from a non-accredited school which prevents them from getting the NCARB certificate. He questioned whether any other organization would allow its national leadership to have representatives who are not members of the organization. Mr. Anastos stated he understood he must obtain the NCARB certificate in order to become registered in another jurisdiction through reciprocity. He asked if that is the case in other states. The Chair stated no. There are other states that allow people to get licensed in many ways and in order to gain reciprocity such an architect must obtain certification through the Broadly Experienced Architect program. Mr. Anastos stated he believes Regional Directors should be licensed and have a certificate, though he agrees that 3 years may be too soon. Mr. Davis stated at CLARB, as a member of a member Board, he believes he represents the policies and supports the examination without being a CLARB certificate holder. In response to a question from Mr. Anastos, he stated he believed someone who seeks a leadership position should be a member. The Chair asked Ms. Odell if the leadership of NCIDQ are all

members. Ms. Odell stated they are and she never thought it was possible to pursue leadership without being a member.

The Chair requested, as a voting delegate of the Texas Board, a sense of the will of the Board.

A MOTION WAS MADE (Anastos) TO SUPPORT THE RESOLTUION AND SUPPORT EXTENDING THE IMPLEMENTATION TO FIVE YEARS INSTEAD OF THREE. No second was made. The Motion failed for lack of a second. No further action taken. The Chair noted the Texas Board delegates would use their own best judgment on the vote.

2014-D – Certification Guidelines Amendment – Modifications to the BEA Requirements

The Chair stated the current requirement is that a Broadly Experienced Architect candidate for a certificate can submit evidence of work only in his or her home licensing jurisdiction. The Resolution changes the requirement so that experience outside the licensing jurisdiction would qualify for consideration under the BEA program. A MOTION WAS MADE AND SECONDED (Davis/Dockery) TO SUPPORT THE RESOLUTION TO MODIFY THE "ALTERNATIVES TO EDUCATIONAL REQUIREMENTS" IN THE *CERTIFICATION GUIDELINES*. THE MOTION PASSED UNANIMOUSLY.

2014-E – Certification Guidelines Amendment – Modifications to the Education Requirement

The Chair stated the Resolution would recognize a candidate's architectural education if the program he attended was accredited within 24 months before the candidate's graduation from the program.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO SUPPORT THE RESOLUTION TO MODIFY THE EDUCATION REQUIREMENT. THE MOTION PASSED UNANIMOUSLY.

11. Upcoming Board Meeting *(Information)*

Friday, July 25, 2014 – Rules Committee
Thursday, August 21, 2014 – Full Board

The Board took a break at 1:53 p.m. and reconvened at 2:00 p.m.

5. Discussion and possible action to re-implement a surcharge for funding the Architect Registration Examination Financial Assistance Fund (AREFAF) *(Action)*

The Chair noted this issue had been introduced earlier in the meeting. The Chair asked the General Counsel to explain what the Board may do in extending a similar program to the landscape architects and the interior designers. The General Counsel stated the Board only has the statutory authority for a program for architects. Mr. Edwards asked the General Counsel if the statute states how the program is to be funded. The General Counsel stated the statute provides that the scholarship is to be funded by a surcharge on architectural registration fees based upon an amount set by the Board as adequate to fund the program.

When the fund was initially created, the Board imposed a surcharge and the balance of the fund became very large and accrued interest. The Board stopped the surcharge and interest rates have fallen. Agency staff has determined the fund is likely to be diminished to zero within the next 5 years.
Mr. Anastos stated he favors fulfilling the legislative mandate. He stated he would support a surcharge to sustain the fund but not to amass an excessive balance. He stated he would support a surcharge of $2.50.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ASSESS A $2.50 CHARGE TO RENEW FEES TO GET MORE MONEY INTO THE FUND.

The Executive Director requested that the above-referenced increase be effective September 1st for programming reasons. The General Counsel explained to the Board that imposing the surcharge would require an amendment to the fee schedule and the effective date for the increase would be mid-September at the earliest. Ms. Dockery suggested delegating the matter to the Rules Committee and/or Legislative Committee to review in more detail. There is adequate money to award scholarships for at least another 3 years. Mr. Davis inquired as to whether AIA provided any assistance to its members for exam costs. The Executive Director stated that she did not know, but several states provide reimbursement for internship.

THE MOTION AND SECOND WERE WITHDRAWN. The Chair delegated deliberation of a prospective surcharge to the Rules Committee.

The Board discussed prospective legislative changes to either expand the program to the three professions regulated by the Board or to seek a repeal of the program. The Chair also expressed the desire to appoint a Legislative Committee. The Chair stated he would like to know how the architectural profession feels about the program. He also stated he would like to hear from the leadership of all the professions on whether they favor such a program. The surcharge for smaller professions would be higher to provide a scholarship.

Mr. Davis commented upon the Board's past efforts to establish a legislative committee and noted that a professional association objected to it. He stated he would like to know what the legal authority of the Board is on having legislative positions. The Chair requested the Executive Director to establish what the parameters should be for such a committee for the Board's information at the next meeting.

12. Chair's Closing Remarks

The Chair stated that the Board has come to a conclusion. He thanked the members for their service over the past two days.

13. Adjournment

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO ADJOURN THE MEETING AT 2:30 P.M.

Approved by the Board:

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ALFRED VIDAURRI, JR., AIA, NCARB, AICP
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Texas Board of Architectural Examiners - Fiscal Year 2015 Budget with Servers

	FY 2015 Proposed Budget	FY 2014 Approved Budget	FY 2014 Projected through August 31, 2014	FY 2015 Versus Approved 2014 as a Percentage	FY 2015 Versus Projected 2014 as a Percentage
Revenues:					
Licenses & Fees	2,446,000.00	2,455,356.00	2,446,048.00	99.62%	100.00%
Business Registration Fees	72,000.00	67,500.00	67,500.00	106.67%	106.67%
Late Fee Payments	85,000.00	75,000.00	87,848.00	113.33%	96.76%
Other	1,000.00	1,000.00	2,711.00	100.00%	36.89%
Interest	500.00	2,500.00	461.00	20.00%	108.46%
Potential Draw on Fund Balance	**67,105.00**	**105,458.00**	**12,881.00**	63.63%	520.96%
Total Revenues	**2,671,605.00**	**2,706,814.00**	**2,617,449.00**	**98.70%**	**102.07%**
Expenditures:					
Salaries and Wages	1,356,156.00	1,394,330.00	1,315,964.00	97.26%	103.05%
Payroll Related Costs	398,000.00	383,310.00	398,000.00	103.83%	100.00%
Professional Fees & Services	32,000.00	40,000.00	35,000.00	80.00%	91.43%
Travel					
Board Travel	30,000.00	30,000.00	20,000.00	100.00%	150.00%
Staff Travel	18,000.00	23,000.00	18,000.00	78.26%	100.00%
Office Supplies	12,000.00	15,000.00	12,000.00	80.00%	100.00%
Postage	15,000.00	15,000.00	15,000.00	100.00%	100.00%
Communication and Utilities	18,800.00	15,000.00	15,000.00	125.33%	125.33%
Repairs and Maintenance	1,000.00	1,000.00	1,000.00	100.00%	100.00%
Office Rental	60,910.00	60,910.00	60,910.00	100.00%	100.00%
Equipment Leases--Copiers	10,000.00	10,000.00	10,000.00	100.00%	100.00%
Printing	23,475.00	7,000.00	12,000.00	335.36%	195.63%
Operating Expenditures	47,000.00	45,000.00	45,000.00	104.44%	104.44%
Conference Registration Fees	4,000.00	7,000.00	3,000.00	57.14%	133.33%
Membership Dues	20,000.00	21,000.00	20,000.00	95.24%	100.00%
Credit Card Fees---Sep. only for 2014	-	9,000.00	9,311.00	0.00%	0.00%
Staff Training	5,000.00	10,000.00	7,000.00	50.00%	71.43%
SWCAP Payment	68,939.00	68,939.00	68,939.00	100.00%	100.00%
Payment to GR	510,000.00	510,000.00	510,000.00	100.00%	100.00%
IT Upgrades in 2014 with Servers	**41,325.00**	41,325.00	41,325.00	100.00%	100.00%
Total Expenditures	**2,671,605.00**	**2,706,814.00**	**2,617,449.00**	**98.70%**	**102.07%**
Excess/(Deficiency) of Rev over Exp.	**-**	**-**	**-**		
**** Funding for 6 months***	**1,335,802.50**				
Ending Fund Balance	**816,336.50**				

Enforcement Penalties Collected **$ 134,450.00**
General Revenue Collected **$ 2,597,800.00**

Texas Board of Architectural Examiners - Fiscal Year 2014 Budget - Scholarship Fund

	FY 2014 Budget	FY 2014 Actual Expenditures Sept 1, 2013---June 30, 2014	FY 2014 Remaining Budget
Operating Fund Beginning Fund Balance:	-	-	122,965.22
Adjusted Beginning Balance	-	-	-
Scholarship Fund Beginning Balance	139,946.44	139,946.44	
Total Beginning Scholarship Fund Balance	139,946.44	139,946.44	122,965.22
Expenditures:			
Operating Expenditures-Scholarship Payments		16,981.22	-
Total Expenditures		16,981.22	-
Excess/(Deficiency) of Rev. over Exp.	139,946.44	122,965.22	-
Ending Fund Balance	139,946.44	122,965.22	122,965.22

Number of Scholarships Awarded 34

Frequency per Fiscal Year----January 31, May 31, and September 30

ACTION ITEMS/ITEMS OF INTEREST ASSIGNED AT TBAE BOARD MEETINGS

(May 15, 2014 Board Meeting)

Item #	Priority	Action Description	Action Details	Due Date	Status	Action Owner
1.	One	Mr. Anastos noted there had been Board discussion to create a Legislative Committee. Make this an agenda item for the August 21 Board meeting. Mr. Vidaurri asked the Executive Director to research the requirements of the old Legislative Committee, the authority of the committee and what the charge of the committee was.	Staff to layout expectations for such a committee and to look into the records from when the last legislative committee was created and determine what the Board delegated to it. He asked if it is a requirement to have a local person on the Board to be available on short notice to testify at committee hearings before the legislature Review past minutes. Identify what context exists about past established committees. .	Aug 21	Staff researched Board activities from 1997 to present and no Legislative Committee with definitive charges was established. 1. The executive director believes that it is beneficial to have a Board member present/available at Legislative hearings. However, due to spontaneous hearings and legislative requests, it would be prudent to consider assigning Board members who can respond instantaneously to these requests. Also, the executive director can keep these members apprised daily, of any legislative matters pertaining to the TBAE by teleconferencing. 2. Board to delegate to the committee the following tasks: 3. Receive input from professional associations, agency staff and others regarding prospective changes to laws enforced by board 4. Receive advice from staff regarding appropriate board position in light of context – how laws read currently, how enforced currently, arguments raised in court, and positions regarding laws and underlying public policy as stated to oversight agencies 5. Report recommendations to the full board regarding findings and recommended position on board's laws and the public policy underlying those laws. The ultimate underlying goal for the Committee is to gather data regarding filed or	Executive Team Cathy Hendricks Scott Gibson Glenda Best

Item #	Priority	Action Description	Action Details	Due Date	Status	Action Owner
					proposed legislation and the positions of the different stakeholders who have an interest in the Board's jurisdiction. Based upon that input, the Committee is to develop and recommend a rational, fact-based, unified position of the Board on matters that will or may come before the legislature. The purpose of the committee (and the Board's position) is not to endorse or advocate for any professional society's or stakeholder's interest but to articulate the public policy interest to be served by the Board's position. This will serve as a guiding principle/directive to agency staff and board members who may be called upon to testify at legislative hearings. To be clear: neither the committee nor the board should endorse a bill, endorse a position in opposition to a bill, or engage in politics. In fact, the board and the committee should avoid the appearance of doing so. The board should make abstract statements of policy guided by its enabling legislation and mission statement.	
2.	One	1. The Chair, Mr. Vidaurri, directed staff to determine if other states have an Architect Registration Examination Financial Assistance Fund (AREFAF) to defray the costs of the Architectural Registration Program. Check other states for similar scholarship programs. 2. Mr. Anastos asked staff to report to the Rules Committee if it takes a lot of resources to maintain the scholarship program and to provide information to the committee regarding the cost to the agency to administer the scholarship program.	This action is a continuation of the May 15 Scholarship Fund report to the Board on the pros and cons breakdown for continuing the AREFAF scholarship fund initially assigned at the February 13 Board meeting.	Aug 21	A survey to other jurisdictions to report on relating to the AREFAF scholarship program was distributed immediately after the May 15 Board meeting. The responses are included in this report. No additional human resources needed to administer the scholarship program. The agency currently administers approximately 120 manned hours annually (40 hours for 3 application periods).	Mary Helmcamp Glenda Best

3.	One	The Chair delegated possible renewal surcharges to the Rules Committee for consideration and report to the Board.	General Counsel to include on the Rules Committee agenda for the Rules committee meeting on July 25	Aug 21	Item 9, Rules Committee meeting agenda. Report from the Rules Committee to the full Board on Aug 21.	Scott Gibson Rules Committee
4.	One	Ms. Odell asked for an update at each Board meeting on whether the four Corpus Christi Independent School District respondents have taken their required Continuing Education classes in Ethics.		Aug 21	The Board, through letter of 5/19/14, notified the four respondents that they must submit a certificate of completion of 2 hours of professional ethics training by 5/15/2015. They were also notified of a course approved by the Board. Staff in legal and investigations have in place a monitoring process, "compliance follow-up" in which we monitor compliance with these non-monetary sanctions. As of this date, none of the four respondents have reported taking the required Ethics courses. We will provide another update at the October 30 Board meeting.	Jack Stamps
5.	One	Ms. Dockery asked that Rules and/or the possible Legislative Committee to discuss the sealing issues brought up in the Mike Chase enforcement case.	Should the penalties be higher and more significant for this type of infraction (see penalty matrix) The General Counsel brought the issue forward to the Rules Committee in July.	Aug 21	Item 6, Rules Committee agenda -Review Penalty Matrix. Report from the Rules Committee to the full Board on August 21.	Scott Gibson Rules Committee
6.	One	Item 8 on the May 15 Board meeting agenda: "*Committee Report on the Executive Director Performance Goals and Revised Performance Evaluation"* was converted from an action item to an information item. The Chair charged the Board and the Executive Director to review and present this item at the Aug 21 Board meeting.	Deferred for Board approval at the Aug 21 Board meeting.	Aug 21	The Executive Director discussed her concerns and made her recommendations to the ED Performance Review Committee on July 24, 2014. The Board with the Executive Director reviewed the revised performance appraisal instrument with the Performance Review Committee. The ED's concerns were addressed regarding the performance management process, competencies and policy and procedures. The Committee will provide an update to the full Board on Aug 21..	ED Performance Review Committee Cathy Hendricks Glenda Best Christine Brister Scott Gibson
7.	One	During the budget review, Mr. Davis stated that the state of Texas should pay at least the salaries of agency personnel dedicated to the collection of administrative penalties. The state gets the benefit of the administrative penalties imposed on the Board; it should at least allow the agency to recoup the cost expended to collect	This requires a legislative change. The executive director should determine a course of action to bring this action forward during the 84th Legislative session that begins January 2015.	Aug 21	Recouping administrative cost requires a statutory change. Refer to Item #1 regarding Legislative Committee. Requires Legislature to change the SDSI Act.	Cathy Hendricks

		those penalties. Attempt to recover the $510K payment to General Revenue (GR)	Proposed to the Sunset Commission during their review in 2013.		The Sunset Advisory Commission tasked the SDSI agencies to share ideas about SDSI in order for the commission to conduct a study as directed by the 84th Legislature in House Bill 1675. The Sunset Commission letter, Jun 5, 2014 and the agency's response are included under 3F on the Board agenda.	Scott Gibson
8.	One	Rules Committee question regarding SB162. "What is an auxiliary of a branch of the Service"? Does it include the National Guard	Staff to research	Aug 21	General Counsel to research – Bill analysis has no information	Scott Gibson
9.	Two	Rules Committee question regarding SB162. "Is NCARB, NCIDQ, and CLARB establishing standards or identifying the specific military coursework and experience that should count toward licensure"? Do they or are they planning to specify the number of hours of credit for each course/training/experience?"	Staff to research	Oct 30	Registration Department to verify with NCARB/NCIDQ/CLARB **CLARB** is listening to our Members on this issue as well as researching how related organizations (e.g. NCARB and NCEES) and their Boards (a number of which regulate two or all three disciplines) are responding to the broad desire to expedite professional licensing for military members and their spouses. While the interest and activity levels from profession to profession seem to vary, we are seeing a couple of trends: • Expediting qualified applicants. Essentially this involves extending "comity" to those licensed in another jurisdiction and streamlining the processing of applications for initial or reciprocal licensure—moving them to the front of the line if you will. • Advancing the concept of "substantial equivalency." As you probably know, NCARB is offering some model language to support Boards as they create/modify rules to comply with new legislation on expedited licensing such as http://www.statutes.legis.state.tx.us/Docs/OC/htm/OC.55.htm. My understanding is that this approach is gaining some traction. On its face, this would seem to support the integrity of a defensible licensure standard and minimize the risk of loss of mobility. We note that the emphasis here is on the candidate's demonstration of qualification to the Board. The question of what specific military education/training and experience would be commensurate with that of the civilian sector	Mary Helmcamp

					is an interesting one and presents some challenging questions and potentially broad implications. We do not currently define these equivalencies and would need to do some additional research, thinking, and conversation with our Membership before charting a different course. **NCARB**: Work that is approved by a registered architect or that specifically align with the three experience settings are eligible for IDP credit - currently (to my knowledge) there are no more specific plans or opportunities.	
10.	Three	Modify the case summary template to include sanctions precedent over 4 years.	Programming database to show chart	Oct 30	Committee noted to see sample template – not sure when or what it could look like. However, we targeting the Oct 30 Board meeting date to develop a template.	Glenn Garry
11.	Three	Add discussion of Rule 1.217 – Construction observation Rule to next Rules Committee agenda.	Some incongruity with common practice noted.	Unspecified	Will add to next agenda	Scott Gibson

ACTION ITEMS/ITEMS OF INTEREST ASSIGNED AT TBAE BOARD MEETING
(February 12-13, 2014 Board Meeting)

Priority	Action Description	Action Details	Due Date	Status	Action Owner
One	Employee representation at the NCARB Regional Summit in San Antonio, March 6-9, 2014.	Convergence of all NCARB's Regions into one summit meeting annually. Registration is required for attendees; spoke with Cathy, she did not ask staff to attend.	Done	Jack/Mary will attend the Region3 portion of the meeting on Friday, June 7, 2014	Glenda
One	Include the link to the SEE report on the TBAE Website in the next agency Update/Report to the Board	Glenda to place report on the Board's section of the Website.	Early April Done	Link sent to IT on Mar 25 to upload on Website.	Glenda Christine Matthew
One	Provide an analysis of number of registrants paying late fees since the rate was lowered compared to what happened a year ago.	Include in EDs report at the May 15, 2014 Board agenda item.	May 15	Mary will provide data and analysis to Glenda	Ken/Mary
One	Three-person (later expanded to four, to include one public member) to the ED performance Review Committee (Chase Bearden). One of each profession, plus public member.	Initial meeting to convene. Sonya Odell is named Chair of that committee May 15 Board agenda item	May 15	Alfred asked the ED Goal setting committee to continue to move forward with developing goals. He asked Ms. Odell, Chair of the committee to coordinate with the committee and staff on the when and where. He also asked her to have a set of proposed goals ready for approval at the next board meeting.	Sonya Odell Debra Dockery Chad Davis Chase Bearden
One	iPad-friendly Board notebooks. No more paper books. PDFs must be editable with note-taking capability. "Annotate PDF" and "Board Pack" were specific apps mentioned. Let's try PDF-only but have "backup" printouts available at meeting. Last word was: Give the Board some options (software/app and process) next time.	Include in EDs report at the May 15, 2014 Board agenda item.	May 15	IT and Executive continue researching application for the May 2014 Board notebook. Ops team agreed to report the various software packages available for each platform providing basic PDF Annotation FreeWare for the Board's approval	Glenda, Dale IT
One	Dockery has some email/list-serve problems we need to look into.	On Thursday, March 13, Glenda addressed the issue with the IT manager to research the list serve problem the Vice-Chair is encountering.	Mar 14	IT identified the problem and successfully corrected the error and confirmation received from the Vice-Chair that she successfully received the trial list serve message on Friday, March 14 at 2:06 pm	Glenda Dale/Julio IT

Priority	Action Description	Action Details	Due Date	Status	Action Owner
One	Add additional section to existing Operating Budget to report enforcement penalties (revenue) transferred to GR.	Develop a reporting page to capture the enforcement penalties transferred to GR. Also, it would be advantageous to show our initial GR transfers as well. Include in EDs report at the May 15, 2014 Board agenda item.	May 15 Done & Ongoing	Develop pie charts for all transferred funds to GR. Update will be presented under the ED's report at the May 15 Board meeting	Ken/Glenda
One	Pros and cons breakdown for continuing scholarship fund at next Board meeting	May 15 Board agenda item for discussion. Other issues were discussed at the May 15 Board meeting and additional action items are included for action at the Aug 21 Board meeting. (Items are added below to the May 15 action item list.	May 15 Done	Agenda item for the May 15 Board meeting	Board
One	Email Board members the new rule (or law) regarding Board meetings by videoconferencing or teleconferencing.		Done	Email sent on Friday, February 14, 2014 regarding videoconferencing which was amended during the 2013 session.	Scott
One	Compare registrant trends (Page 44, Individual Registrations by FY – all professions) compare to any available national data	Include in EDs report at the May 15, 2014 Board agenda item.	May 15 Done	Present comparison at the May 15 – ED's report on trending	Mary/Glenn
One	Do a survey of other states about what their CE requirement is for the initial registration period. What effect would any rule change have on reciprocity?	Rules Committee meeting	Jul 25	Report to the Rules Committee. Review the model rule	Rules Committee
Two	Have a social media presence		Oct 30	P&P developed and awaiting ED's approval then present to the Board	Cathy/Glenda/ Glenn
Two	Do presentations to Texas Municipal League (TML). Point is to go "above" the BOs to get their attention.	Communications manager filed application with TML for presentation	Oct 30	Include in the ED's report	Jack/Glenn
Two	Presentation to BOs and city managers of the ten largest cities, for starters. Focus will be HB 2284. Jack notes that this is partially in motion already.		Oct 30	Four-hour block at the BOAT conference in August 2014	Jack
Three	Blue Sky Discussion – Reevaluate sealing rules and other practice rules in light of BIM and other evolutions in practice.	Will require extensive practitioner input and careful consideration by Board Would be prudent for Rules Committee workshop	TBD	Pending more specific Board direction – Currently is a Blue Sky Item	Board
Three	Blue Sky Discussion: Make our Website	Create a comprehensive plan to mobilize	Oct 30	This is a work in progress	Cathy Hendricks/IT

Priority	Action Description	Action Details	Due Date	Status	Action Owner
	mobile-friendly; develop apps for mobile devices	our Website			
Three	Sync up ED performance reviews with the Survey of Employee Engagement (SEE) results in the future.	Note: SEE is done bi-annually not annually.	Jan 2016	Would provide SEE results to the ED Performance Review Committee bi-annually	ED Performance Review Committee

BOARD "BLUE SKY" DISCUSSION ITEMS AND/OR BOARD GOVERNANCE AREAS OF INTEREST

Item #	Action Description	Initial Action Details	Comments	Board Action/ Decision
1.	Blue Sky Issue: Have one Board meeting a year in other geographical locations rotating throughout Texas. Idea expressed to maybe convene at a TxA convention.	"Blue Sky" discussion. May be a logistical and financial constraint to convene Board meetings outside of Austin.		
2.	Blue Sky Issue: CLARB is looking for a champion for the concept of "welfare."	CLARB's Welfare document is the outline for TBAE CE rules. The rules track the document extensively.	The agency received the CLARB welfare regulation pilot project for consideration. It was determined that While this is an interesting concept I do not feel that our Board is currently in the position to commit the time, focus, and resources to such a pilot program at this time. CLARB welfare regulation pilot proje	No further action required.
3.	Blue Sky Issue: Encourage interns to register ASAP.	Discussion proposed offering incentives to encourage registration ("carrots and not just the stick")	Pending further Board consideration	
4.	Blue Sky Issue: Have a "blue sky" section (information item) on ALL Board agendas	Capture the Board's brainstorm items on this list and include in the Appendix portion of the Board notebook.	Use the brainstorming ideas as part of the Board Workshop held annually. Chapter VIIA, 2014 Open Meetings Handbook states, "Notice must be sufficient to apprise the general public of the subjects to be considered during the meeting. . . Generalized terms such as 'old business,' 'new business,' 'regular or routine business,' and 'other business' are not proper terms to give notice of a meeting because they do not inform the public of its subject matter." (*See* pages 24-26, *2014 Open Meetings Handbook*)	

Item #	Action Description	Initial Action Details	Comments	Board Action/ Decision
5.	Blue Sky Issue: adhere to quarterly meeting schedule even on legislative years.	May be problematic due to unforeseen legislative committee hearings. New Board members are appointed usually at the end of legislative session.		
6.	Blue Sky Issue: Reestablish the Legislative Committee	This item is now converted to an action item for staff feedback.		

Financial Assistance Program Response from Other States

A group email was sent to all Member Board Executives asking them to provide us with the requirements of their financial assistance programs that would aid ARE candidates to pay for the IDP or the exams. The responses are as follows:

State	Yes /No	Remarks
Louisiana	No	Discussed finding a way to help with exam, IDP or in giving surplus money to our five schools of architecture… We wrote the AG's office and they said no. Our law didn't allow it. Would appreciate a copy of any summary prepared with the responses.
South Carolina	Yes	South Carolina Code of Laws, Section 40-3-255 – Architecture Education and Research Fund. The department, at the board's request, may allocate up to ten dollars of each renewal fee to the SC Architecture Education and Research Fund, which must be established a separate and distinct account used exclusively for: (1) advancement of education and research for the benefit of individuals and firms licensed under this chapter and for architectural interns; (2) analysis and evaluation of factors which affect the architecture profession in this State; and, (3) dissemination of the results of the research. The Board must submit a report each year on how the funds were expended. Every FY, the Board typically receives a funding request from Clemson University for the purchase of materials for the Architecture Library, and student enrollment and membership costs in IDP. The fund is also utilized to assist with the cost of CE Ethics Seminars. A link to our laws and regulations is provided below. http://www.llr.state.sc.us/POL/Architects/PDF%20files/Board%20of%20Architects%20Law_Regulation%20booklet_03.pdf
Nebraska	Yes	Nebraska statutes authorize "repayment of educational debt". For architects the authorized amount is $100. The reimbursement request is linked as follows: ea.nebraska.gov/PDFs/IDP_Refund_Request.pdf
South Dakota	No	Not in South Dakota, but the Board has discussed the idea; so I'll be interested in the answers as well
North Dakota	Yes	We used to waive the ARE application fee for those who reside in the state. But now that NCARB handles all that we'll need to consider alternatives. I know our board discussion will be around rewarding those that stay in state to work
Ohio	Yes	Ohio has a program which reimburses the $100 IDP enrollment fee: Ohio Revised Code 4703.071 Architecture Education Assistance Program (A) The architects board shall establish and maintain and administer an architecture education assistance program to pay applicant enrollment fees of the internship program required of applicants by section 4703.07 of the Revised Code. (B) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to establish all of the following: (1) Applicant eligibility criteria for receipt of internship program enrollment fees, which must include a requirement that applicants be enrolled in an architecture education program at an institution within the state that has been approved by the board and accredited by the national architectural accrediting board, and may include a requirement that the applicant has completed a minimum amount of course work in the program as prescribed by the state board by rule; (2) Application procedures for payment of internship program enrollment fees;

State	Yes /No	Remarks
		(3) The maximum amount of internship program enrollment fees that may be provided by the architecture education assistance program to an applicant; (4) The total amount of internship program enrollment fees that may be disbursed by the architecture education assistance program in any given fiscal year; (5) The means by which other matters incidental to the operation of the program may be ap-proved, including the means to authorize necessary expenses for the operation of the architecture education assistance program. (C) The receipt of internship program enrollment fees under this section shall not affect a student's eligibility for any other assistance, or the amount of that assistance. Ohio Administrative Code 4703-2-06 Program Providing for Reimbursement of IDP Enrollment Fees. (A) The board shall reimburse eligible applicants for the initial cost of enrolling in the intern development program as required by section 4703.07 of the Revised Code and administered by the national council of architectural registration boards. The board shall not reimburse annual maintenance or reactivation fees, late fees or transmittal fees which are imposed by the national council of architectural registration boards. (B) Applicants shall meet the following eligibility criteria in order to receive reimbursement of internship program enrollment fees: (1) Applicants must be currently enrolled and in good standing in a school of architecture in Ohio and which is approved by the board. (a) Board approved schools of architecture include: (i) University of Cincinnati (ii) Kent State University (iii) Miami University (iv) Ohio State University (b) The school of architecture must be accredited by the national architectural accrediting board; (c) The applicant must establish a council record within the intern development program administered by the national council of architectural registration boards. (d) The applicant's council record must be in active status. (2) Application procedures for reimbursement of the intern development program enrollment fee: (a) All applications for reimbursement must be on forms furnished by the board; (b) Applicants must submit to the board official verification of their council record number and active status from the national council of architectural registration boards; (c) Applicants must submit official proof of payment of the internship development program enrollment fee from the national council of architectural registration boards (3) The maximum amount of reimbursement of internship development program fees is one hundred dollars.

State	Yes /No	Remarks
		(4) The total amount of internship development program fees that may be disbursed by the board in any given fiscal year shall not exceed the total number of students eligible for participation at the eligible institutions within the state of Ohio. (5) The reimbursement of the internship development program fees under this rule shall not affect a student's eligibility of any other assistance, or the amount of that assistance.
Alabama	Yes	The Alabama Board has statutory authority to donate funds to the accredited schools of architecture in Alabama. Here's the applicable section of our statutes: The Board may make donations from its surplus funds to any state educational institution which has an accredited school of architecture for assistance in promoting education and research programs in architecture. (Code of Alabama 1975, Section 34-2-41) As part of that authority, the Board has chosen to fund initial IDP application fees for rising third year students. The universities provide a listing of all those students who have signed up for IDP, and we provide the funds. The university transmits the funds to NCARB in bulk (at least that's how it has been done in the past). The Board members also determine additional funds to be donated based on a ridiculously complicated formula. Excess revenues (FY revenues - FY expenses) + a portion of our "reserve funds" (based on a percentage of last five years expenses and retainage in the reserve fund). As of this year, there are no strings attached to those dollars. In years past, the universities submitted a request for funding of certain programs, and the Board reviewed and approved funding as they saw fit.
Washington, D.C.	No	Not in the District of Columbia
Missouri	No	The Missouri Board has no such program
Montana	No	
Maryland	No	Maryland has no such program
California	No	We do not
Kentucky	No	Not in Kentucky
Oregon	No	
Iowa	No	Iowa does not
Maine	No	Not in Maine
Wyoming	No	The Wyoming Board does not have any programs like what you are asking about
Florida	No	The Florida board has no such program
Hawaii	No	
Illinois	No	Illinois does not have any subsidies to sit for the ARE or the IDP
Rhode Island	No	Rhode Island does not have any funds
Indiana	No	Indiana does not
Alaska	No	Alaska does not
West Virginia	No	WV does not have a program
Minnesota	No	Have no discussion for the future

State	Yes /No	Remarks
Colorado	No	The Colorado Board has no such program
New Hampshire	No	Not in New Hampshire
New York	No	We do not have a similar program in NY

Agency Strategic Plan

BY

THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS

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

Board Member	Dates of Term	Hometown
Alfred Vidaurri Jr., AIA, AIP—Chair	8/25/04-1/31/15	Aledo
Debra Dockery, AIA—Vice Chair	5/10/11-1/31/17	San Antonio
Paula Ann Miller—Secretary/Treasurer	5/10/11-1/31/17	The Woodlands
Charles H. (Chuck) Anastos, AIA	4/1/08-1/31/19	Corpus Christi
Bert Mijares, AIA	5/1/09-1/31/15	El Paso
Chase Bearden	5/1/09-1/31/15	Austin
Sonya Odell, RID	5/10/11-1/31/17	Dallas
Chad Davis, RLA	4/11/13-1/31/19	Lubbock
Davey Edwards	4/11/13-1/31/19	Decatur

August XX, 2014

SIGNED: _____

Board Chair

APPROVED: _____

Executive Director

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I. Statewide Vision, Mission, and Philosophy

A. The Mission of Texas State Government

Texas state government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of public trust must be men and women who administer state government in a fair, just, and responsible manner. To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner.

Aim high… we are not here to achieve inconsequential things!

B. The Philosophy of Texas State Government

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise, we will promote the following core principles:

1. First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics, or individual recognition.
2. Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
3. Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.
4. Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. Just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future and the future of those they love.
5. Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
6. State government has a responsibility to safeguard taxpayer dollars by eliminating waste and abuse and providing efficient and honest government.
7. Finally, state government should be humble, recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.

II. Relevant Statewide Goals and Benchmarks

A. Priority Goal: Regulatory

To ensure Texans are effectively and efficiently served by high-quality professionals and businesses by:

1. Implementing clear standards;
2. Ensuring compliance;
3. Establishing market-based solutions; and
4. Reducing the regulatory burden on people and business.

B. Benchmarks:

I. Percent of state professional licensee population with no documented violations
II. Percent of new professional licenses as compared to the existing population
III. Percent of documented complaints to professional licensing agencies resolved within six months
IV. Percent of individuals given a test for professional licensure who received a passing score
V. Percent of new and renewed professional licenses issued via the Internet

C. TBAE Mission

The mission of the Texas Board of Architectural Examiners is to protect the public health, safety, and welfare through the regulation of the practice of the professions of architecture, landscape architecture, and interior design.

D. TBAE Philosophy

We approach our work with a deep sense of purpose to serve and protect the public.

III. External/Internal Assessment

A. Agency overview

Created by the Texas Legislature in 1937, the Texas Board of Architectural Examiners (TBAE) operates under the aegis of the Self-Directed, Semi-Independent (SDSI) program established by the 77th Texas Legislature. Along with a number of other regulatory agencies, TBAE's participation in SDSI removes the agency from the appropriations process, ensures accountability to stakeholders, and requires the agency to operate as a business. SDSI agencies must adopt their own budgets and establish registration fees to cover all operational costs. Additionally, each agency must submit an annual payment ($510,000 in TBAE's case) to the general revenue fund. Finally, $200 of every registration renewal is passed through to the State. In a typical fiscal year, the agency contributes around $3.5 million to the state of Texas' General Revenue and Foundation School funds.

TBAE is overseen by a Board of nine appointees. Four Board members are registered architects, two are public members, one is a registered interior designer, and one is a registered landscape architect. The Chair is selected by the Governor from among the Board members, and typically the group meets four times a year to craft new rules and decide enforcement cases.

TBAE has a staff of 19 full-time equivalents (FTEs), divided into three broad functional units: Registration, Central Administration and Enforcement. Each division is responsible for executing particular operational aspects of the Board's statutory charge and mission. While separation of the units allows staff to fully engage in their respective areas of expertise, close collaboration and cross-training allows the agency as a whole to remain flexible for most any event. TBAE's staffing level and program structure serve its target population (registrants, building officials, design students and professors, the public who uses and inhabits the built environment, and other stakeholders) effectively. While various forces (chiefly, economic factors) may drive changes in target populations to a limited extent, the agency expects to maintain its level of service and retains the flexibility to address any significant changes.

As a Self-Directed, Semi-Independent agency, TBAE continues to improve and streamline operations. To that end, measuring performance is an evolving process. Old methods and processes are continually updated to reflect current best practices. In 2014 and ongoing, the agency will continue evaluating its performance and workload to identify emerging trends to better guide agency executive management.

In fact, much of 2012 and 2013 was spent overhauling the agency's own performance measures, which are detailed below in the List of Measure Definitions. Customer service survey data have shown and continue to show a high degree of satisfaction among all the agency's key constituencies, and while TBAE is proud of those results, the agency remains focused on the future. Key factors viewed by Executive Management as critical in this regard are the best uses of technology and the emerging professionals poised to join the design professions in the near future.

B. Sunset review and legislation

In 2012, TBAE underwent its periodic review by the Sunset Advisory Commission of Texas (Sunset). The TBAE Sunset bill, HB 1717, passed the Legislature and became law in 2013, along with HB 1685, a Sunset bill for SDSI agencies generally. The Sunset bills made a number of changes to agency operations and finances, summarized as follows:

- **I.** Continues the agency through 2025
- **II.** Requires all Registered Interior Designers (RIDs) who have not passed a national licensure exam to do so by September 1, 2017
- **III.** Requires fingerprint-based criminal history checks of all current and incoming Active-status registrants
- **IV.** Lowers fees for late registration of a license
- **V.** Requires annual reporting of a number of new performance measures (detailed below)
- **VI.** Requires the agency to remit all administrative penalties to the State

C. Customer Service Survey results and overview

The 2014 TBAE Report on Customer Service was submitted in May, 2012. The results of the survey showed that the agency maintained a relatively high (86.7 percent) overall satisfaction rate among registrants, building officials, emerging professionals, and other stakeholders surveyed. This figure represents a modest downturn from previous surveys, due to the widespread unpopularity of the fingerprint-based criminal history check requirement.

D. Social Media and online tools for stakeholders

Aside from Customer Service Survey commentary regarding the new fingerprinting requirement, perhaps the most frequently mentioned topic was continuing education (CE). This expressed interest has resulted in the agency's plan to branch out into new technological territory to provide CE for registrants, while keeping costs low. Initially, the agency plans to offer full-credit CE classes via online video conferencing software, which will sidestep much of the cost of traveling to provide in-person CE classes. Simultaneously, TBAE plans to launch its presence on social media, which is a low-cost additional avenue of communication. Also, for the future, the agency is considering producing free-standing, on-demand CE classes to be delivered online.

E. Overhauling the agency's Performance Measures (PMs)

In 2012 the agency took upon itself a project to gain independent verification of the accuracy and meaningfulness of its PMs. The PM assessment verified the agency's data structures, report queries, and PM construction, which provides an additional layer of assurance that the PMs reported in the future will serve as an accurate reporting and strategic planning tool. As a result of 2013 Sunset legislation, the agency again undertook a thorough overhaul of its PMs to be reported annually.

IV. Agency Goals, Objectives, and Strategies

A. GOAL: TBAE will administer a licensing program to ensure that only qualified professionals and firms practice the regulated professions in Texas.

Objective
Ensure that all practitioners and users of restricted titles within the regulated professions earn and maintain a valid registration.

Strategies
- Provide registrants, applicants, and firms useful tools for record-keeping, account maintenance, and renewals.
- Accurately evaluate applications for registration and maintain documentation.
- Identify and reach out to lapsed registrants facing cancellation to provide help in renewing registrations.
- Provide useful, informative continuing education courses for registrants.

B. GOAL: TBAE will protect the public health, safety, and welfare with an effective enforcement program.

Objective
Promote compliance and the use of professional standards by registrants.

Strategies
- Maximize stakeholder exposure to regulatory requirements and developments via an aggressive communications/outreach program.
- Investigate and prosecute enforcement cases in a thorough and timely manner.

Objective
Ensure due process and fairness for respondents facing enforcement action.

Strategies
- Adhere to Robert's Rules of Order and "open meetings" statutes in all public meetings.
- Adhere to all applicable statutory and administrative requirements throughout the course of any investigation or enforcement activity.

C. GOAL: TBAE will seek to draw upon historically underutilized businesses (HUBs) in its procurement of goods and services.

Objective
To include historically underutilized businesses in at least 20% of the professional services contracts, 33% of other services contracts, and 12.6% of commodities contracts awarded annually by the agency.

Strategies
- Send requests for bids to at least two HUB vendors when purchasing
- All routine office supply purchases made from HUB vendors

V. Technology

Technology Resource Planning, Part 1: Technology Assessment Survey
TBAE uses the State's the Texas Agency Network (TEX-AN) communication service and the Texas Online Payment Portal, Texas.gov, for processing online transactions. TBAE uses the Department of Information Resources' (DIR) Data Center Service (DCS) providing Office 365 licenses and currently handling TBAE's email services. All other services are handled in-house by TBAE's IT Department, including programming, database administration, Simple Mail Transfer Protocol (SMTP) email services, network administration, and desktop services.

Statewide Technology Priority: Enterprise Planning and Collaboration
TBAE is a small agency; therefore, no enterprise applications, etc. are envisioned. The agency plans to continue to utilize the Department of Information Resources' (DIR) Information and Communications Technology (ICT) Cooperative Contracts program when possible. TBAE also established relationships with other smaller agencies, and resource sharing will continue as needed.

The agency utilizes industry standard database systems with custom applications. These applications are written in standard programming languages such as Microsoft Access and Visual Basic for internal applications and Microsoft ASP for Internet applications. By utilizing standard programming languages, the applications do not require expensive software license agreements or vendor maintenance contracts. As an added benefit, data easily interfaces with other agency systems.

TBAE utilizes the State of Texas Payment Processing Portal, Texas.gov and their Common Checkout Interface for processing all online payments. TBAE plans to take advantage of their new responsive design technology to better accommodate access to our Web sites and online payment services via mobile devices.

Statewide Technology Priority: Security and Privacy (Safeguard Technology Assets and Information)
TBAE conducts annual risk assessments, as well as annual controlled penetration tests and application scans. The agency has increased the number of penetration tests that are conducted per year from one to four.

TBAE is compliant with current requirements for submitting monthly incident reports. TBAE has also added security-specific training requirements to employee performance evaluations. The agency has a strict policy in place prohibiting the acceptance of credit card numbers via the phone. TBAE requires that all new employees complete Information Security and Nondisclosure agreements before gaining access to agency information systems. IT Policies are refreshed at least every two years. Agency-supported email passes through a spam appliance to reduce/remove suspicious emails. Virus protection is provided at the server level with daily deployment of virus up-dates.

Agency equipment is configured to prevent users from installing any non-approved software that may cause service interruptions. Agency-supported remote services utilize a secure socket layer certificate so that data transfer is secure.

Statewide Technology Priorities: Legacy Modernization, Mobility & Network
TBAE's Web sites are currently being revamped. The focus of these projects is to update the agency's secure online payment Web sites to a newer software language, to take advantage of responsive design Web page formatting, and to create a better user experience for our customers. TBAE's online systems support individuals who desire to apply, take the examination, and become licensed, as well as businesses

which are required to register. Once an account is created, individuals can go online and update their contact information, complete an application, view their exam scores, renew a license and pay any fee with a credit card. Registrants can also maintain their continuing education log from their TBAE account. Businesses can register online and pay their annual fees with a credit card.

The agency's Web site is highly utilized by both licensees and the public for information gathering. The Web site's "Find a Design Professional" search feature gives all site users the ability to check the registration status of Architects, Landscape Architects, and Registered Interior Designers to find out whether a design professional is a licensed professional in good standing. The Web site's "Business Search" feature gives all site users the ability to check the registration status of businesses that provide services by licensed Architects, Landscape Architects or Registered Interior Designers.

TBAE has moved from paper-based communication to email as the primary means of communication with our registrants. The agency augments paper renewal reminders with email messages, as well as announcements of profession specific news. Business processes that support the continuing education program, as well as the application process, rely heavily on email communication.

Statewide Technology Priorities: Cloud, Business Continuity & Network
TBAE is migrating to Office365 cloud services, largely as a part of agency Business Contingency Planning and to provide greater security. TBAE is migrating to Office365 cloud services, largely as part of agency Business Contingency Planning and to provide greater security. Office365 offers a suite of productivity tools that is enterprise-wide and centered on collaboration and availability. TBAE believes that the implementation of a cloud based productivity infrastructure allows employees to share information that can foster better employee relationships, which in turn makes the entire atmosphere more positive and team-oriented by utilizing a central repository for email with Exchange online, files and intranet with SharePoint online, and communication and collaboration with Lync online.

Statewide Technology Priority: Data Management
TBAE is undertaking a data quality management project. The purpose of this project is to perform a complete review of the agency's database-related interfaces and our agency Web sites to identify and remedy data quality issues. The project will consist of several phases covering our internal applications, our reporting tools, and our Web site to address data integrity, quality, and accuracy. It is envisioned that the end result will be improved reporting, efficiency, and functionality within TBAE's array of data-related applications.

Technology Resource Planning, Part 2: Technology Alignment Initiatives

1. Initiative Name:	
Server Virtualization	
2. Initiative Description:	
Consolidate agency servers into clustered redundant virtual machine servers.	
3. Associated Project(s):	
Name	**Status**
Server Virtualization	Current

Server Redundancy in the Cloud	Planned

4. Agency Objective(s):

Improve delivery of daily tasks utilizing emerging technologies for registration, accounting and enforcement functions of agency, which affect internal as well as external operations.

5. Statewide Technology Priority(ies):

Security and Privacy	IT Workforce
Cloud Services	Virtualization
Legacy Applications	Data Management
Business Continuity	Mobility
Enterprise Planning and Collaboration	Network

Virtualization, Business Continuity, Cloud Services

Anticipated Benefit(s):
Operational efficiencies (time, cost, productivity)
Citizen/customer satisfaction (service delivery quality, cycle time)
Security improvements
Foundation for future operational improvements
Compliance (required by State/Federal laws or regulations)

Server Virtualization provides a foundation for future operational improvements. Specifically, leveraging Cloud technology will help accomplish Business Continuity goals.

7. Capabilities or Barriers:

IT Workforce requires additional training to ensure proper setup, configuration, and maintenance of the virtualized server environments.

1. Initiative Name:

Migration to Office 365

2. Initiative Description:

Migrate agency email and MS Office software and files to Office 365 cloud environment.

3. Associated Project(s):

Name	Status
Migrate Exchange Server to the Cloud	Current
Migrate Desktops to use Office 365	Current

4. Agency Objective(s):

Improve delivery of daily tasks utilizing emerging technologies for registration, accounting and enforcement functions of agency, which affect internal as well as external operations.

Improve internal communication among divisions, among co-workers, and between staff and supervisors.

5. Statewide Technology Priority(ies):

Security and Privacy	IT Workforce
Cloud Services	Virtualization
Legacy Applications	Data Management
Business Continuity	Mobility
Enterprise Planning and Collaboration	Network

Cloud Services, Business Continuity, Security and Privacy, Mobility, Network

Anticipated Benefit(s):
Operational efficiencies (time, cost, productivity)
Citizen/customer satisfaction (service delivery quality, cycle time)
Security improvements
Foundation for future operational improvements
Compliance (required by State/Federal laws or regulations)

The migration to Office 365 creates a foundation for future operational efficiencies and improvements.

7. Capabilities or Barriers:

Agency has trained IT personnel to setup and configure Office 365. Additional training is planned for all employees who will be using the Office 365 applications.

1. Initiative Name:

Modernize applications to prevent Legacy status

2. Initiative Description:

Older, but not yet legacy, software is to be rewritten with newer software language and tools.

3. Associated Project(s):	
Name	**Status**
Modernize Individual Registrant Website	Current
Integrate Responsive Design into Business Registration Website	Current
Create Web application to replace internal database interface	Planned

4. Agency Objective(s):

Improve delivery of daily tasks utilizing emerging technologies for registration, accounting and enforcement functions of agency, which affect internal as well as external operations.

5. Statewide Technology Priority(ies):

Security and Privacy	IT Workforce
Cloud Services	Virtualization
Legacy Applications	Data Management
Business Continuity	Mobility
Enterprise Planning and Collaboration	Network

Security and Privacy, Enterprise Planning and Collaboration, Legacy Applications, Mobility, Network

Anticipated Benefit(s):
Operational efficiencies (time, cost, productivity)
Citizen/customer satisfaction (service delivery quality, cycle time)
Security improvements
Foundation for future operational improvements
Compliance (required by State/Federal laws or regulations)

Benefits include Registrant's satisfaction with ease of use of the TBAE Web site as well as creating a foundation for future operational improvements internally.

7. Capabilities or Barriers:

Documentation regarding the complete functionality and business logic incorporated in the current internal application is absent. Thus, care must be taken that no logic is missed or left out in the rewrite of this software application.

1. Initiative Name:

Data Quality Management Project

2. Initiative Description:

Review TBAE database interface systems, resolve database content inconsistencies, and review agency Web sites to improve data entry and reporting tools, as well as ensure all Web site information is current and accurate.

3. Associated Project(s):

Name	Status
Data Quality Management Project	Current

4. Agency Objective(s):

Improve delivery of daily tasks utilizing emerging technologies for registration, accounting, and enforcement functions of agency, which affect internal as well as external operations.

Improve internal communication among divisions, among co-workers, and between staff and supervisors.

5. Statewide Technology Priority(ies):

Security and Privacy	IT Workforce
Cloud Services	Virtualization
Legacy Applications	Data Management
Business Continuity	Mobility
Enterprise Planning and Collaboration	Network

Data Management

6. Anticipated Benefit(s):
Operational efficiencies (time, cost, productivity)
Citizen/customer satisfaction (service delivery quality, cycle time)
Security improvements
Foundation for future operational improvements
Compliance (required by State/Federal laws or regulations)

This project is expected to improve operational efficiencies by making data more consistent, providing missing features, to improve data entry and reporting capabilities and increase overall data reliability.

7. Capabilities or Barriers:

This project's success depends on input from all who utilize the TBAE applications or who are responsible for TBAE's Website content. The project has been requested by Executive Management which helps to ensure everyone's involvement in working to complete it.

1. Initiative Name:	
Digital Imaging Process and System Integration	
2. Initiative Description:	
Develop a digital imaging system to enable agency processes to start conversion away from paper copies to digital only copies. Integrate access to the digital files into agency internal applications for improved efficiency and productivity.	
3. Associated Project(s):	
Name	**Status**
Digital Imaging Process and System Integration	Planned
4. Agency Objective(s):	
Improve delivery of daily tasks utilizing emerging technologies for registration, accounting and enforcement functions of agency, which affect internal as well as external operations. Improve internal communication among divisions, among co-workers and between staff and supervisors.	
5. Statewide Technology Priority(ies):	
Security and Privacy Cloud Services Legacy Applications Business Continuity Enterprise Planning and Collaboration	IT Workforce Virtualization Data Management Mobility Network
Business Continuity, Data Management	
6. Anticipated Benefit(s): Operational efficiencies (time, cost, productivity) Citizen/customer satisfaction (service delivery quality, cycle time) Security improvements Foundation for future operational improvements Compliance (required by State/Federal laws or regulations)	
It is anticipated a digital imaging system would provide productivity and time savings for TBAE personnel and provide a foundation for future operational improvements.	

7. Capabilities or Barriers:
The high cost of installing and the yearly license and maintenance for common digital imaging systems discourages their use. TBAE has reviewed several vendor packages and may determine to purchase one. Alternatively, developing our own in-house custom document imaging system is being considered, as this could provide the most flexibility with the least cost for integration of the digital imaging system into the functionality of our internal applications.

VI. Appendices

A. Description of Agency's Planning Process

The Executive Director provided overall direction to staff to develop the strategic plan.

March 2014
→ Strategic Plan instructions downloaded and read
→ Customer Service Survey instrument developed and reviewed

April 2014
→Customer Service Survey compiled and released

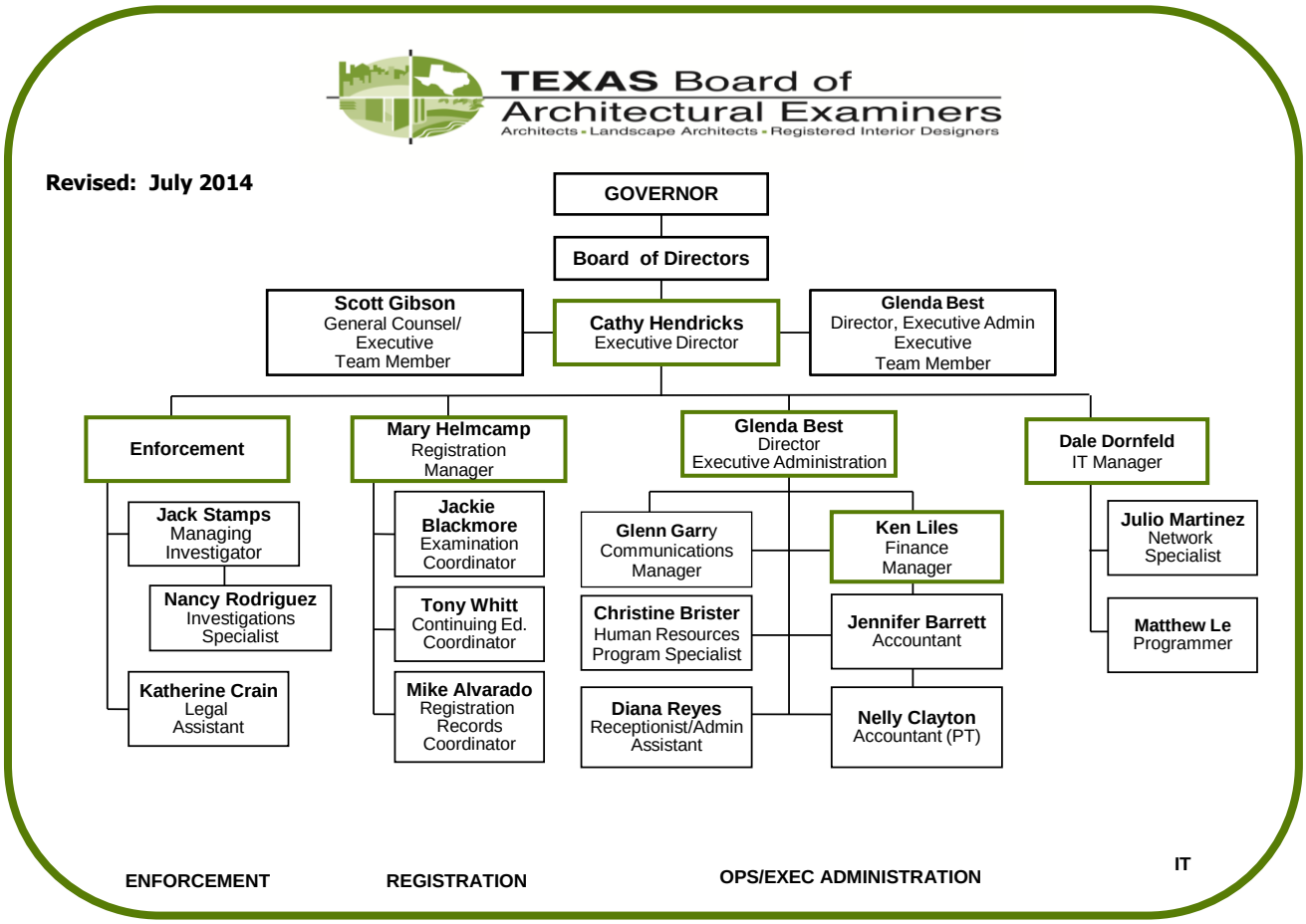
May 2014
→Report on Customer Service submitted

June 2014
→Workforce plan written
→First draft of strategic plan written for executive review

July 2014
→Technology portions of strategic plan written
→Second draft of strategic plan written for executive review

August 2014
→Final refinements
→Board approval of Strategic Plan
→Plan submitted

VII. Current Organizational Chart



VIII. Five-year Projections for Outcomes

Annually-reported performance measures have been revised thoroughly according to the 2013 TBAE Sunset bill and the SDSI Sunset bill, and will be tracked closely to measure progress and note areas of improvement. These metrics will be reviewed periodically as part of normal business.

IX. List of Measure Definitions

1. Number of examination candidates (reported quarterly)

Purpose:	The measure indicates workload and helps to project number of possible eligible registrants, viewed against previous reports with an eye toward trending.
Methodology:	The agency's database (TBAsE) will automatically run a snapshot report quarterly, in the first hours after the end of each quarter. The data and "roster" information will be saved for future review and audit. TBAsE will run a head count of all records with an application type of "Exam Candidate" and a registration status of "Open."
Data Limitations:	Data are limited to those captured in TBAsE.
Calculation Type:	Non-cumulative.
New Measure:	No.

2. Number of licensees/certificate-holders (reported quarterly)

Purpose:	The measure indicates workload for agency staff, and also may help project future workload when viewed against previous reports.
Methodology:	The agency's database (TBAsE) will automatically run a snapshot report quarterly, in the first hours after the end of each quarter. The data and "roster" information will be saved for future review and audit. TBAsE will run a head count of all records with an application type of "Registrant" and a registration status of "Active," "Inactive," or "Emeritus."
Data Limitations:	Data are limited to those captured in TBAsE.
Calculation Type:	Non-cumulative
New Measure:	No

3. Number of enforcement cases opened during the quarter (reported quarterly)

Purpose:	The measure indicates workload and effectiveness, and also may help project future workload when viewed against previous reports.
Methodology:	A TBAsE query will be run automatically in the first hours after the end of each quarter. The query will return all results with a "case open date" field within the quarter. The data and "roster" information will be saved for future review and audit.
Data Limitations:	Data are limited to those captured in TBAsE.

Calculation Type: Cumulative.

New Measure: No.

4. Number of enforcement cases closed during the quarter (reported quarterly)

Purpose: The measure indicates efficiency and effectiveness in handling enforcement cases.

Methodology: A TBAsE query will be run automatically in the first hours after the end of each quarter. The query will return all results with a "case closed date" field within the quarter. The data and "roster" information will be saved for future review and audit. Note that the "closed" date is to be defined in accordance with agency Policies and Procedures; that is, a case is "closed" as of the date that the Board takes final action on it, not on the date a final payment is made or other requirement is fulfilled.

Data Limitations: Data are limited to those captured in TBAsE.

Calculation Type: Cumulative

New Measure: No

5. Recidivism rate (reported quarterly)

Purpose: The measure indicates the effectiveness of the deterrent effect of the Board's enforcement activities upon previously disciplined respondents.

Methodology: TBAsE will run a report each quarter to search through the current quarter and the previous 11 quarters for instances of certain "final dispositions" (a field in each enforcement case record). Those flagged final dispositions are: Agreed Order, Cease & Desist, Consent Order, Formal Reprimand, Informal Reprimand, Notice of Violation, Order of the Board, Penalty Notice, Revocation, Suspension/Probation, and Warning Letter.

$$\frac{\textit{Number of respondents with multiple instances of flagged final dispositions during the period}}{\textit{Number of respondents with any number of instances of flagged final dispositions during the period}} \times 100 = __\%$$

Data Limitations: Data are limited to those captured in TBAsE.

Calculation Type: Non-cumulative

New Measure: No

6. **The salary for all agency personnel and the total amount of per diem expenses and travel expenses paid for all agency employees, including trend performance data for the preceding five fiscal years (reported annually)**

Purpose:	The measure helps to track agency personnel and travel expenditures.
Methodology:	This measure is derived from the agency's Annual Financial Report and other finance documents.
Data Limitations:	Data are limited to those captured in finance documents.
Calculation Type:	Non-cumulative
New Measure:	Yes

7. **The total amount of per diem expenses and travel expenses paid for each member of the governing body of each agency, including trend performance data for the preceding five fiscal years (reported annually)**

Purpose:	The measure helps to track Board Member travel expenditures.
Methodology:	This measure is derived from the agency's Annual Financial Report and other finance documents.
Data Limitations:	Data are limited to those captured in finance documents.
Calculation Type:	Non-cumulative
New Measure:	Yes

8. **Each agency's operating budget, including all revenues and a breakdown of expenditures by program and administrative expenses, showing: (A) projected budget data for a period of two fiscal years; and (B) trend performance data for the preceding five fiscal years (reported annually)**

Purpose:	The measure helps to track agency finances.
Methodology:	This measure is derived from the agency's Annual Financial Report and other finance documents.
Data Limitations:	Data are limited to those captured in finance documents. Projections are necessarily speculative.
Calculation Type:	Non-cumulative
New Measure:	Yes

9. **Number of full-time equivalent positions at the agency (reported annually)**

Purpose:	The measure helps to track agency expenditures.
Methodology:	This measure is derived from item/column 5B, "Total FTEs Non-Appropriated Funds" of the State Auditor's Office FTE Employee System online database (Q4 of each year).
Data Limitations:	Data are limited to those captured by the State Auditor.
Calculation Type:	Non-cumulative

New Measure: Yes

10. Number of complaints received from the public and number of complaints initiated by agency staff (reported annually)

Purpose: The measure helps to track agency workload and determine allocation of agency resources.

Methodology: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" and "Complaint." Staff complaints will be counted as those with a Source of Complaint field entry of "Evidence returned through internal TBAE ops," "Evidence revealed through associated complaint," and "CE audit." All other Source of Complaint types will be counted as Public complaints. Complaints will be counted in the appropriate year based on their open date.

Data Limitations: Data are limited to those captured by TBAsE.

Calculation Type: Non-cumulative

New Measure: Yes

11. Number of complaints dismissed and number of complaints resolved by enforcement action (reported annually)

Purpose The measure helps to track agency workload.

Methodology: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case" and "Complaint." Of the universe, those items with content in the "Board Approved Date" field will be counted as "resolved by enforcement action," and those with a blank entry will be counted as dismissed. The date entered in "Board Approved Date" will determine in which fiscal year to report the item. Otherwise, the "Case Closed Date" field will determine the fiscal year of reporting. Additionally, those with a blank "Board Approved Date" and having a disposition type of "Revocation" and Case Type field of "Case", "Complaint" or "Query" will be counted as "resolved by enforcement action."

Data Limitations: Data are limited to those captured by TBAsE.

Calculation Type: Non-cumulative

New Measure: Yes

12. Number of enforcement actions by sanction type (reported annually)

Purpose: The measure helps to track the results of the agency's enforcement activities.

Methodology: From TBAsE, the universe will consist of all closed enforcement matters having a Final Disposition of "Agreed Order", "Cease and Desist", "Consent Order", "Formal Reprimand", "Notice of Violation", "Order of the Board", "Penalty Notice", "Revocation", "Suspension/Probation", or "Dismissed (C.O.)". Of the universe, those items with a Final Disposition of "Agreed Order", "Cease and Desist",

"Consent Order", "Notice of Violation", "Order of the Board", "Penalty Notice" or "Dismissed (C.O.)" and having a penalty assigned will be counted as "Admin Penalty". Those of this same list without having a penalty to pay will be counted as "Cease & Desist". Those having a Final Disposition of "Revocation", "Suspension/Probation" and "Formal Reprimand" will be counted under their corresponding Sanction Type. Cases will be counted in the appropriate fiscal year based on their closed date.

Data Limitations: Data are limited to those captured by TBAsE.

Calculation Type: Non-cumulative

New Measure: Yes

13. Number of enforcement cases closed through voluntary compliance (reported annually)

Purpose: The measure helps to track agency workload and determine the effectiveness of enforcement activities.

Methodology: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of "Case." Items from this universe with an entry in the Final Disposition field of "warning letter" or "informal reprimand" will be counted. Cases will be counted in the appropriate fiscal year based on their closed date.

Data Limitations: Data are limited to those captured by TBAsE.

Calculation Type: Non-cumulative

New Measure: Yes

14. Amount of administrative penalties assessed and the rate of collection of assessed administrative penalties (reported annually)

Purpose: The measure helps to track disciplinary compliance among enforcement respondents.

Methodology: The amount (in dollars) of all administrative penalties assessed in a fiscal year is divided by the amount (in dollars) of all administrative penalties collected in the same fiscal year. The date entered in "Board Approved Date" will determine in which fiscal year to report the penalties assessed. If "Board Approved Date" is not entered, the "Case Closed Date" field will determine the fiscal year of reporting. The recorded "Payment Date" will determine in which fiscal year to report the amount collected. The result is expressed as a percentage.

Data Limitations: Data are limited to those captured by TBAsE. Penalties collected in one fiscal year may have been assessed in a previous fiscal year.

Calculation Type: Non-cumulative.

New Measure: Yes.

15. The number of enforcement cases that allege a thread to public health, safety, or welfare or a violation of professional standards of care and the disposition of those cases (reported annually)

Purpose:	The measure helps to gauge agency workload and effectiveness with regard to more-involved enforcement cases.
Methodology:	The universe consists of all records with a Case Type of "Case" with a Closed Date within the reporting fiscal year, and excluding all records with specified rule/statute citations in the Violations field indicating that the infraction was a title violation or a continuing education violation. The Disposition of the responsive records is reported and categorized based on sanction type similar to the "Number of enforcement actions by sanction type" annual report.
Data Limitations:	Data are limited to those captured by TBAsE.
Calculation Type:	Non-cumulative
New Measure:	Yes

16. The average time to resolve a complaint (reported annually)

Purpose:	The measure helps to determine efficiency in caseload management.
Methodology:	The universe consists of all records with a Case Type of "Case" with a Closed Date within the reporting fiscal year. Time is determined by calculating the number of days between the Open Date and Closed Date for each record.
Data Limitations:	Data are limited to those captured by TBAsE.
Calculation Type:	Non-cumulative
New Measure:	Yes

17. The number of license holders or regulated persons broken down by type of license and license status, including inactive status or retired status (reported annually)

Purpose:	The measure helps to determine agency workload.
Methodology:	Registrants are broken down by profession, and further by status (Active, Inactive, or Emeritus). Business registration count includes all businesses with an Active or Pending status. Counts are made as of the last day of the reporting fiscal year.
Data Limitations:	Data are limited to those captured by TBAsE.
Calculation Type:	Non-cumulative.
New Measure:	Yes, in this particular format.

18. **The fee charged to issue and renew each type of license, certificate, permit, or other similar authorization issued by the agency (reported annually)**

Purpose:	The measure helps to track registrant fees.
Methodology:	This measure is derived from the agency's fee schedule, housed in agency rule 7.10
Data Limitations:	None
Calculation Type:	Non-cumulative
New Measure:	Yes

19. **The average time to issue a license (reported annually)**

Purpose:	The measure helps to determine efficiency in delivering services to registrants.
Methodology:	The universe consists of intended registrants whose accounts are populated with "Registration by Exam" or "Reciprocal Registration" fees indicating that all requirements have been met for licensure. Time is calculated as the number of days between the adding of the fee and the payment of the fee, and records are reported by fiscal year based on payment date.
Data Limitations:	Data are limited to those captured by TBAsE. The agency has no control over how quickly or not an eligible person pays the required fee.
Calculation Type:	Non-cumulative.
New Measure:	Yes

20. **Litigation costs, broken down by administrative hearings, judicial proceedings, and outside counsel costs (reported annually)**

Purpose:	The measure helps to track agency litigation expenditures.
Methodology:	This measure is derived from the agency's Annual Financial Report and other finance documents.
Data Limitations:	Data are limited to those captured in finance documents.
Calculation Type:	Non-cumulative.
New Measure:	Yes

21. **Reserve fund balances (reported annually)**

Purpose:	The measure helps to track the agency's reserve fund.
Methodology:	This measure is derived from the agency's Annual Financial Report and other finance documents.
Data Limitations:	Data are limited to those captured in finance documents.
Calculation Type:	Non-cumulative.
New Measure:	Yes

22. The Board should measure the effects its customer service and outreach efforts have on registration and enforcement (management action)

Purpose:	The measure helps to track effectiveness of the agency's communications.
Methodology:	Enforcement outreach to building officials and plan examiners will be calculated by dividing the number of cases opened during the reporting quarter (with a Source of Complaint category of "Building Official or Plans Examiner.") by the number of building official/plan examiner impressions during the previous quarter. Enforcement outreach to registrants will be calculated by dividing the number of non-Continuing Education-related cases against registrants during the reporting quarter by the number of registrant impressions during the previous quarter. Licensing (registration) outreach will be calculated by dividing the number of application fees paid during the quarter by the number of student/intern impressions during the previous quarter. Note: One impression is one person attending a TBAE presentation.
Data Limitations:	Data are limited to those captured in TBAsE and the Communications Corps Results Report.
Calculation Type:	Non-cumulative
New Measure:	Yes

X. Workforce Plan

A. Overview

The Texas Board of Architectural Examiners (TBAE) is a small state agency operating as part of the Self-Directed Semi-Independent (SDSI) Project Program. TBAE has the authority to regulate the practice of registered architects, registered landscape architects, and registered interior designers in Texas.

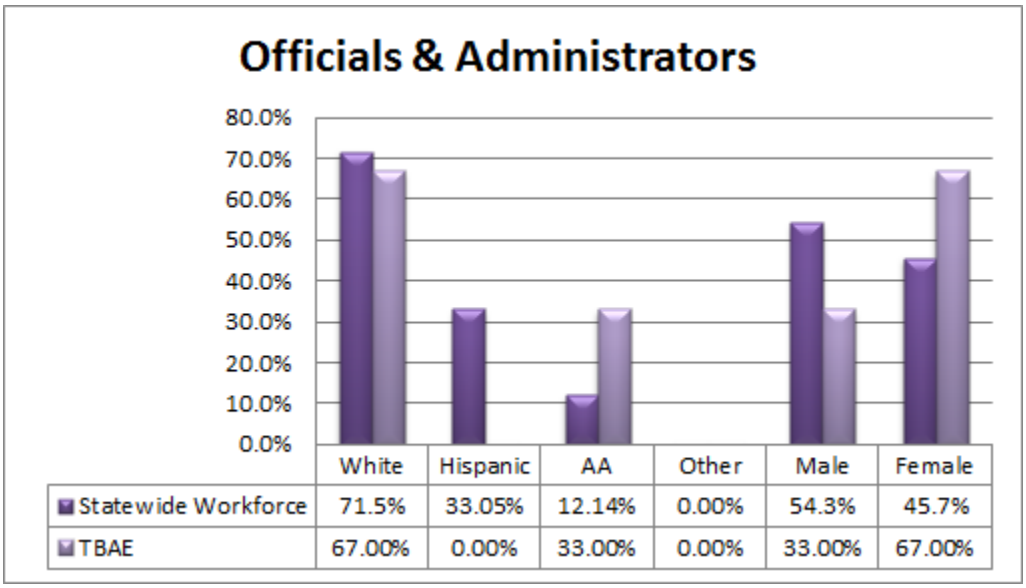
The agency employs individuals to carry out duties in Registration, Enforcement, Finance, Information Technology, and Executive Administration. As of the end of June 2014, TBAE employs 19 staff members. TBAE's commitment to high standards for excellence requires the agency to recruit and retain a high-performance staff.

After the 2005 implementation of the online renewal process, the agency has continued to improve and streamline business operations. As the use of technology becomes more important to the agency's business, employees will need current technological skills along with customer service skills. As the agency moves forward, it will be necessary to ensure employees are provided with training opportunities to enhance their skill sets and to develop recruitment practices that will aid in hiring highly qualified staff.

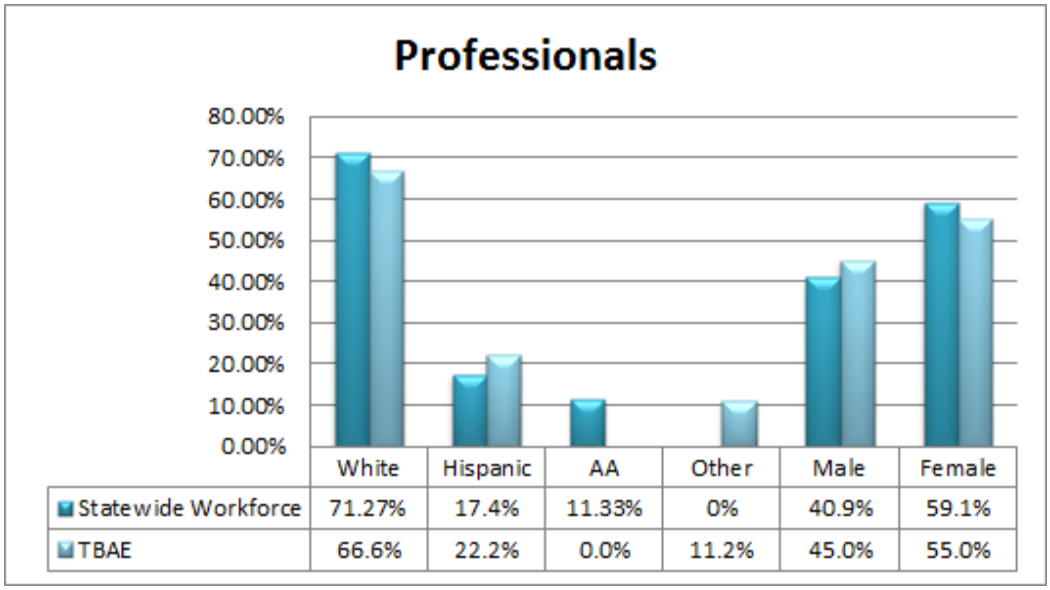
B. Workforce Demographics

Even though the TBAE is a small state agency with a low turnover rate, the agency strives to meet its diversity targets whenever possible. For most job categories, the agency is comparable to or above[1] statewide workforce statistics. The agency will continue to pursue recruitment efforts to draw highly qualified African Americans and Hispanics and to retain the diversified workforce. The following charts reflect the agency workforce as of August 31, 2013.

[1] The Statewide Workforce Comparison data obtained from the Texas Workforce Commission does not include the "Other" category, and categories may not add to 100.



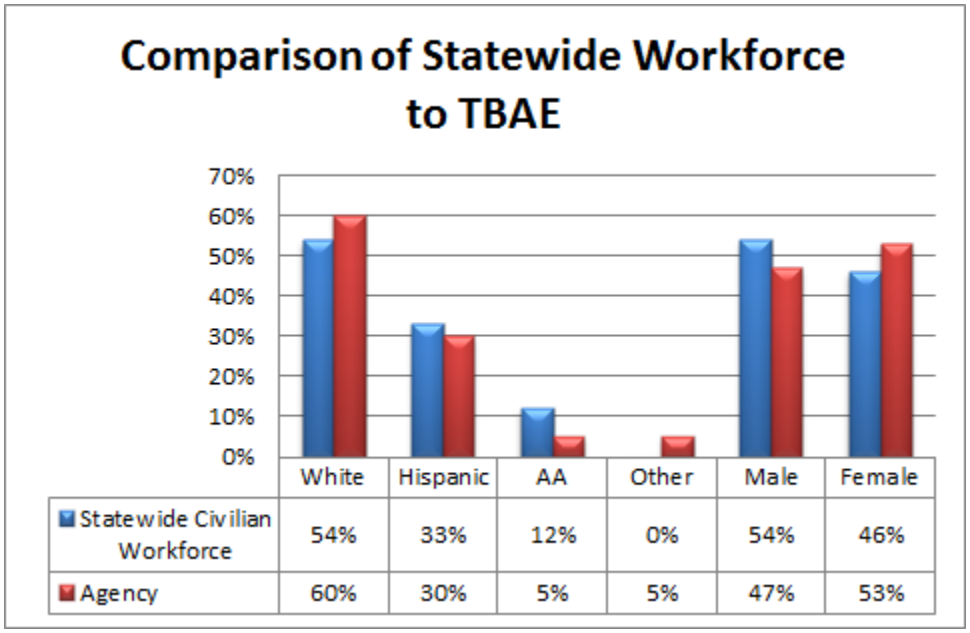
	White	Hispanic	AA	Other	Male	Female
Statewide Workforce	71.5%	33.05%	12.14%	0.00%	54.3%	45.7%
TBAE	67.00%	0.00%	33.00%	0.00%	33.00%	67.00%



	White	Hispanic	AA	Other	Male	Female
Statewide Workforce	71.27%	17.4%	11.33%	0%	40.9%	59.1%
TBAE	66.6%	22.2%	0.0%	11.2%	45.0%	55.0%

C. Race and Sex

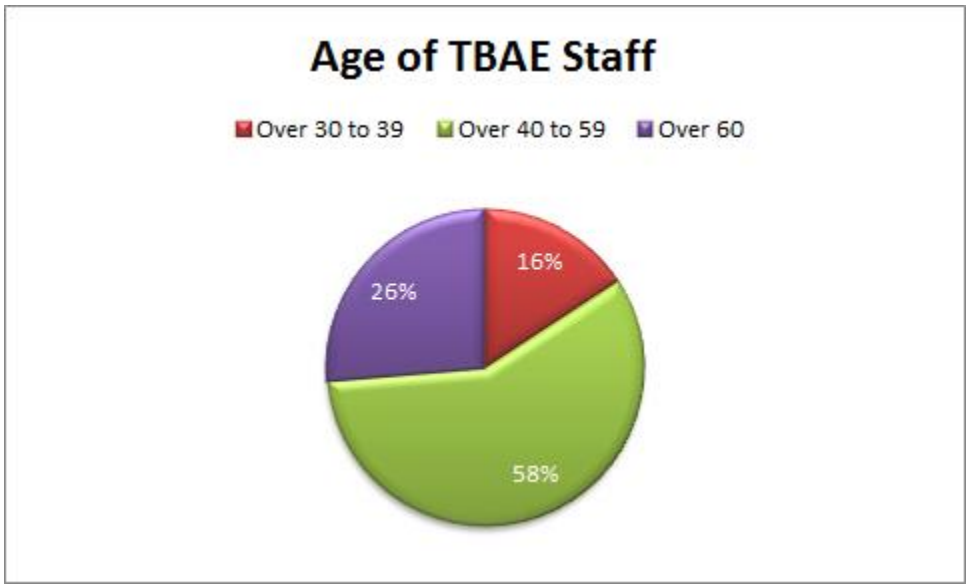
The following graphics compares the demographic profile of TBAE's workforce to that of the statewide civilian workforce.



	White	Hispanic	AA	Other	Male	Female
Statewide Civilian Workforce	54%	33%	12%	0%	54%	46%
Agency	60%	30%	5%	5%	47%	53%

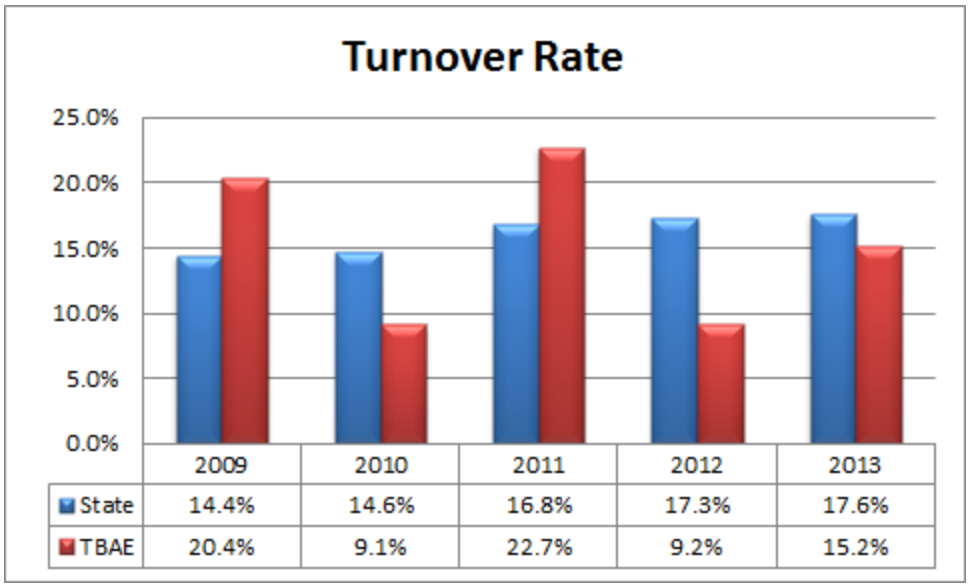
D. Age

Due TBAE's small workforce and limited number of separations and retirements, the workforce is older.



E. Employee Turnover Rates

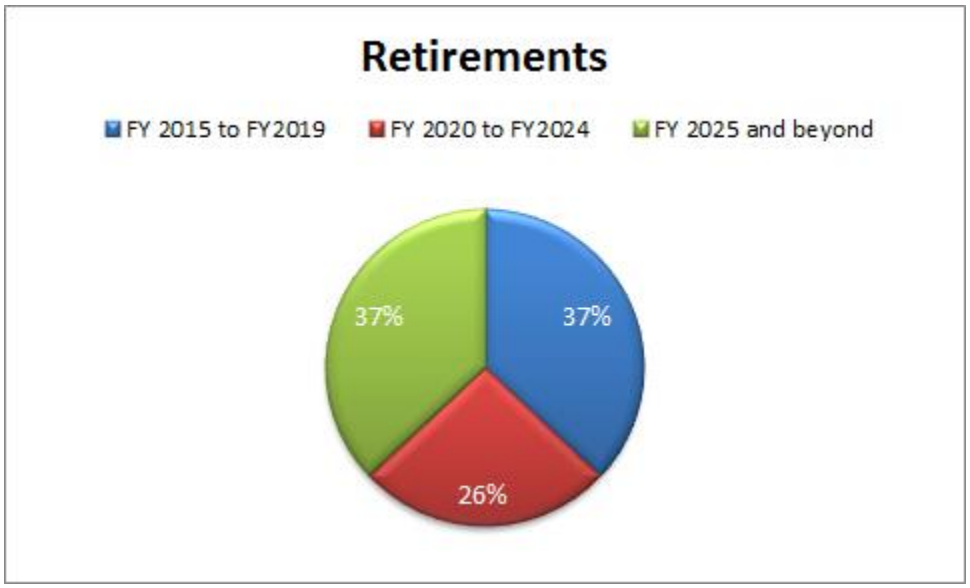
The Board's employee turnover rate in FY 2013 was 15.2%, compared to the [2]statewide turnover rate of 17.6%. There were two retirements and one voluntary separation during FY 2013.



	2009	2010	2011	2012	2013
State	14.4%	14.6%	16.8%	17.3%	17.6%
TBAE	20.4%	9.1%	22.7%	9.2%	15.2%

F. Retirements

Approximately 37 percent of TBAE employees will be eligible to retire between FY 2015 and FY 2019. Of these employees, 57% are eligible to retire at the end of FY 2015.



G. Succession Planning

Approximately 37 percent of employees will be eligible to retire between FY 2015 and FY 2019. The urgency is to continue to anticipate the potential loss of expertise and institutional knowledge. While succession planning remains an important role within the agency, the agency's leadership is defining perspectives for assessing,

[2] The statewide and TBAE rates include involuntary, voluntary, and retirement separations.

grooming, and placing the right talent throughout the agency. The agency continues to illustrate potential career paths and allow employees to weigh in on the course their path ultimately takes. The leadership is focusing their commitment to top performers and helps to ensure those talented team members have the required aptitude and mindset to meet the agency's long term objectives. The senior level staff is preparing employees for advancement or promotion into challenging roles within the agency. In order to keep the agency's succession plan a fluid process that not only tracks the talent and development of employees, but also includes them in the process, the agency's effective succession planning process includes the following elements:

1. **Link Strategic and Workforce Planning Decisions**
    i. Identify the long-term vision and direction
    ii. Analyze future requirements for services
    iii. Connect succession planning to the values of the agency
    iv. Connect succession planning to the needs and interests of senior leaders.

2. **Analyze Gaps**
    i. Identify core competencies and technical competency requirements
    ii. Determine current supply and anticipated demand
    iii. Determine talents needed for the long term
    iv. Identify "real" continuity issues
    v. Develop a business plan based on long-term talent needs, not on position requirement.

3. **Identify Talent Pools**
    i. Use pools of candidates vs. development of positions
    ii. Identify talent with critical competencies from multiple levels—early in careers and top players in each department
    iii. Assess competency and skill levels of current workforce, use assessment instrument(s)
    iv. Use 360 degree feedback for development purposes
    v. Analyze external sources of talent.

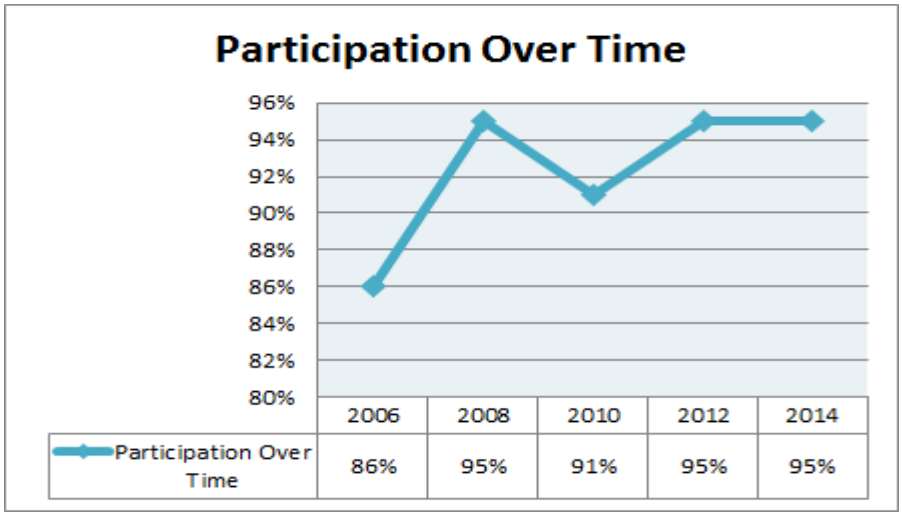
4. **Develop Succession Strategies**
    i. Identify recruitment strategies
    ii. Identify retention strategies
    iii. Quality of work life programs
    iv. Identify development/learning strategies
    v. Planned job assignments
    vi. Formal development
    vii. Coaching and mentoring
    viii. Assessment and feedback
    ix. Action learning projects
    x. Shadowing.

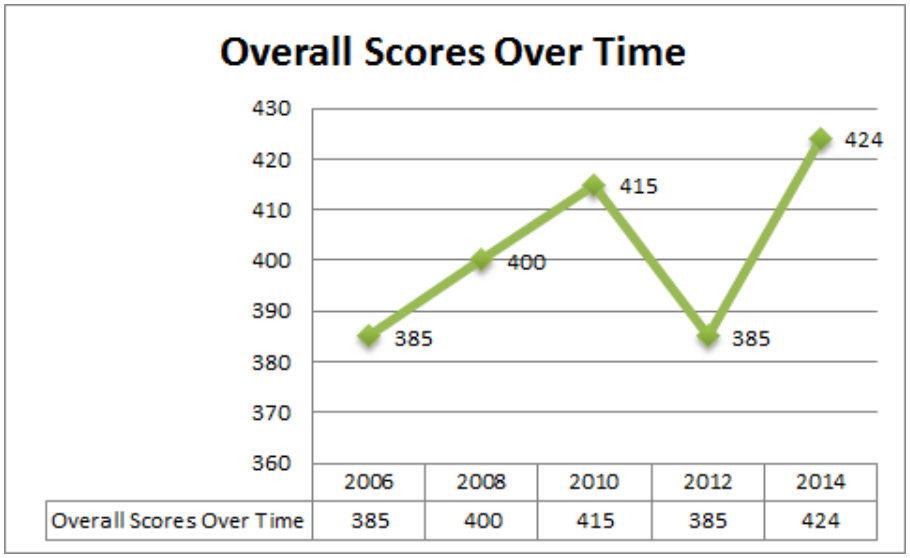
5. **Implement Succession Strategies**
    i. Implement recruitment strategies
    ii. Implement retention strategies
    iii. Implement development/learning strategies (e.g., planned job assignments, formal development)
    iv. Communication planning
    v. Determining and applying measures of success
    vi. Link succession planning to HR processes
        1) *Performance management*
        2) *Compensation*
        3) *Recognition*
        4) *Recruitment and retention*
        5) *Workforce planning*
    i. Implement strategies for maintaining senior-level commitment.

6. **Monitor and Evaluate**
    ii. Track selections from talent pools
    iii. Listen to leader feedback on success of internal talent and internal hires
    iv. Analyze satisfaction surveys from employees and stakeholders
    v. Assess response to changing requirements and needs.

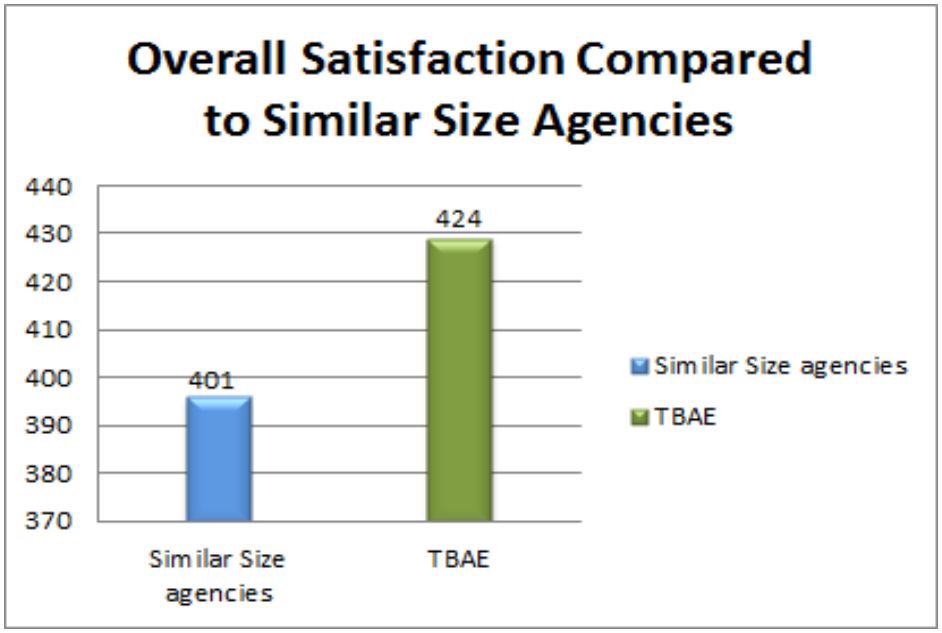
H. Survey of Employee Engagement

During the month of December 2013, 95% of staff participated in the 2014 Survey of Employee Engagement (SEE). The level of participation was equal to 2012 survey.





During this survey period, the overall satisfaction rate increased to 424. When compared to other similarly sized agencies, TBAE's score is higher. TBAE"s overall score dropped to 385 in the 2012 survey, but increased recovered over the 415 score from the 2010 survey.



This survey period found these areas to be TBAE's strengths and areas for improvement:

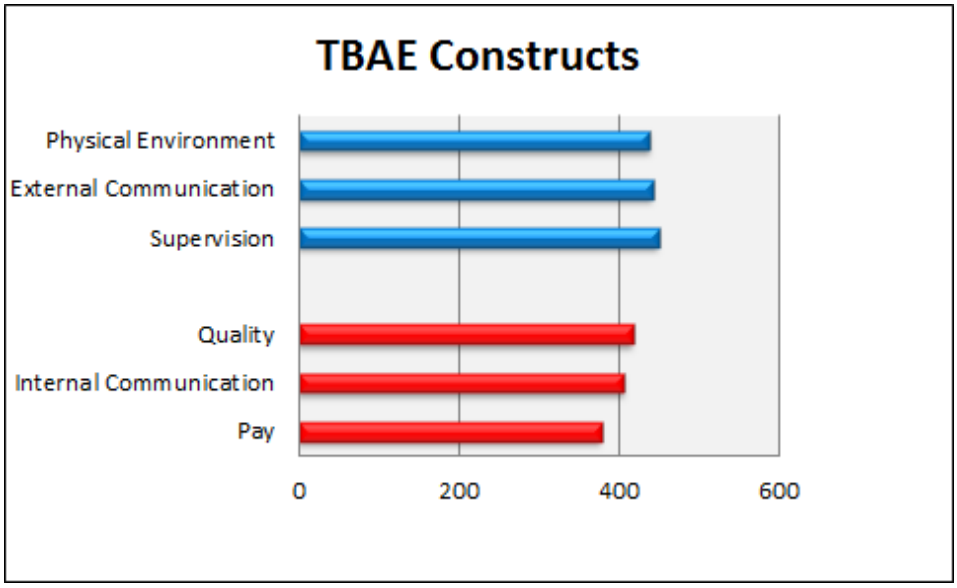
Areas of Strength

- Supervision
- External Communication
- Physical Environment

Areas of Weakness

- Pay
- Internal Communication
- Quality

The table below compares the three highest areas of strength and the three lowest areas of weakness.



During this survey period, the Pay construct remains the lowest score. Low scores suggest that pay is a central concern or reason for satisfaction or discontent. The score for the Pay construct may be due to the higher cost of living in the Austin Metro area.

The Supervision construct provides insight into the nature of supervisory relationships within the organization, including aspects of leadership, the communication of expectations, and the sense of fairness that employees perceive between supervisors and themselves.

High Supervision scores indicate that employees view their supervisors as fair, helpful, and critical to the flow of work. The agency will need to carefully review the skill sets and requirements of the supervisory positions when filling vacancies.

Over time, TBAE's overall score has risen and fallen. With our high participation rate, it is clear that employees are invested in the agency and want to see changes and improvements to agency operations. The survey's 2014 overall score of 424 indicates that the agency has made great progress.

The Texas Board of Architectural Examiners (TBAE) participates in the Survey of Employee Engagement every two years. The survey results provide agency management with information on improving the well-being of agency employees and improving agency operations. The information provided is important during the strategic planning process, and provides direction for more successful management of our most critical resource: our workforce.

A complete compilation of results is available upon request.

XI. TBAE contact information

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Cathy L. Hendricks, RID/ASID/IIDA – Executive Director
Scott Gibson – General Counsel
Glenda A. Best – Director, Executive Administration

XII. Frequently Used Acronyms

AIA	American Institute of Architects
ASID	American Society of Interior Designers
ASLA	American Society of Landscape Architects
ARE	Architect Registration Examination
BOAT	Building Officials Association of Texas
CACB	Canadian Architectural Certification Board
CIDQ	Council for Interior Design Qualification
CLARB	Council of Landscape Architectural Registration Boards
IDCEC	Interior Design Continuing Education Council
IDEC	Interior Design Educators Council
IDEP	Interior Design Experience Program
IDP	Intern Development Program
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
TAID	Texas Association for Interior Design
TASB	Texas Association of School Boards
TBPE	Texas Board of Professional Engineers
TxA	Texas Society of Architects
TSPE	Texas Society of Professional Engineers

Report on Customer Service

May 30, 2014

TEXAS Board of Architectural Examiners

Architects • Landscape Architects • Registered Interior Designers

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Report on Customer Service

The Texas Board of Architectural Examiners has continued to improve online services that allow our customers to do business and pay fees by logging in to their personal accounts. We have also continued to encourage staff to make excellent customer service an important part of everyday activities. The following report and survey results suggest that our efforts have been productive, while also showing the impact of the unpopular 2013 fingerprinting requirement (from agency Sunset legislation, HB 1717).

Inventory of Customers

Our customers are identified as registered architects, registered interior designers, and registered landscape architects; students and examination candidates of these professions; building officials, plans examiners, and other regulatory officials; clients of design professionals and the general public; as well as non-registered persons working in related professions. Our customer list includes more than 21,000 email addresses. Our actual registrant base is 19,138 as of April 28, 2014 but changes hour by hour with online account management. This registrant count includes Active, Inactive, and Emeritus statuses and is intended only as a moment-in-time snapshot, not as a performance measure.

Information-Gathering and Survey Instrument

The survey instrument was offered electronically on the Web and promoted via the agency's database of email addresses. The request for survey participation was emailed to each email address in our database, and a reminder sent approximately a week later. The survey was in the field in April and May, 2014.

The survey utilized a third-party survey Web site. Data were collected electronically. Responses to open-ended questions were reviewed on an individual basis and include suggestions for areas of improvement and change for the agency. Those responses contributed significantly to this report, and will inform agency staff greatly throughout the strategic planning process.

The questions in the survey were patterned after the questions from previous TBAE surveys, using available guidelines from the strategic plan instructions. Additional questions were added in 2010, which the agency used for strategic planning, including several inquiries about the Web site, emerging technologies and new media, online business capabilities, and our communications outreach program. Those questions were retained in the 2012 and 2014 surveys to track reaction to evolutions in agency operations and customers' opinions over time.

Also, TBAE included questions in 2014 regarding the fingerprinting requirement resulting from the agency's 2013 Sunset legislation, HB 1717. TBAE will share any relevant data with the Department of Public Safety and/or the state's chosen fingerprinting vendor as appropriate. Finally, one additional question for 2014 sought customer feedback on the idea of moving to online-only renewals. This question will be retained in future surveys in search of any trends in customer opinions of the idea.

Analysis of the Findings

TBAE staff created 12 separate areas of focus for the 2014 survey. Those areas are:

1. **Communicating with the agency:** this section provides insight into how registrants interact with the agency on a personal level.
2. **Your thoughts about fingerprinting:** for use by the state's chosen vendor, the DPS (who selected the vendor), or anyone else who might learn from our experiences with the fingerprinting program.
3. **Your thoughts about online renewals:** staff gains insight into the idea of online-only renewals, as other agencies have done.
4. **The TBAE Web site (www.TBAE.state.tx.us):** respondents tell staff what online information they use, and how they use it.
5. **Online account services:** registrants and future registrants tell the agency how they feel about their secure online account usage.
6. **Technology:** staff gains some idea of how it might best use new media and tools in the future.
7. **Complaint handling:** how do registrants feel about the way the agency addresses complaints about agency operations?
8. **Printed and electronic media:** valuable information about what respondents prefer to read, and how much they read.
9. **Rules:** what areas of agency rules get registrants' attention?
10. **General impressions:** valuable overall impressions about how well the agency is performing, and what can be improved.
11. **Agency office and facilities:** impressions of how TBAE office visitors view agency facilities.
12. **Demographics:** who took the survey?

1. Communicating with the agency.

Survey responses indicate continued satisfaction among respondents in communicating with TBAE staff. Dissatisfaction remains very low, topping out at only 6 percent on one question and coming in as low as 1.6 percent on another. Preference for emailed

communication (rather than traditional postal mail) increased slightly from 2012's 89 percent to 90 percent. TBAE's outreach efforts also have made reportable inroads: in 2008, 16 percent of respondents reporting having heard a presentation by staff, and this year the number has risen to 22.9 percent.

2. The new fingerprinting requirement.

Survey respondents indicate that, by far, the most onerous obstacle to fulfilling the new fingerprinting requirement is a philosophical objection to submitting fingerprints (46.1 percent). The next most frequent obstacle reported, at 19 percent, was that the fingerprinting provider's location was inconvenient. The sole issue reported as a challenge that is under TBAE's control was contacting TBAE for help or support, at 4.1 percent.

3. Online-only renewals.

Slightly more than a quarter of respondents opposed the idea of eliminating renewals by check, and staff will watch for any trend on this topic with future surveys.

4. The TBAE Web site (www.TBAE.state.tx.us).

Satisfaction remains high in each of the five specific questions about the agency's Web site. Again in 2014, Continuing Education information remains the most-sought topic among users of the TBAE Web site.

5. Online account services.

(By way of clarification, this section deals with a customer's experience with our Web site after logging into the "secure" site, as opposed to the public portions of the site intended for general information and use.)

Launched in 2005, TBAE's online account management continues to be a great success for users. After logging into his or her account, a user can pay fees, update contact information, keep track of continuing education credits, and more. Ninety-six percent of respondents report having used online account services or intend to use them (a surprising decrease of one percent from 2012).

6. Technology.

This suite of questions was a new addition to the survey in 2010, and intended to gauge user interest in new technology and services, particularly social media.

2014 data show that among survey respondents, both use of social media (particularly LinkedIn) and interest in TBAE using social media increased notably.

7. Complaint handling.
As in previous surveys going back to 2006, the majority of those surveyed chose "N/A" when asked about satisfaction in terms of the agency's handling of complaints about the agency itself (that is, not complaints about other registrants or professionals). The satisfaction rate remains higher than that of dissatisfaction, but the high number of "N/A" responses might be, in itself, instructive; one possibility is simply that very few respondents have been interested in complaining about the agency.

8. Printed and electronic media.
Interest in the agency's traditional and online communications remains high, particularly with regard to the agency newsletter, *Licensing News*, and Web site news stories.

As before, newsletter readership remains high, with 79 percent reporting that they read at least half of each issue. A question in 2010 asked what type of newsletter story is most likely to be read, and Disciplinary Actions was the most popular section of each newsletter. In 2012 and again in 2014, readership of legislative stories outpaced Disciplinary Actions.

9. Rules.
Asked in a multiple selection question what general areas of agency rules need changing, those surveyed chose a clear leader: Standards of Practice. The next highest answer was a free-text suggestion option, and suggestions ranged from continuing education to removing the fingerprinting requirement.

10. General impressions.
Asked about overall satisfaction with TBAE and the service received, survey respondents indicate an 86.7 percent satisfaction rate. This is a downturn from both 2010 and 2012, during which overall approval was at 93 percent.

11. Agency office and facilities.
Responses to this set of questions, promulgated by the Governor's office, tilt very heavily towards "N/A," which accounts for up to 90 percent of answers to each individual question. This indicates that very few stakeholders have had occasion to visit the agency's Austin facilities, which is understandable since the vast majority of services provided are online, via phone, or via postal service.

12. Demographics.
As one might expect, the distribution of survey respondents maps roughly along with that of the agency's registrants, with others from the survey list (exam candidates, building officials, etc.) completing the picture.

Customer Service Standards and Customer Satisfaction Measures

(Note: these measures are for the purpose of this Survey only and not the same as those reported in SDSI reports.)

1. Percentage of surveyed customer respondents expressing overall satisfaction with services received: **86.7%** (92.6% in 2010 and 2012)
2. Percentage of surveyed customer respondents identifying ways to improve service delivery: **24.6%*** *(20% in 2012)*
3. Number of customers solicited for survey: **21,697** *(20,990 in 2012)*
4. Number of customers surveyed (responsive): **1,480** *(1,661 in 2012)*
5. Cost per customer surveyed: **$0.14/response** *($0.12 in 2012)*
6. Number of customer groups: **12** *(12 in 2012)*

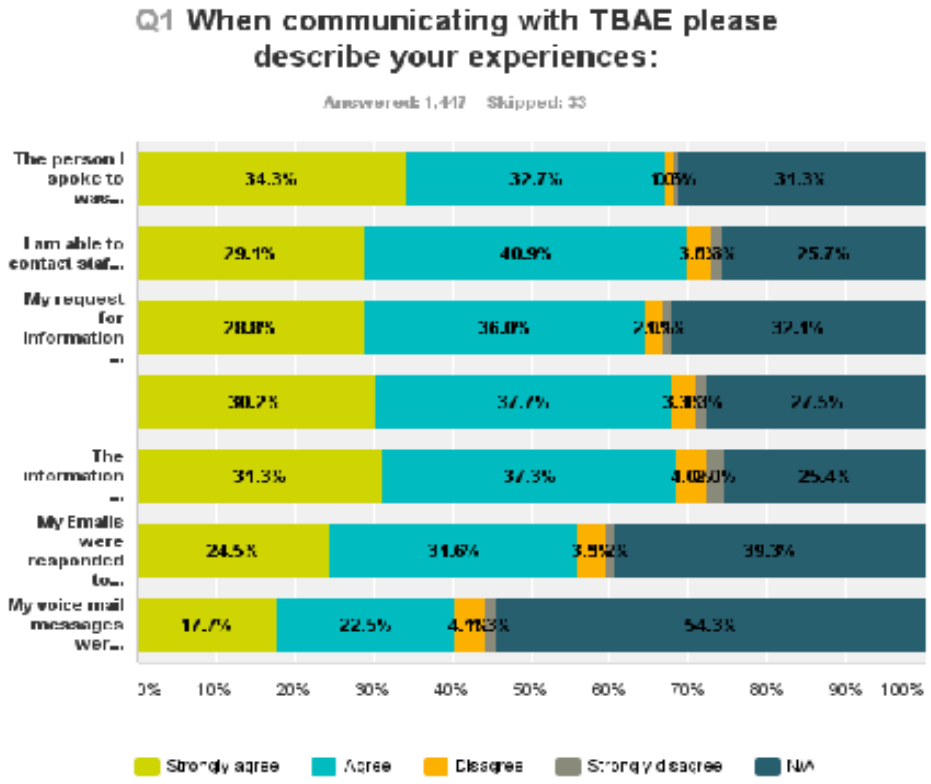
*Note: As in 2012, the number reported here reflects simply the number of responses to Question 33, which asks for suggestions for improvement. Many of those responses are words of encouragement or "N/A," rather than areas of concern. (In 2010, staff manually sorted out such positive or neutral responses, which resulted in a lower, though arguably more accurate, percentage of customers identifying areas to improve.)

Customer Responses to Multiple-Selection Questions
(Commentary is provided for some items, when context might prove helpful. This section begins on the next page.)

▶ Question 1

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

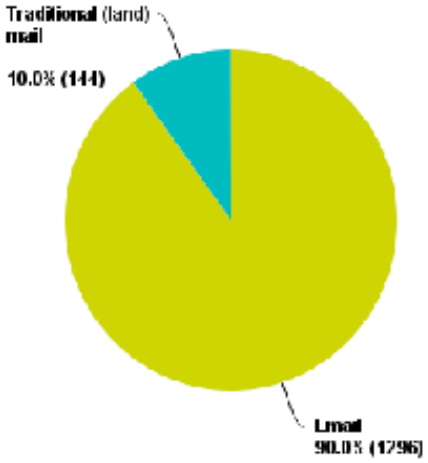
- The person I spoke to was courteous and professional
- I am able to contact staff when I have a question
- My request for information was routed to the right person
- My question(s) were answered in a timely fashion
- The information I received was clear and accurate
- My Emails were responded to promptly
- My voice mail messages were responded to promptly



▶ Question 2 (in 2012, 89.0 percent reported a preference for email.)

Q2 Do you prefer that TBAE communicate reminders and announcements to you via email or land mail?

Answered: 1,440 Skipped: 40



▶ Question 3: How can we improve our communication with you and other stakeholders?

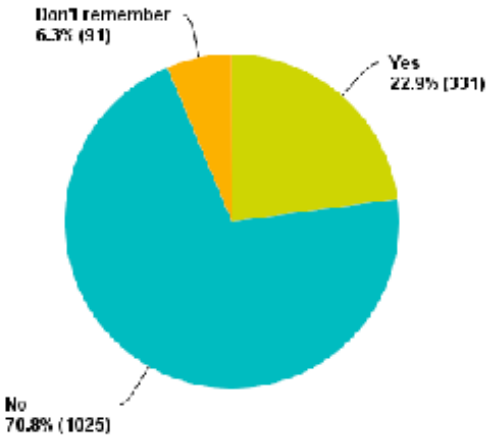
There were 365 free-text responses to this question. The most common responses were:

- No change/acceptable as-is
- Commentary regarding the fingerprinting requirement
- Ensure information is accurate
- Utilize social media, instant chat, and/or alerts via text message
- Use list-serve more frequently
- Use list-serve less frequently

► Question 4 (in 2012, 21.9 percent answered "Yes.")

Q4 Have you ever attended a live presentation by a TBAE staff member?

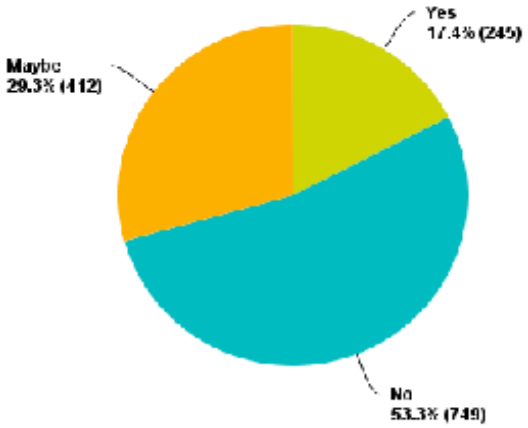
Answered: 1,447 Skipped: 33



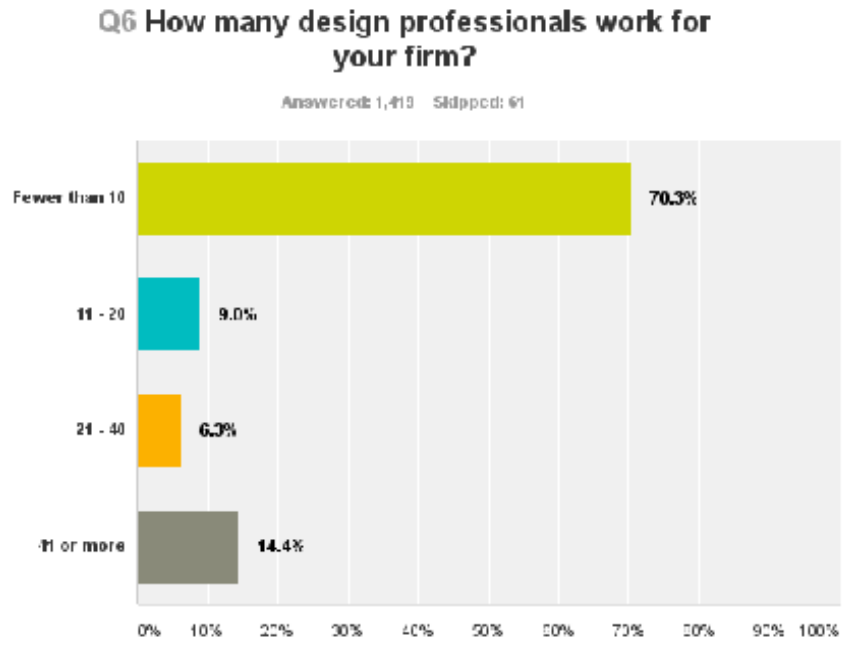
► Question 5 (in 2012, 48.7 percent responded that they would NOT like to host a presentation, 18.1 percent said they would like to host one, and 33.2 percent said maybe.)

Q5 Would your firm (or local group, etc.) like to attend or host an in-person presentation by a TBAE representative (participants would earn credit towards TBAE continuing education requirements)?

Answered: 1,406 Skipped: 74



▶ Question 6

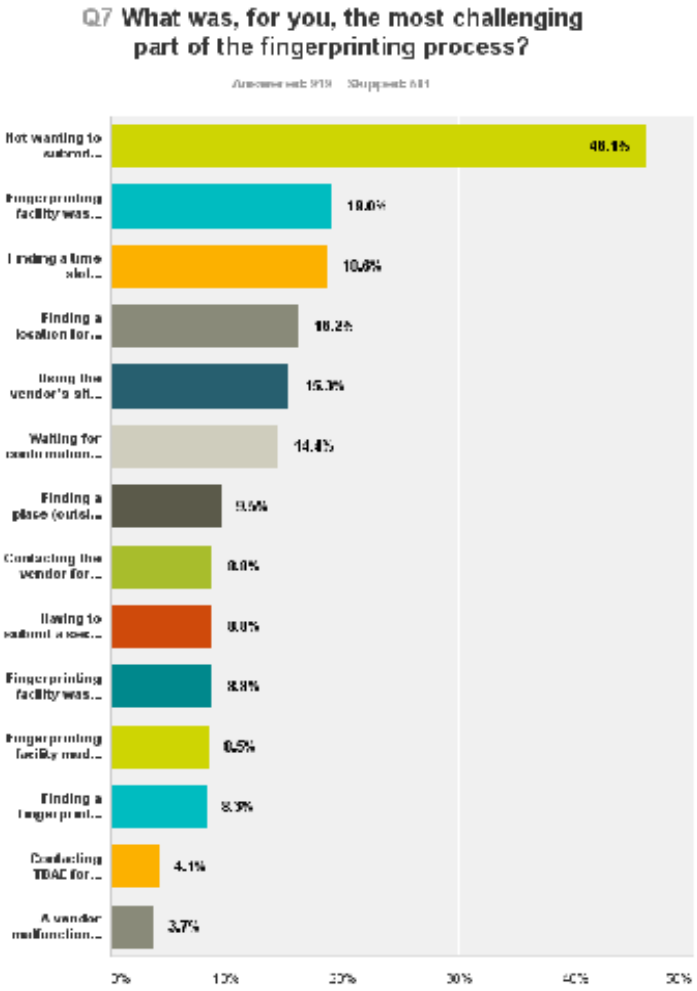

Q6 How many design professionals work for your firm?
Answered: 1,419 Skipped: 61
Fewer than 10
70.3%
11 - 20
9.0%
21 - 40
6.3%
41 or more
14.4%
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%

▶ Question 7

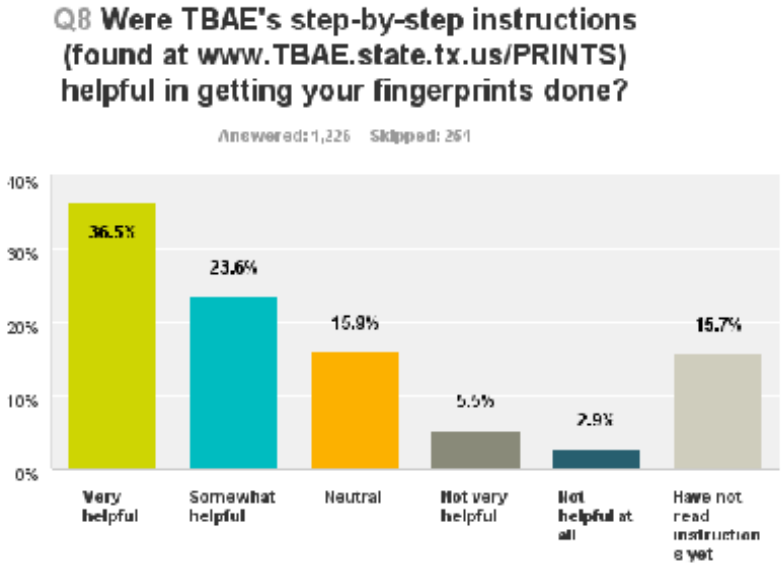
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- Not wanting to submit fingerprints, for personal or philosophical reasons
- Fingerprinting facility was not conveniently located
- Finding a time slot (appointment) for fingerprinting
- Finding a location for fingerprinting
- Using the vendor's site (identogo.com)
- Waiting for confirmation that fingerprints were completed
- Finding a place (outside of Texas) who will roll fingerprints on a fingerprint card
- Contacting the vendor for customer service or tech support issues
- Having to submit a second set of prints (if the first set was rejected for some reason)
- Fingerprinting facility was not professionally appointed or staffed
- Fingerprinting facility made me wait for a significant amount of time when I arrived (on time)
- Finding a fingerprint card (for out-of-state registrants)
- Contacting TBAE for customer service or tech support issues
- A vendor malfunction caused problems with my fingerprint appointment

(Graphic follows on next page.)


Q7 What was, for you, the most challenging part of the fingerprinting process?
Not wanting to
Fingerprinting facility was...
Finding a time slot...
Finding a location for...
Being the vendor's sit...
Waiting for confirmation...
Finding a place (outsi...
Contacting the vendor for...
Having to submit a rese...
Fingerprinting facility was...
Fingerprinting facility mad...
Finding a fingerprint...
Contacting TDAE for...
A vendor malfunction...
40.1%
19.0%
10.8%
10.2%
15.3%
14.4%
9.6%
8.0%
8.0%
8.8%
8.5%
8.3%
4.1%
3.7%
0%
10%
20%
30%
40%
50%

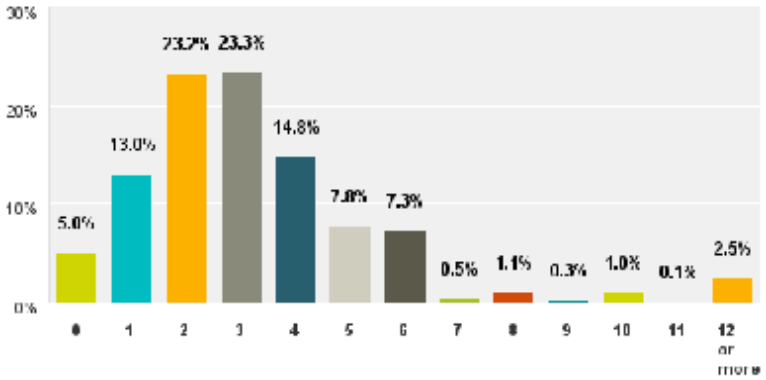
▶ Question 8


Q8 Were TBAE's step-by-step instructions (found at www.TBAE.state.tx.us/PRINTS) helpful in getting your fingerprints done?
Answered: 1,226 Skipped: 261
40%
30%
20%
10%
0%
36.5%
23.6%
15.9%
5.5%
2.9%
15.7%
Very helpful
Somewhat helpful
Neutral
Not very helpful
Not helpful at all
Have not read instructions yet

▶ Question 9

Q9 How many separate times did you hear from TBAE regarding the new fingerprinting law? (Including newsletter articles, postcards, emails, presentations, etc.)

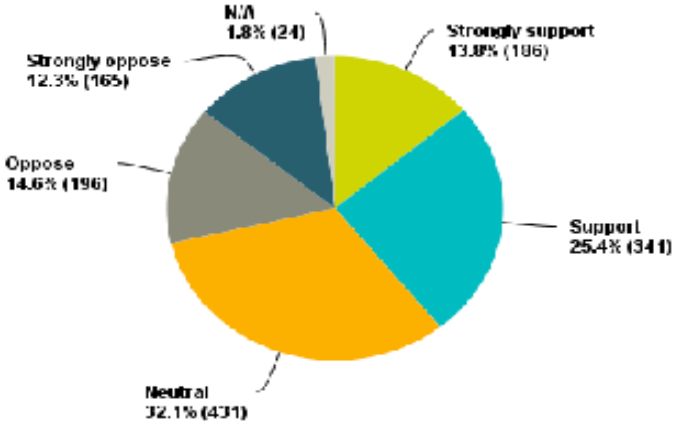
Answered: 1,307 Skipped: 173



▶ Question 10

Q10 Question to gauge interest: How would you feel about TBAE allowing ONLY online renewals and removing the option to send in a check via postal service?

Answered: 1,343 Skipped: 137

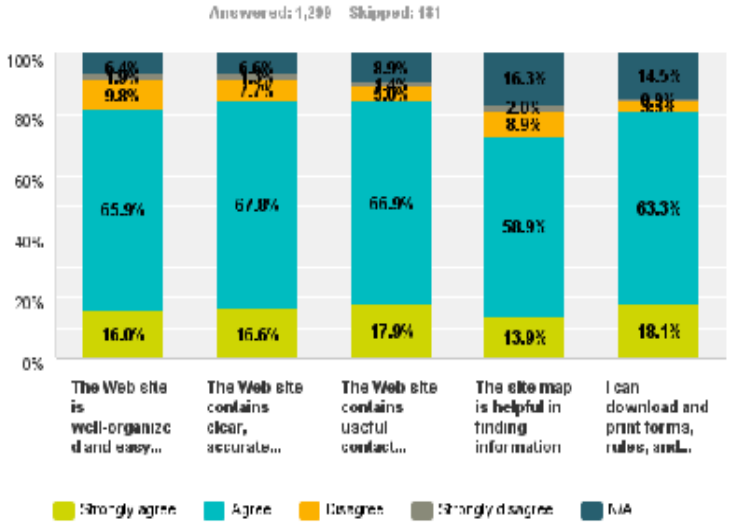


▶ Question 11

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The Web site is well-organized and easy to navigate
- The Web site contains clear, accurate information
- The Web site contains useful contact information
- The site map is helpful in finding information
- I can download and print forms, rules, and other selected material

Q11 Please rate the TBAE Web site, www.TBAE.state.tx.us

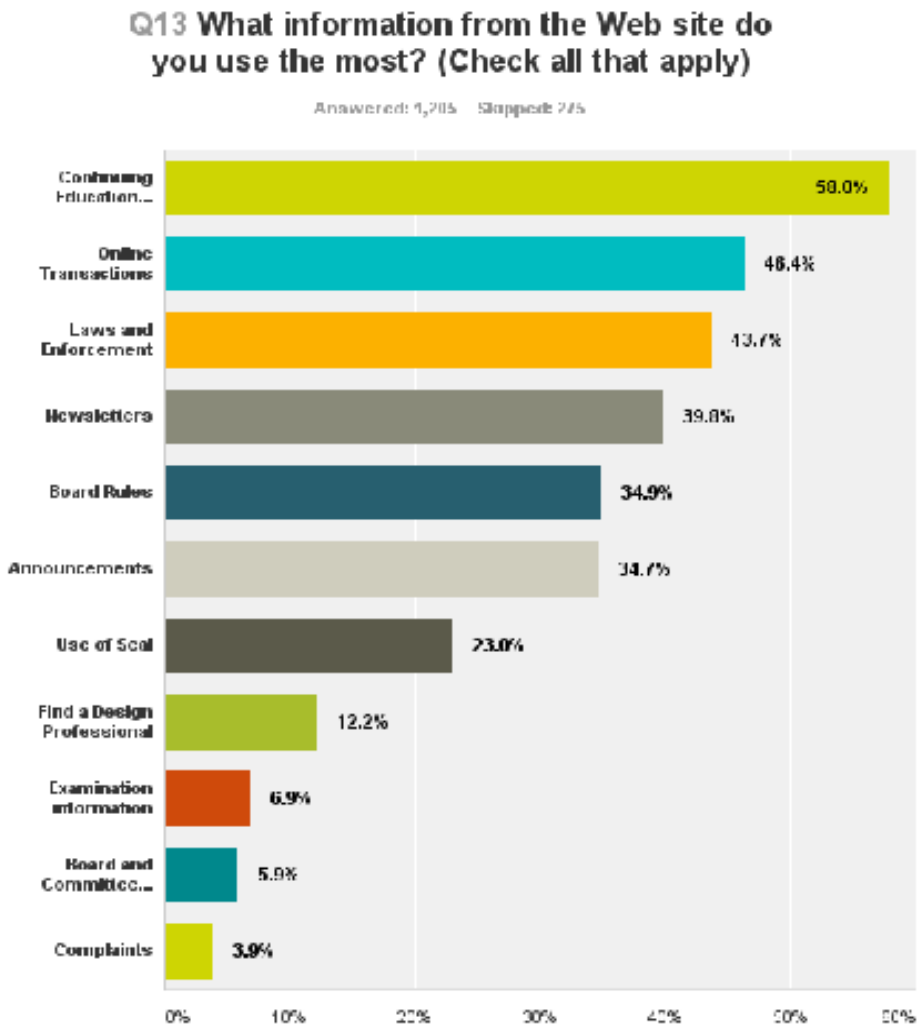


▶ Question 12: In what ways do you use the TBAE Web site?

There were 756 free-text responses to this question. The most common answers were:

- Renewing a license
- Searching for continuing education information and forms
- Checking the registration status of design professionals
- Finding updates on rules and statutes
- Consulting or downloading the "Architect Required" flowchart

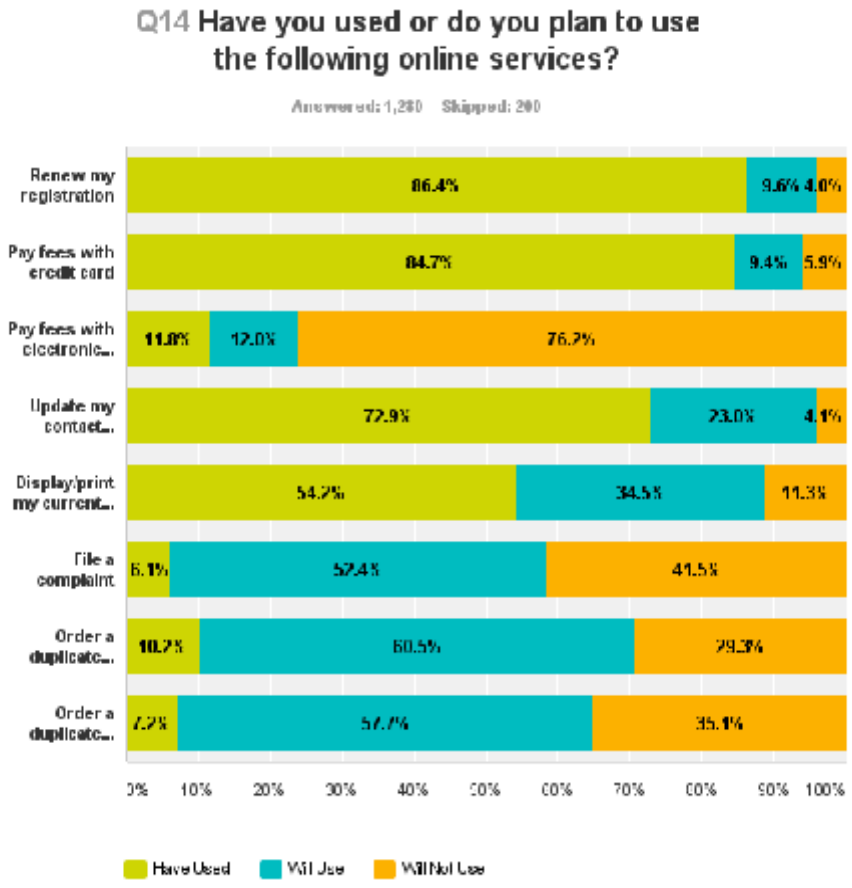
▶ Question 13


Q13 What information from the Web site do you use the most? (Check all that apply)
Answered: 1,205 Skipped: 275
Continuing Education...
58.0%
Online Transactions
48.4%
Laws and Enforcement
43.7%
Newsletters
39.8%
Board Rules
34.9%
Announcements
34.7%
Use of Seal
23.0%
Find a Design Professional
12.2%
Examination information
6.9%
Board and Committee...
5.9%
Complaints
3.9%
0%
10%
20%
30%
40%
50%
60%

▶ Question 14

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- Renew my registration
- Pay fees with credit card
- Pay fees with electronic check
- Update my contact information
- Display/print my current certificate
- File a complaint
- Order a duplicate certificate
- Order a duplicate pocketcard



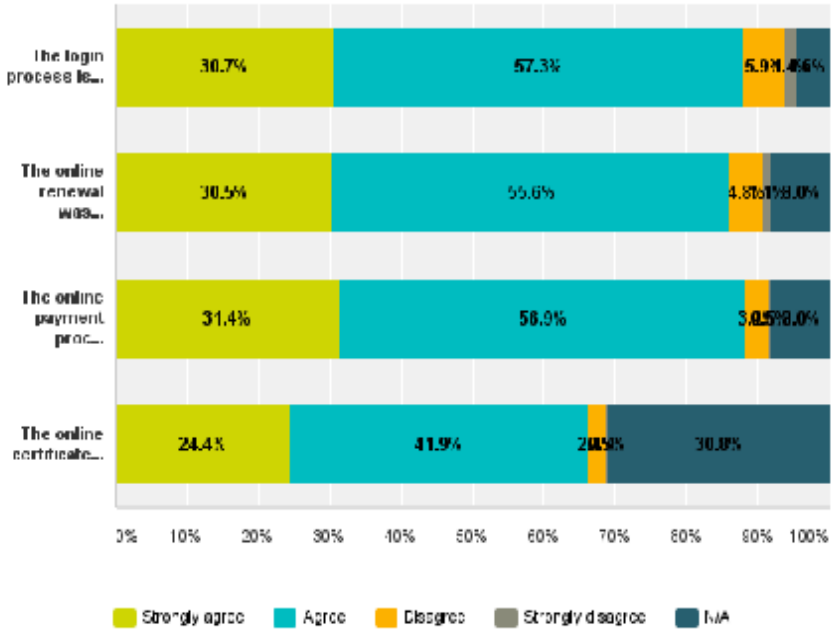
▶ Question 15

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The login process is simple
- The online renewal was easy to complete
- The online payment process was easy to use
- The online certificate printed successfully

Q15 Please rate your experience with TBAE's online services (check N/A if you have not used the service[s]):

Answered: 1,271 Skipped: 209



▶ Question 16: What would you change about the online payment system?

There were 320 free-text responses to this question. Generally, the answers fell into the following categories:

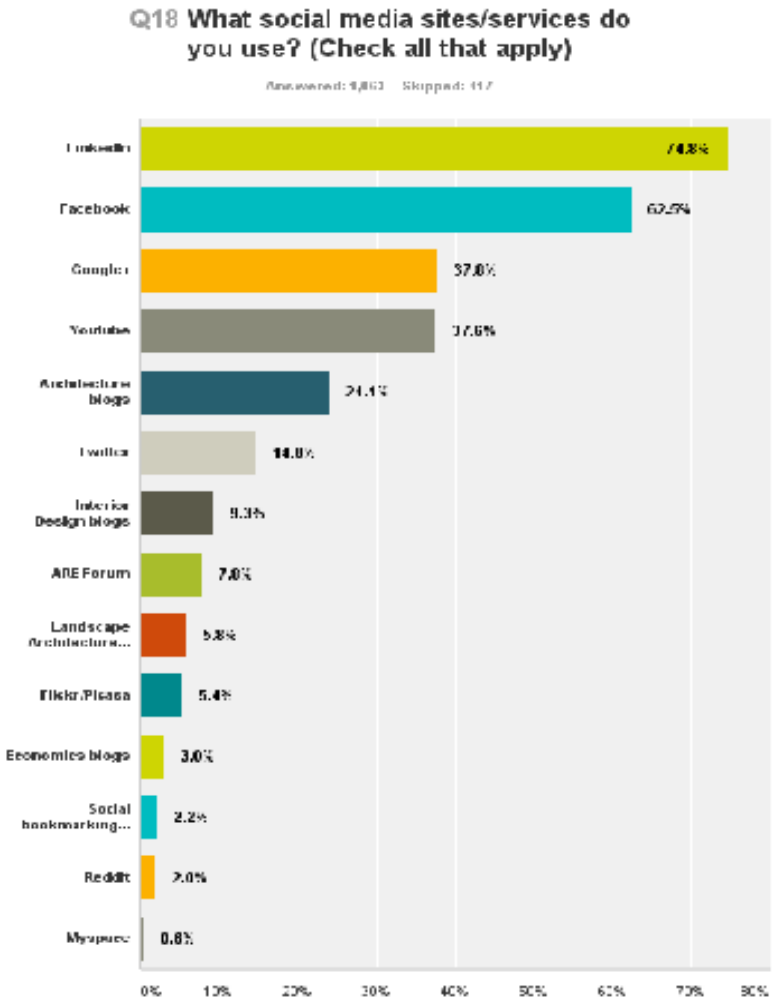
- No suggestion for changes/system works fine as is.
- Remove credit card processing fees.
- Reservations about online payments in general.
- Suggestions to enable payment via PayPal.

▶ Question 17: If you do not plan to use online account services, what factors contribute to your decision?

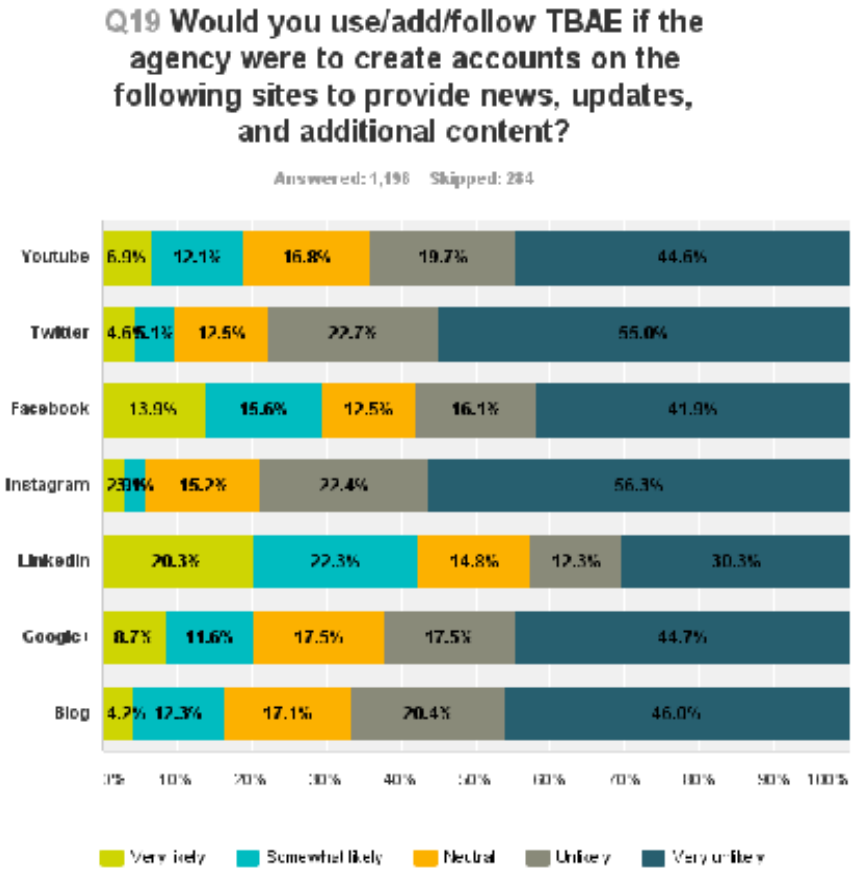
There were 229 free-text responses to this question. Generally, the answers fell into the following categories:

- Concerns about identity theft and/or online payment in general.
- The respondent's firm pays for his or her renewal via check.
- Not applicable.

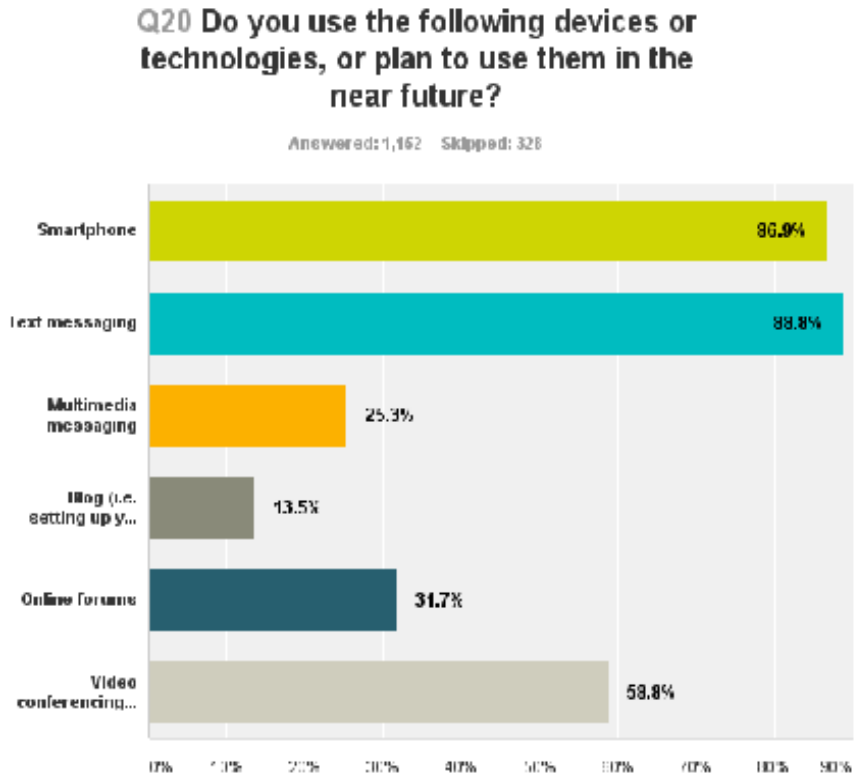
▶ Question 18


Q18 What social media sites/services do you use? (Check all that apply)
Facebook
62.5%
37.0%
14.0%
9.3%
7.0%
5.4%
3.0%
2.2%
2.0%
0.8%
0%
10%
20%
30%
40%
50%
60%
70%
80%

▶ Question 19


Q19 Would you use/add/follow TBAE if the agency were to create accounts on the following sites to provide news, updates, and additional content?
Answered: 1,198 Skipped: 284
Youtube
6.9%
12.1%
16.8%
19.7%
44.6%
Twitter
4.6%
6.1%
12.5%
22.7%
55.0%
Facebook
13.9%
15.6%
12.5%
16.1%
41.9%
Instagram
23.1%
15.2%
22.4%
56.3%
LinkedIn
20.3%
22.3%
14.8%
12.3%
30.3%
Google+
8.7%
11.6%
17.5%
17.5%
44.7%
Blog
4.2%
17.3%
17.1%
20.4%
46.0%
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Very likely
Somewhat likely
Neutral
Unlikely
Very unlikely

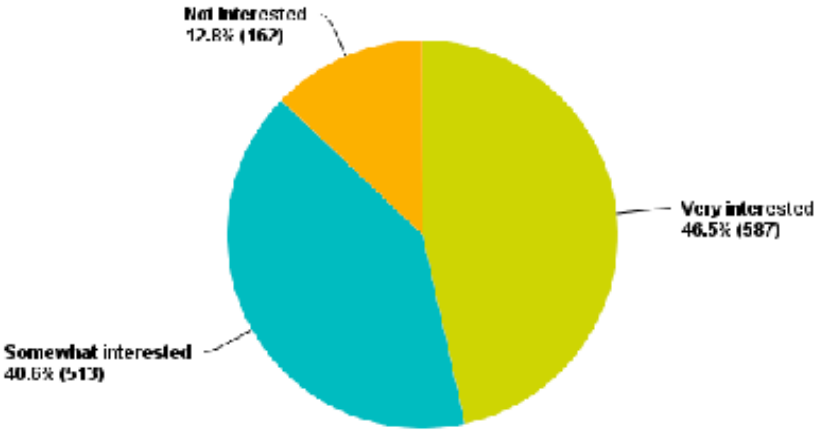
▶ Question 20


Q20 Do you use the following devices or technologies, or plan to use them in the near future?
Answered: 1,162 Skipped: 328
Smartphone
86.9%
Text messaging
88.8%
Multimedia messaging
25.3%
Blog (i.e. setting up y...
13.5%
Online forums
31.7%
Video conferencing...
58.8%

▶ Question 21

Q21 HYPOTHETICAL QUESTION: If TBAE were to offer live presentations over the Web (for Continuing Education credit) via an online videoconferencing media such as GoToMeeting or Webex, would you be interested in participating?

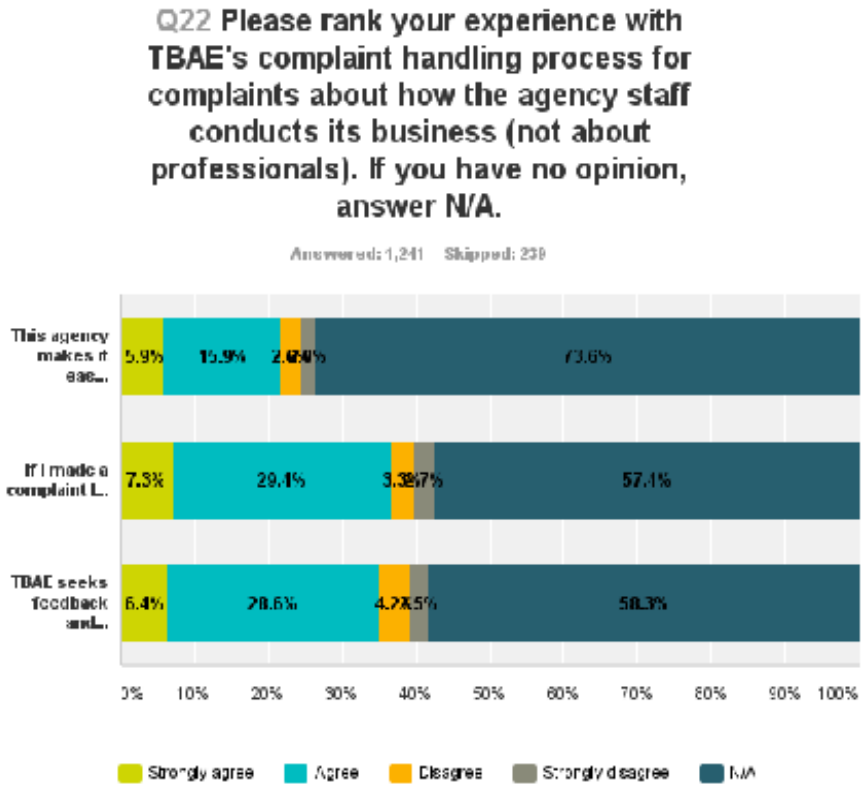
Answered: 1,262 Skipped: 218



▶ Question 22

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- This agency makes it easy to give complaints or provide feedback
- If I made a complaint I believe it would be handled in a reasonable manner
- TBAE seeks feedback and is responsive

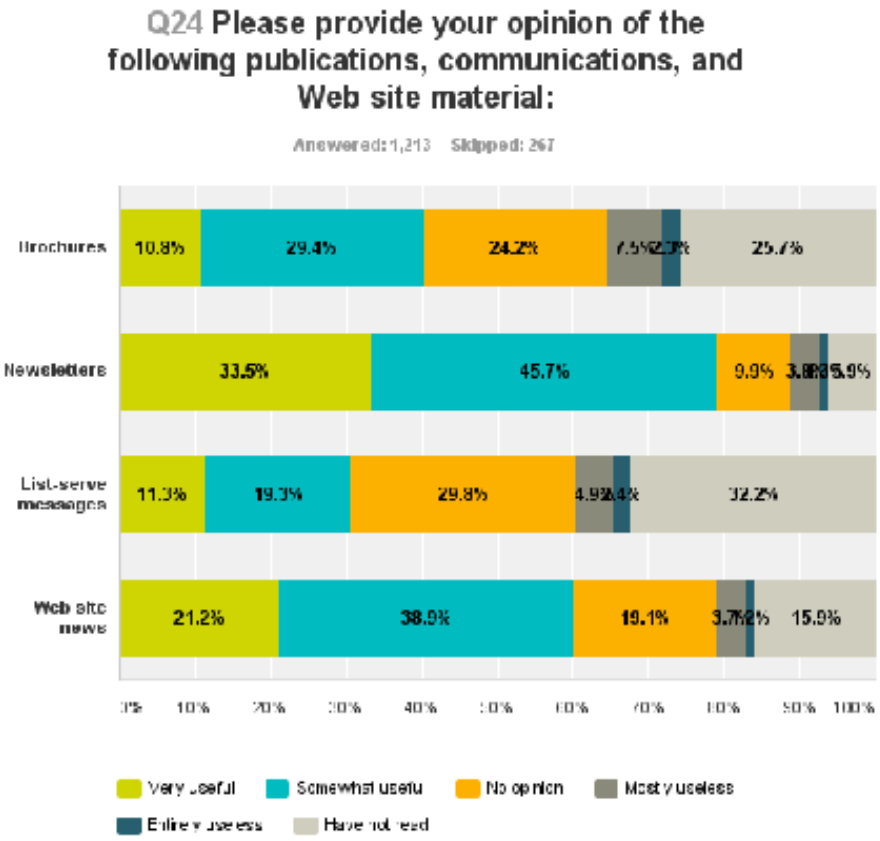


▶ Question 23: What suggestions do you have for improving the complaint process?

There were 169 free-text responses to this question. Generally, the answers fell into the following categories:

- N/A (because the respondent has never filed a complaint).
- Improve response time.
- Suggestion to separate "frivolous" complaints from genuine ones.
- Dissatisfaction with the fingerprinting requirement.

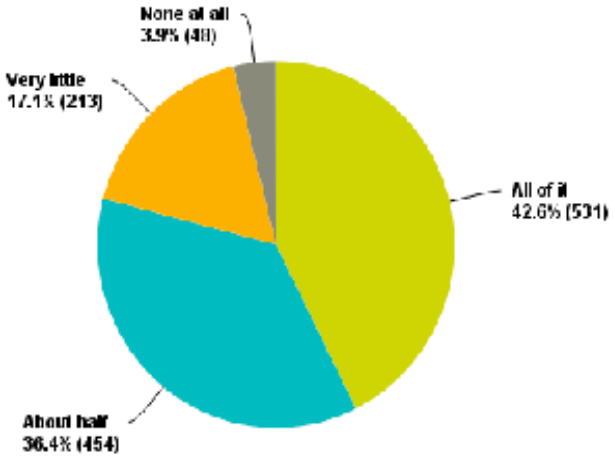
▶ Question 24


Q24 Please provide your opinion of the following publications, communications, and Web site material:
Answered: 1,213 Skipped: 267
Brochures
10.8%
29.4%
24.2%
25.7%
Newsletters
33.5%
45.7%
9.9%
Web site news
21.2%
38.9%
19.1%
15.9%
10%
20%
40%
50%
100%
Very useful
Somewhat useful
No opinion
Mostly useless
Entirely useless
Have not read

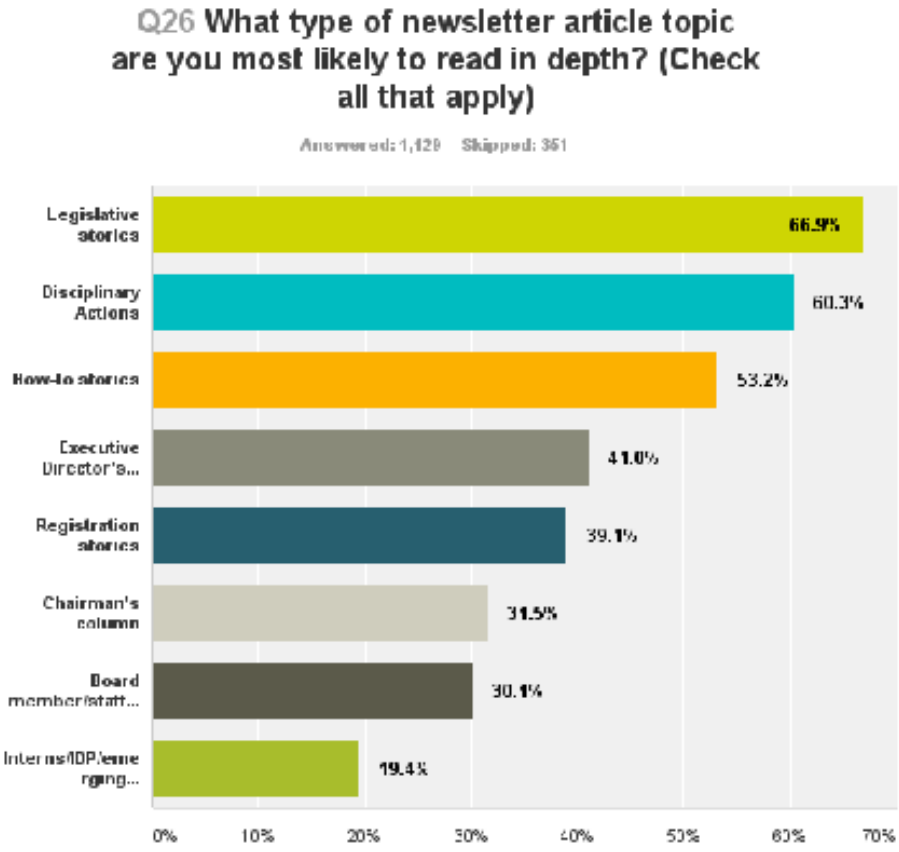
▶ Question 25

Q25 How much of each TBAE newsletter (Licensing News) do you read?

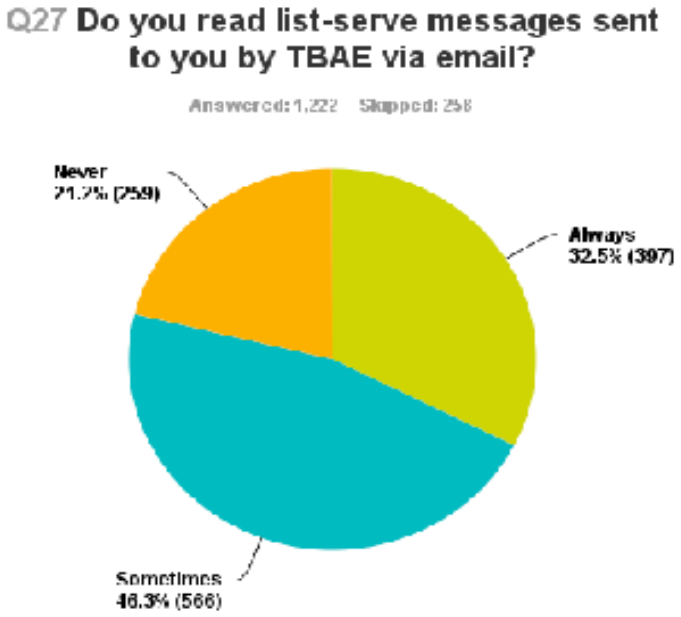
Answered: 1,246 Skipped: 234



▶ Question 26


Q26 What type of newsletter article topic are you most likely to read in depth? (Check all that apply)
Legislative stories
66.9%
Disciplinary Actions
60.3%
How-to stories
53.2%
Executive Director's...
41.0%
Registration stories
39.1%
Chairman's column
31.5%
Board member/staff...
30.1%
Interns/IDP/emerging...
19.4%
0%
10%
20%
30%
40%
50%
60%
70%

▶ Question 27



▶ Question 28: How can we improve our printed and online communications?

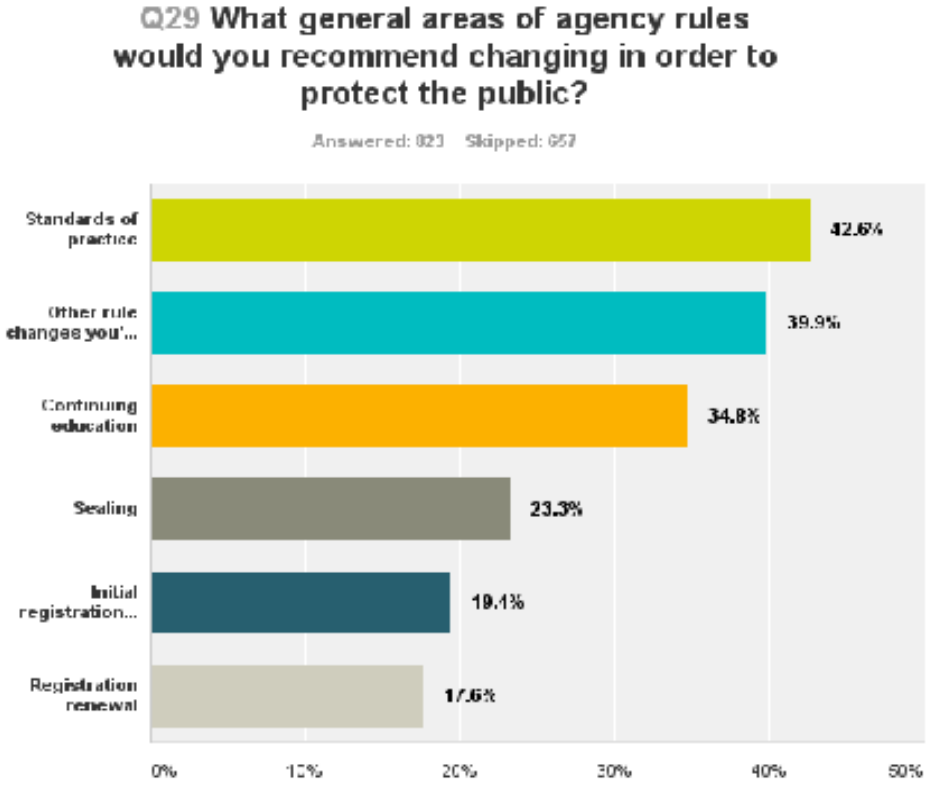
There were 188 free-text responses to this question. Generally, the answers fell into the following categories:

- No suggestion for improvement.
- Spend less money on communications.
- Design suggestions (more graphics, different formatting, etc.).
- Send fewer updates.
- Send more updates.

▶ Question 29

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- Standards of practice
- Other rule changes you'd like to see? Please be specific. You may also clarify or provide specifics about the general topics you checked above.
- Continuing education
- Sealing
- Initial registration/internship/IDP
- Registration renewal



▶ Question 30: What new or additional services would you like TBAE to provide?

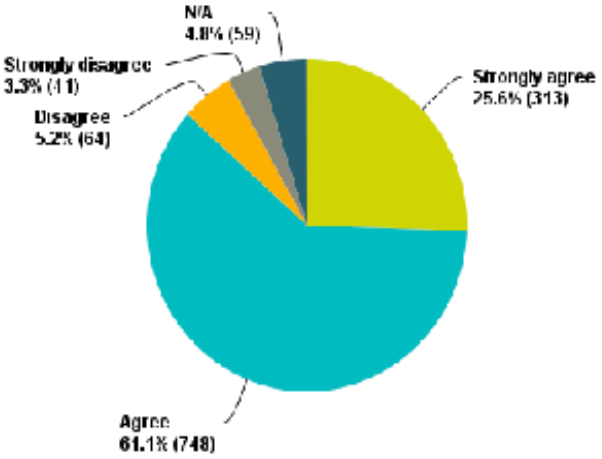
There were 195 free-text responses to this question. Generally, the answers fell into the following categories:

- No suggestion.
- Continuing education courses and related services.
- Reduce fees.

▶ Question 31

Q31 Overall, I am satisfied with the service I have received from this agency:

Answered: 1,225 Skipped: 255



▶ Question 32: What is TBAE doing well?

There were 362 free-text responses to this question. Generally, the answers fell into the following categories:

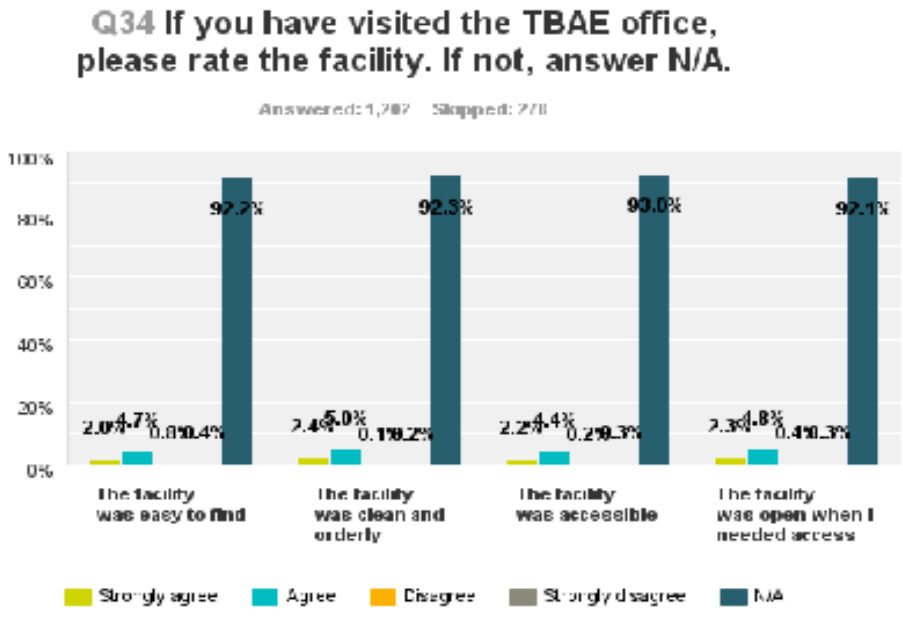
- Communications and information delivery.
- Customer service.
- Keeping costs and fees down.
- "Collecting fees."
- Nothing.
- Everything/most things.

▶ Question 33: What constructive criticism do you have to help TBAE do better?

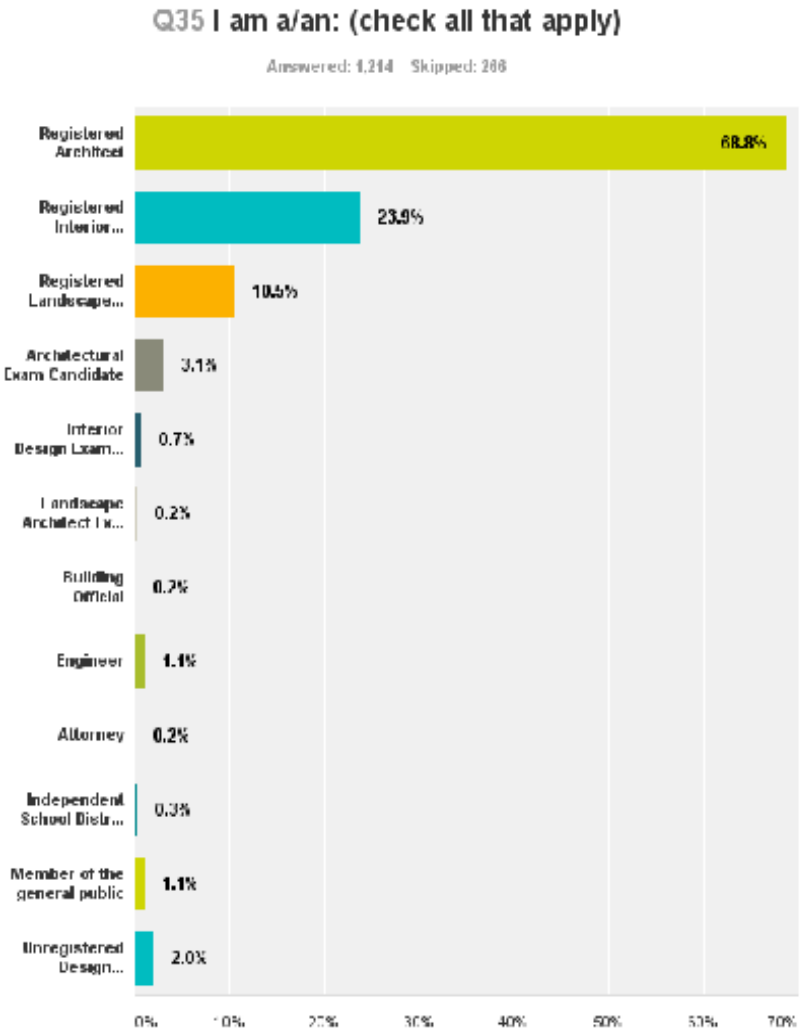
There were 364 free-text responses to this question. Generally, the answers fell into the following categories:

- Displeasure at the fingerprinting requirement.
- Reduce fees.
- Various suggestions regarding continuing education.
- Simplify/minimize regulations.
- Displeasure at the "test-passing requirement" for RIDs.
- More emphasis on title and/or unlicensed practice violations.
- "Represent the profession(s)" more and better. (This sentiment is fairly common and reflects a lack of awareness of TBAE's mission as a regulatory body, not an advocacy group.)
- Shorten the Customer Service Survey.

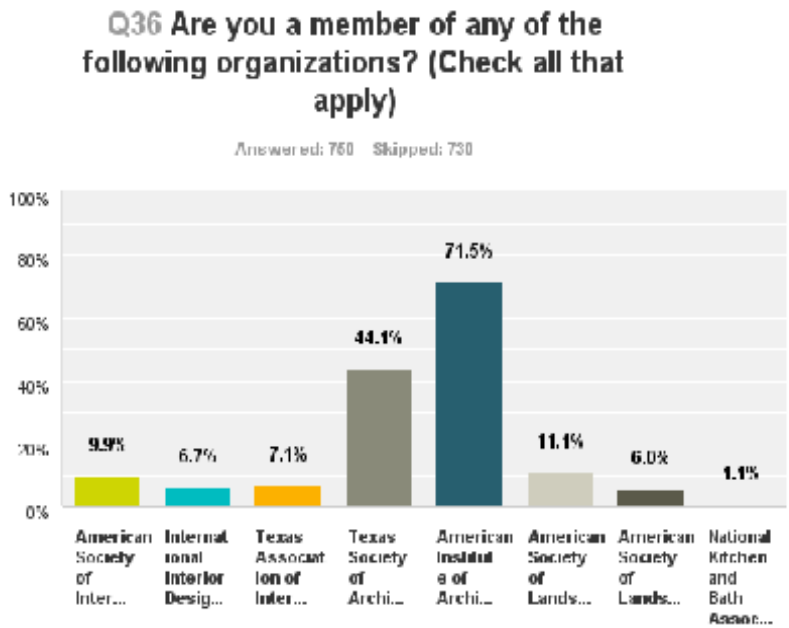
▶ Question 34



▶ Question 35


Q35 I am a/an: (check all that apply)
Answered: 1,214 Skipped: 268
Registered Architect
68.8%
Registered Interior...
23.9%
Registered Landscape...
10.5%
Architectural Exam Candidate
3.1%
Interior Design Exam...
0.7%
Landscape Architect Ex...
0.2%
Building Official
0.2%
Engineer
1.1%
Attorney
0.2%
Independent School Dist...
0.3%
Member of the general public
1.1%
Unregistered Design...
2.0%
0%
10%
20%
30%
40%
50%
60%
70%

▶ Question 36

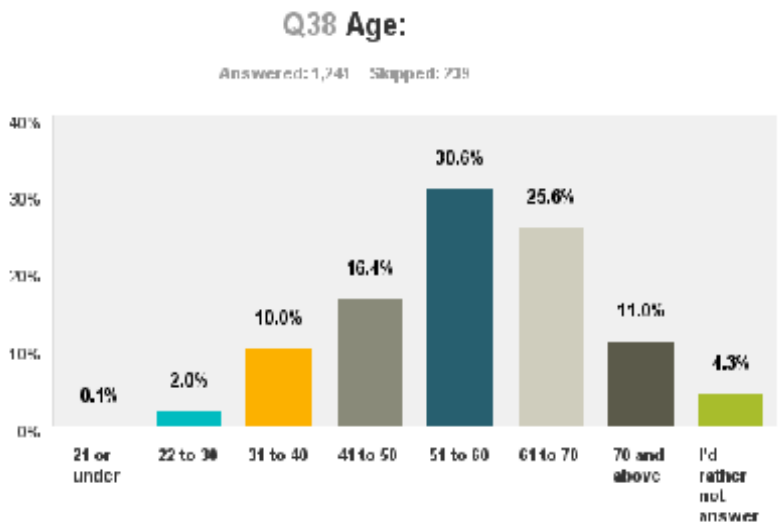


▶ Question 37: What means do you use to stay informed about your profession? (Magazines, publications, journals, Web sites, etc.)

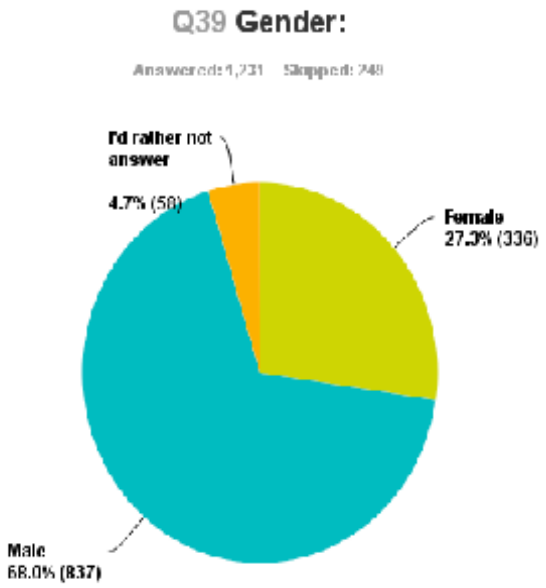
There were 703 free-text responses to this question. Generally, the answers fell into the following categories:

- All of the above.
- Magazines and journals.
- Internet.
- Continuing education.
- TBAE newsletters.
- Colleagues and coworkers.

▶ Question 38



▶ Question 39



SUNSET ADVISORY COMMISSION

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June 5, 2014

Cathy Hendricks, RID, ASID, IIDA
Executive Director
Texas Board of Architectural Examiners
William P. Hobby Building
333 Guadalupe Street, Suite 2-350
Austin, TX 78701

Dear Ms. Hendricks:

The Sunset Advisory Commission is currently conducting a study concerning the self-directed semi-independent status (SDSI) of state agencies as directed by the 84th Legislature in House Bill 1675. This study is not a Sunset review of any agency's individual SDSI status; rather it is a comprehensive look at the state's approach to SDSI. The study must address the criteria and a process for determining whether to grant or revoke SDSI status of an agency; how to evaluate the performance of SDSI agencies, including oversight and reporting requirements; and appropriations issues related to an agency obtaining or losing SDSI status.

As part of this study, we would appreciate input from the agencies that currently have SDSI status, including which aspects of SDSI work best and why, anything that isn't working in practice and how it could be improved, and any thoughts on what criteria to consider in granting SDSI status. As with a normal Sunset review, comments submitted to Sunset staff are confidential.

If you would like to share your ideas about SDSI, please use the comment form on the Sunset Commission website, or contact Steven Ogle, the project manager handling this study, at 512-463-1300 or Steven.Ogle@sunset.state.tx.us. Suggestions are preferred by July 1, 2014, so they can be fully considered by the Sunset staff. The study is scheduled to be published in October 2014. We greatly appreciate your assistance and look forward to hearing your ideas.

Sincerely,

Ken Levine
Director

Telephone: (512) 463-1300 ❖ Fax: (512) 463-0705 ❖ www.sunset.texas.gov
1501 N. Congress ❖ 6th Floor, Robert E. Johnson Bldg. ❖ Austin, Texas 78701
Equal Opportunity Employer

Glenda Best

From: Scott Gibson
Sent: Tuesday, July 01, 2014 4:10 PM
To: 'steven.ogle@sunset.state.tx.us'
Cc: Cathy Hendricks; Glenda Best
Subject: Response to Sunset Advisory Commission request for input on self-directed semi-independent (SDSI) agency status

Dear Mr. Ogle:

Thank you for seeking our input on the Self-Directed Semi-Independent (SDSI) program. We believe the program has worked well for us. There are a few items we thought would be helpful to you in conducting your study. I hope you find this information helpful.

Initially, it is worth noting that the SDSI program does not exclude an agency from all the laws, standards and requirements a state agency must follow. SDSI status excludes an agency only from the appropriation process and any restrictions that may otherwise have appeared in the agency's bill pattern and riders in the General Appropriations Act. In fact, there are some requirements in Article IX of the General Appropriations Act, such as across-the-board pay increases and the classification schedules that apply to agencies which have SDSI status. Thus, SDSI status only allows an agency more flexibility in managing its budget and takes the agency out of the standard performance measure reporting schedule. The program allows an agency to transfer budgeted amounts to and from different strategies and allows the agency to carry forward unexpended balances from one fiscal year to the next. The SDSI program also eliminates restrictions on travel and capital expenditures. This allows a significant measure of flexibility in budgeting and planning and carrying out long-term projects. However, for the most part, all other requirements relating to accounting, procurement, contracting, employment, etc... remain in place for SDSI agencies.

Keeping in mind the specific permission SDSI status grants an agency helps inform the criteria that should apply in granting or revoking SDSI status. An agency that appears unable, without reasonable cause, to appropriately manage or account for its revenue or expenditure would not be a good candidate for receiving or maintaining SDSI status. An agency that has maintained a record of managing its budget would be a good candidate for SDSI status.

In response to your other specific inquiries, we believe the aspect of the program that has worked best is the ability to carry forward unexpended balances. This authority incentivizes agencies to be frugal and allows for long-term planning beyond the fiscal year or the biennium. This is a huge advantage over short-term budgeting for the fiscal year or the biennium which does not allow an agency to prepare for unanticipated economic downturns or save up for large-scale capital improvements or otherwise set meaningful, attainable long-term goals. The flexibility to transfer budgeted allocations between strategies also allows the agency to address needs, or take advantage of opportunities, as they arise. The authority to transfer funding between programs or agency strategies and the authority to carry forward unexpended balances allows an agency more agility in responding to unanticipated issues or sudden changes in the economy.

The main challenge this agency faces as an SDSI agency is the significant fee ($510,000) annually paid to the General Revenue fund as a condition to participate in the SDSI program. We surmise the $510,000 fee represented the amount of revenue this agency collected in excess of expenditures during the fiscal year(s) immediately preceding the inception of the SDSI program. However, times have changed and that amount seems excessive today. As you know, the agency now transfers all of its enforcement penalties to the General Revenue fund which means the $510,000 participation fee is derived entirely from licensing fees paid by architects, landscape architects and registered interior designers. The amount of the fee charged for SDSI participation is not consistent among the participating agencies and some agencies have a larger pool of licensees which results in an uneven distribution of the fee among licensees of SDSI agencies. There is no readily apparent reason for architects, landscape architects and registered interior designers to indirectly pay a

greater (or lesser) fee for being licensed by an SDSI agency than other licensees pay. It may be more equitable for this fee to be eliminated or standardized.

Another challenge an SDSI agency may anticipate is the projected cost of providing health insurance to retirees. An employee may work a majority of his or her career at another agency but retire as an employee of an agency with SDSI status. When an employee retires from the agency, it must cover a share of the cost of the retiree's health insurance. An SDSI agency must collect sufficient revenue to cover this cost. Due to demographic changes, a significant portion of an agency's staff may become eligible to retire in the next 5-10 years. An SDSI agency might face a challenge in budgeting for retiree health insurance costs over the next few years. As part of the SDSI study, the Legislature might consider redistributing some of that cost in proportion to the years a retiree worked in other agencies prior to retiring from an SDSI agency.

Once again, I hope you find this information helpful. I would like to reiterate that we believe the SDSI program is a great success. We are happy to help you in conducting your study and assisting in creating a thoughtful and rational means for carrying out the program. Please feel free to contact us if you have any questions or concerns.

Sincerely,

Scott Gibson
General Counsel
Texas Board of Architectural Examiners
Architecture/Interior Design/Landscape Architecture
333 Guadalupe, II-350; Austin, TX 78701
P.O. Box 12337
Austin, Texas 78711-2337
512-305-8519
512-305-8900 (fax)
www.tbae.state.tx.us

MEMORANDUM

TO: Board Members, Texas Board Of Architectural Examiners

FROM: Scott Gibson, General Counsel

SUBJECT: Legislative Affairs Committee

DATE: August 1, 2014

At its May 15, 2014, meeting, the Board directed the Executive Director to research previous legislative committees of the Board in order to determine the responsibilities delegated to it. The Board also directed staff to place deliberations regarding a legislative affairs committee on the agenda for the Board's meeting scheduled for August 21, 2014. In addition to researching the role and authority of previous legislative committees, agency staff was directed to lay out expectations and recommended charges for a prospective legislative committee.

Extensive research into the minutes of Board meetings, dating back to 1997 reveals that there was never a formal charge for a committee to address legislative matters. In 2006, the Chair appointed Board representatives to an ad hoc Legislative Affairs Stakeholder group which held a summit November 27, 2006. The summit included representatives from the professional societies of the three professions regulated by the Board. The group met again in April and August of 2007. The minutes do not include a formal delegation of tasks or authority to the ad hoc group. The summit engaged in the disclosure of information and plans for, and end results of, the 2007 legislative session. In January 2008, a separate legislative task force met with agency staff for a briefing on legislative committee hearings.

Agency staff recommends the creation of a committee to serve as the Board's representative and primary contact on legislative issues. The Board and agency would benefit from a clearly articulated position on prospective legislation. The Executive Director further recommends all members of the committee be prepared to testify at committee hearings to ensure at least one Board member is available. It is also recommended that the following specific tasks be delegated to the committee:

1. Receive input from professional societies, agency staff, other agencies and other sources regarding prospective changes to laws enforced by the Board;

2. Receive information and counsel from agency staff regarding the Board's current laws, Board rules, agency policies and procedures, and the Board's position historically as stated in reports and other communications

with the Legislature and oversight agencies, and general context regarding the Board's position;

3. Receive and review agency communications from agency staff to Legislators and legislative agencies, such as the Legislative Budget Board, Legislative Council, and the House Research Organization; and

4. Develop recommendations to the Board regarding the appropriate position on prospective legislation.

The underlying goal of the committee should be to gather data regarding filed or proposed legislation and the positions of the different stakeholders who have an interest in the Board's jurisdiction. The committee would then develop a recommended position for the Board's adoption on matters regarding changes to the Board's enabling legislation. The committee's recommendation and the Board's stated position should not advocate for or against legislation or endorse any professional society's position or argument. The statements or positions articulated by the Board should be provided as a resource to the Legislature on the public policy supported by the Board's laws, mission statement and the technical knowledge the Board members have as licensed design professionals.

Summary of Committee Recommendation
Rules 1.69, 3.69, and 5.79 – Continuing Education – Initial Period upon Registration or Reinstatement

Current Rule

The current Continuing Education rules were drafted when the educational reporting period coincided with the registration renewal period. The rules provided an exemption for the initial period of registration which is the time between registration and the end of the registrant's birth month – almost always a period shorter than a year. Thereafter, the registrant would report on her or his completion of continuing education upon renewing registration at the end of each registration period. The exemption ensured each initial registrant would have one full year to complete continuing education requirements. There are no exemptions for the initial registration period of a person who reinstates registration.

Since the adoption of the Continuing Education rules, the Board has modified the continuing education reporting period so that it no longer coincides with the registration renewal period. Upon renewal, each registrant confirms whether he or she completed the continuing education requirements for the immediately preceding calendar year. An initial registrant, upon his or her first renewal, may not have been registered for much, if any, of the preceding calendar year. The exemption for the "initial period of registration" does the registrant little or no good because the exemption does not coincide with the continuing education reporting period. Similarly, a recently reinstated registrant, upon first renewal of registration, may not have been registered for much, if any, of the preceding calendar year.

The continuing education reporting requirement assumes registration during the entire calendar year preceding the renewal of registration. For initial registrants and reinstated registrants, that assumption is usually incorrect. The registrant must certify compliance with continuing education requirements during a period which may predate registration and therefore the application of the requirement to the registrant.

Committee Recommendation

The amendment would create an exemption for the period beginning upon the date of initial registration or the date of reinstatement of registration (as applicable) through the next December 31st following that date. The rules would shift the period of exemption to coincide with the period for which the registrant is to report continuing education compliance i.e. the calendar year preceding the date of registration renewal.

Note

The draft amendments are similar to the rules in other jurisdictions which generally create a continuing education exemption for first-time registrants. The exemptions coincide with the continuing education reporting periods. However, there is little consistency from state to state on the length of the reporting periods or the frequency for reporting on continuing education compliance.

RULE §1.69 Continuing Education Requirements

(f) An Architect may be exempt from continuing education requirements for any of the following reasons:

(1) An Architect shall be exempt upon initial registration and upon reinstatement of registration through December 31st of the calendar year of his/her initial or reinstated registration [~~for his/her initial registration period~~];

RULE §3.69 Continuing Education Requirements

(f) A Landscape Architect may be exempt from continuing education requirements for any of the following reasons:

(1) A Landscape Architect shall be exempt upon initial registration and upon reinstatement of registration through December 31st of the calendar year of his/her initial or reinstated registration [~~for his/her initial registration period~~];

RULE §5.79 Continuing Education Requirements

(f) A Registered Interior Designer may be exempt from continuing education requirements for any of the following reasons:

(1) A Registered Interior Designer shall be exempt upon initial registration and upon reinstatement of registration through December 31st of the calendar year of his/her initial or reinstated registration [~~for his/her initial registration period~~];

Continuing Education Enabling Law

§ 1051.356. Continuing Education

(a) The board shall recognize, prepare, or administer continuing education programs for its certificate holders. A certificate holder must participate in the programs to the extent required by the board to keep the person's certificate of registration.

(b) The continuing education programs:

(1) must include courses relating to sustainable or energy-efficient design standards; and

(2) may include courses relating to:

(A) health, safety, or welfare; or

(B) barrier-free design.

(b-1) As part of a certificate holder's continuing education requirements for each annual registration period, the board by rule shall require the certificate holder to complete at least one hour of continuing education relating to sustainable or energy-efficient design standards.

(c) The board may recognize the continuing education programs of:

(1) a nationally acknowledged organization involved in providing, recording, or approving postgraduate education; and

(2) any other sponsoring organization or individual whose presentation is approved by the board as qualifying in design or construction health, safety, or welfare.

(d) A person is exempt from the continuing education requirements of this section if the person is, as of September 1, 1999, engaged in teaching the subject matter for which the person is registered under this subtitle as a full-time faculty member or other permanent employee of an institution of higher education, as defined by Section 61.003, Education Code.

Summary of Committee Recommendation
Military Service

Background – Senate Bill 162 relating to military spouses and licensing of military personnel was passed by the 83rd Legislature in 2013. The bill amends Chapter 55, Texas Occupations Code, to require reciprocal registration of applications for licensure filed by spouses of active-duty military personnel. The pertinent requirements in the bill apply to all regulatory boards and the issuance of all licenses.

The bill requires licensing boards to issue a license to a military spouse applicant as soon as practicable after the application is filed. The bill also includes provisions requiring boards to issue notice of impending license renewals to licensees who are military spouses. It also mandates that the term of licensure shall be for the period established by law or agency rule or 12 months, whichever is longer.

The bill also requires licensing boards to give credit for verifiable military service, training or education to applicants who are military personnel or veterans. The credit may apply toward fulfilling education or experience requirements but not examination requirements. The requirement does not apply if the applicant holds a restricted license from another jurisdiction or has an unacceptable criminal history under the laws enforced by the licensing board.

Licensing boards are required to adopt rules to implement the requirements relating to (1) licensing military spouses and (2) licensing military service members and veterans. (A third set of requirements under Section 4 of the bill apply only to the Texas Commission of Law Enforcement and does not require any action by TBAE.)

Committee Recommendation – Current Board rules allow for reciprocal registration for applicants registered in other jurisdictions. Although there is no rule exclusively addressing reciprocal applications of military spouses, military spouses are able to apply for reciprocal registration pursuant to these pre-existing rules. In order to implement the intent of the Legislature, the draft amendments to rules 1.22/3.22/5.32 require expedited treatment of applications for reciprocity from military spouses. The rules would require those applications be given priority over applications filed by applicants who are not military spouses. Current rules already comply with the bill's requirements regarding notice of registration renewal and the 12-month renewal period.

Draft rules 1.29/3.29/5.39 are new rules which require the Board to give credit for military service, training or education when considering the registration applications of military personnel or military veterans. The requirement to grant credit for military experience and education would not apply if the applicant has a restricted license from another jurisdiction or an unacceptable criminal history record.

The draft rules generally track rules issued by other regulatory boards. A sample of those rules is attached as a background document.

Committee Rule Recommendations

Military Spouse Reciprocity

RULE §1.22 Registration by Reciprocal Transfer

(a) A person may apply for architectural registration by reciprocal transfer if the person holds an architectural registration that is active and in good standing in another jurisdiction and the other jurisdiction:

(1) has licensing or registration requirements substantially equivalent to Texas registration requirements; or

(2) has entered into a reciprocity agreement with the Board that has been approved by the Governor of Texas.

(b) In order to obtain architectural registration by reciprocal transfer, an Applicant must demonstrate the following:

(1) the Applicant has:

(A) successfully completed the Architect Registration Examination (ARE) or another architectural registration examination which the National Council of Architectural Registration Boards (NCARB) has approved as conforming to NCARB's examination standards; and

(B) successfully completed the requirements of the Intern Development Program (IDP) or acquired at least three years of acceptable architectural experience following registration in another jurisdiction; or

(2) the Applicant has been given Council Certification by NCARB and such Council Certification is not currently in an expired or revoked status.

<u>(c) Pursuant to §55.005, Texas Occupations Code, the Board shall expedite the processing of an application for architectural registration by reciprocal transfer, if the Applicant is a military spouse, and shall give priority to the applications of military spouses over other Applicants.</u>

<u>(d)</u>[~~(c)~~] An Applicant for architectural registration by reciprocal transfer must remit the required registration fee to the Board within 60 days after the date of the tentative approval letter sent to the Applicant by the Board.

RULE §3.22 Registration by Reciprocal Transfer

(a) A person may apply for landscape architectural registration by reciprocal transfer if the person holds a landscape architectural registration that is active and in good standing in another jurisdiction and the other jurisdiction:

(1) has licensing or registration requirements substantially equivalent to Texas registration requirements; or

(2) has entered into a reciprocity agreement with the Board that has been approved by the Governor of Texas.

(b) In order to obtain landscape architectural registration by reciprocal transfer, an Applicant must demonstrate the following:

(1) the Applicant has:

(A) successfully completed the Landscape Architect Registration Examination (LARE) or another landscape architectural registration examination which the Council of Landscape Architectural Registration Boards (CLARB) has approved as conforming to CLARB's examination standards or as being acceptable in lieu of the LARE; and

(B) acquired at least two (2) years of acceptable landscape architectural experience following registration in another jurisdiction; or

(2) the Applicant currently holds a Council Certificate from CLARB that is in good standing.

(c) Pursuant to §55.005, Texas Occupations Code, the Board shall expedite the processing of an application for landscape architectural registration by reciprocal transfer, if the Applicant is a military spouse, and shall give priority to the applications of military spouses over other Applicants.

(d)[~~(c)~~] An Applicant for landscape architectural registration by reciprocal transfer must remit the required registration fee to the Board within sixty (60) days after the date of the tentative approval letter sent to the Applicant by the Board.

RULE §5.32 Registration by Reciprocal Transfer

(a) A person may apply for Interior Design registration by reciprocal transfer if the person holds an interior design registration that is active and in good standing in another jurisdiction and the other jurisdiction:

(1) has licensing or registration requirements substantially equivalent to Texas registration requirements; or

(2) has entered into a reciprocity agreement with the Board that has been approved by the Governor of Texas.

(b) In order to obtain Interior Design registration by reciprocal transfer, an Applicant must demonstrate that the Applicant has:

(1) successfully completed the NCIDQ examination or another Interior Design registration examination which the National Council for Interior Design Qualification (NCIDQ) has approved as conforming to NCIDQ's examination standards or as being acceptable in lieu of the NCIDQ examination; and

(2) acquired at least two years of acceptable Interior Design experience following registration in another jurisdiction.

(c) Pursuant to §55.005, Texas Occupations Code, the Board shall expedite the processing of an application for Interior Design registration by reciprocal transfer, if the Applicant is a military spouse, and shall give priority to the applications of military spouses over other Applicants.

(d)[~~(c)~~] An Applicant for Interior Design registration by reciprocal transfer must remit the required registration fee to the Board within 60 days after the date of the tentative approval letter sent to the Applicant by the Board.

Committee Rule Recommendations

Military Service

Rule §1.29 Credit for Military Service

(a) Definitions.

(1) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(2) "Military veteran" means a person who has served in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

(b) Registration eligibility requirements for applicants with military experience.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

Rule §3.29 Credit for Military Service

(a) Definitions.

(1) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(2) "Military veteran" means a person who has served in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

(b) Registration eligibility requirements for Applicants with military experience.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

Rule §5.39 Credit for Military Service

(a) Definitions.

(1) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(2) "Military veteran" means a person who has served in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

(b) Registration eligibility requirements for Applicants with military experience.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

S.B. No. 162

AN ACT

Relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 55, Occupations Code, is amended to read as follows:

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, [~~LICENSE WHILE ON MILITARY DUTY~~] AND [~~FOR~~] MILITARY SPOUSES [SPOUSE]

SECTION 2. Section 55.001, Occupations Code, is amended by adding Subdivisions (1-a), (1-b), and (1-c) to read as follows:

(1-a) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(1-b) "Military spouse" means a person who is married to a military service member who is currently on active duty.

(1-c) "Military veteran" means a person who has served in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

SECTION 3. Chapter 55, Occupations Code, is amended by adding Sections 55.005, 55.006, and 55.007 to read as follows:

Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SPOUSES. (a) A state agency that issues a license shall, as soon as practicable after a military spouse files an application for a license:

(1) process the application; and

(2) issue a license to a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state.

(b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SPOUSE. (a) As soon as practicable after a state agency issues a license under Section 55.005,

the state agency shall determine the requirements for the license holder to renew the license.

(b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.

(c) A license issued under Section 55.005 has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.

Sec. 55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE. (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.

(b) The state agency shall adopt rules necessary to implement this section.

(c) Rules adopted under this section may not apply to an applicant who:

(1) holds a restricted license issued by another jurisdiction; or

(2) has an unacceptable criminal history according to the law applicable to the state agency.

SECTION 4. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.315 to read as follows:

Sec. 1701.315. LICENSE REQUIREMENTS FOR PERSONS WITH MILITARY SPECIAL FORCES TRAINING. (a) In this section, "special forces" means a special forces component of the United States armed forces, including:

(1) the United States Army Special Forces;

(2) the United States Navy SEALs;

(3) the United States Air Force Pararescue;

(4) the United States Marine Corps Force Reconnaissance; and

(5) any other component of the United States Special Operations Command approved by the commission.

(b) The commission shall adopt rules to allow an applicant to qualify to take an examination described by Section 1701.304 if the applicant:

(1) has served in the special forces;

(2) has successfully completed a special forces training course and provides to the commission documentation verifying completion of the course;

(3) completes a supplemental peace officer training course; and

(4) completes any other training required by the commission after the commission has reviewed the applicant's military training.

(c) Commission rules adopted under Subsection (b) shall include rules:

(1) to determine acceptable forms of documentation that satisfy the requirements of Subsection (b);

(2) under which the commission may waive any other license requirement for an applicant described by Subsection (b) based on other relevant military training the applicant has received, as determined by the commission, including intelligence or medical training; and

(3) to establish an expedited application process for an applicant described by Subsection (b).

(d) The commission shall review the content of the training course for each special forces component described by Subsection (a) and in adopting rules under Subsection (b) specify the training requirements an applicant who has completed that training course must complete and the training requirements from which an applicant who has completed that training course is exempt.

SECTION 5. (a) Sections 55.005, 55.006, and 55.007, Occupations Code, as added by this Act, apply only to an application for a license filed with a state agency as defined by Section 55.001, Occupations Code, on or after March 1, 2014. An application for a license filed before March 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) Each state agency as defined by Section 55.001, Occupations Code, shall adopt rules under Sections 55.005, 55.006, and 55.007, Occupations Code, as added by this Act, not later than January 1, 2014.

(c) Section 1701.315, Occupations Code, as added by this Act, applies only to an application for a license filed with the Commission on Law Enforcement Officer Standards and Education on or after March 1, 2014. An application for a license filed before March 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(d) The Commission on Law Enforcement Officer Standards and Education shall adopt rules under Section 1701.315, Occupations Code, as added by this Act, not later than January 1, 2014.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

_____ _____

President of the Senate Speaker of the House

I hereby certify that S.B. No. 162 passed the Senate on April 2, 2013, by the following vote: Yeas 31, Nays 0.

_____

Secretary of the Senate

I hereby certify that S.B. No. 162 passed the House on May 2, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

_____

Chief Clerk of the House

Approved:

_____

Date

_____

Governor

Reference Material

Military Service Rules of Other Regulatory Boards

Texas Board of Chiropractic Examiners

RULE §79.3 **General Requirements for Licensure of Certain Military Spouses**

(a) This section applies to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States.
(b) The Board may issue a license to an applicant described under subsection (a) of this section who:
(1) holds a current license issued by another state that has licensing requirements that are substantially equivalent to the requirements for a license; or
(2) within the five years preceding the application date held a license in this state that expired while the applicant lived in another state for at least six months.
(c) For the purposes of this section, the term "substantially equivalent" means that the jurisdiction where the applicant described under subsection (b) of this section is currently licensed has, or had at the time of licensure, equivalent practices and requirements in the following areas:
(1) scope of practice;
(2) continuing education;
(3) license renewal;
(4) enforcement practices;
(5) examination requirements;
(6) undergraduate education requirements; and
(7) chiropractic education requirements.
(d) The Board may allow an applicant described under subsection (b) of this section to demonstrate competency by alternative methods in order to meet the requirements for obtaining a license. The standard method of demonstrating competency is described in Chapter 71 of this title (relating to Applications and Applicants). In lieu of the standard method of demonstrating competency for a license, and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Board:
(1) education;
(2) continuing education;
(3) examinations (including the National Board of Chiropractic Examiners Parts I - IV and Physiotherapy, or the National Board of Chiropractic Examiners SPEC Examination);
(4) letters of good standing;
(5) letters of recommendation;
(6) work experience; or
(7) other methods required by the executive director.
(e) The executive director may issue a license by endorsement to an applicant described under subsection (b) of this section in the same manner as the Texas

Department of Licensing and Regulation under §51.404 of the Texas Occupations Code.
(f) The applicant described under subsection (b) of this section shall submit an application for licensure and proof of the requirements under this section on a form and in a manner prescribed by the Board.
(g) The applicant described under subsection (b) of this section shall submit the applicable fee(s) required for a license.
(h) The applicant described under subsection (b) of this section shall undergo a criminal history background check.

RULE §101.6 Dental Licensing for Military Service Members, Military Veterans, and Military Spouses

(a) Definitions.
(1) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.
(2) "Military spouse" means a person who is married to a military service member who is currently on active duty.
(3) "Military Veteran" means a person who has served in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, or in an auxiliary service of one of those branches of the armed forces.
(b) Military Service Members and Military Veterans. The Board shall give credit to an applicant who is a Military service member or Military veteran for any verified military service, training, or education toward the licensing requirements, other than an examination requirement, including, but not limited to, education, training, certification, or a course in basic life support. The Board may not give credit if the applicant holds a restricted license issued by another jurisdiction or has an unacceptable criminal history according to Texas Occupations Code, Chapter 53 (relating to Consequences of Criminal Conviction) or §101.8 of this title (relating to Persons with Criminal Backgrounds).
(c) Military Spouses.
(1) The Board shall process an application from a Military spouse as soon as practicable after receiving such application.
(2) The Board shall issue a license to a qualified Military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state. The initial license has the term established by §101.5 of this title (relating to Staggered Dental Registrations), or a term of 12 months from the date the license is issued, whichever term is longer.
(3) The Board shall notify in writing or by electronic means an individual granted a license under paragraph (2) of this subsection of the requirements for renewal.
(4) The Board may allow a Military spouse who within the five years preceding the application date held the license in this state that expired while the applicant lived outside of this state for at least six months, to demonstrate competency by alternative methods in order to meet the requirements for obtaining a dental license issued by the Board. For purposes of this section, the standard method of demonstrating competency is the specific examination, education, and/or experience required to obtain a dental license.
(5) In lieu of the standard method(s) of demonstrating competency for a dental license and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Board:
(A) education;
(B) continuing education;
(C) examinations (written and/or practical);
(D) letters of good standing;

(E) letters of recommendation;
(F) work experience; or
(G) other methods required by the Executive Director.

(d) All applicants shall submit an application and proof of any relevant requirements on a form and in a manner prescribed by the Board.

(e) All applicants shall submit the applicable required fee(s).

(f) All applicants shall submit fingerprints for the retrieval of criminal history record information.

(g) A licensee is exempt from any penalty imposed by the Board for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the Board that the individual failed to renew the license in a timely manner because the individual was on active duty in the United States armed forces serving outside the state of Texas.

(h) A licensee who is a member of the state military forces or a reserve component of the armed forces of the United States and is ordered to active duty by proper authority is entitled to an additional amount of time, equal to the total number of years or parts of years that the person serves on active duty, to complete:

(1) any continuing education requirements; and
(2) any other requirement related to the renewal of the person's license.

Texas Optometry Board

RULE §273.14 Licenses for Military and Military Spouse

(a) Definitions.

(1) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(2) "Military spouse" means a person who is married to a military service member who is currently on active duty.

(3) "Military veteran" means a person who has served in the army, navy, air force, Marine Corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

(b) License eligibility requirements for applicants with military experience.

(1) Verified military service, training, or education will be credited toward the licensing requirements, other than an examination requirement, of an applicant who is a military service member or military veteran.

(2) This subsection does not apply if the applicant holds a restricted license issued by another jurisdiction or has an unacceptable criminal history.

(c) The Texas Occupations Code, §55.004 and §55.004, provides different methods of licensure for military spouses.

(1) Applications Under Texas Occupations Code §55.005, Expedited Licensing Procedure.

(A) Application.

(i) The military spouse applicant must be licensed in good standing as a therapeutic optometrist or the equivalent in another state, the District of Columbia, or a territory of the United States that has licensing requirements that are substantially equivalent to the requirements of the Texas Optometry Act.

(ii) The military spouse applicant shall submit a completed Licensure without Examination application, including the submission of a completed Federal Bureau of Investigation fingerprint card provided by the Board, official license verifications from each state in which the applicant is or was licensed, a certified copy of the applicant's birth certificate, a certified copy of the optometry school transcript granting the applicant a doctor of optometry degree, and proof of the applicant's status as a military spouse.

(iii) An application fee in the same amount as the application fee set out in §273.4 of this title must be submitted with the application.

(iv) A license issued under this subsection shall be a license to practice therapeutic optometry with the same obligations and duties required of a licensed therapeutic optometrist and subject to the same disciplinary requirements for that license.

(B) License Renewal

(i) A license issued under this subsection shall expire on the first day of the calendar year at least twelve months subsequent to the date the license is issued.

(ii) Prior to renewing the license for the first time, the military spouse licensee shall take and pass the Texas Jurisprudence Examination.

(iii) With the exception of clause (ii) of this subparagraph, the requirements for renewing the license are the same as the requirements for renewing an active license.

(2) Applications Under Texas Occupations Code §55.004, Alternative Licensing Procedure.

(A) Requirements for license for military spouse applicant currently licensed in another state.

(i) The military spouse applicant must be licensed in good standing as a therapeutic optometrist or the equivalent in another state, the District of Columbia, or a territory of the United States that has licensing requirements that are substantially equivalent to the requirements of the Texas Optometry Act.

(ii) The military spouse applicant shall submit a completed Licensure without Examination application, including the submission of a completed Federal Bureau of Investigation fingerprint card provided by the Board, official license verifications from each state in which the applicant is or was licensed, a certified copy of the applicant's birth certificate, a certified copy of the optometry school transcript granting the applicant a doctor of optometry degree, and proof of the applicant's status as a military spouse.

(iii) An application fee in the same amount as the application fee set out in §273.4 of this title must be submitted with the application.

(iv) Within six months of receiving a license under this subsection, the military spouse licensee shall take and pass the Texas Jurisprudence Examination.

(B) Requirements for license for military spouse applicant not currently licensed to practice optometry who was licensed in Texas within five years of the application submission.

(i) The military spouse applicant's Texas license must have expired while the applicant lived in another state for at least six months.

(ii) The military spouse applicant shall submit a completed Licensure without Examination application, including the submission of a completed Federal Bureau of Investigation fingerprint card provided by the Board, official license verifications from each state in which the applicant is or was licensed, a certified copy of the applicant's birth certificate, a certified copy of the optometry school transcript granting the applicant a doctor of optometry degree, and proof of the applicant's status as a military spouse.

(iii) An application fee in the same amount as the application fee set out in §273.4 of this title must be submitted with the application.

(iv) Within six months of receiving a license under this subsection, the military spouse licensee shall take and pass the Texas Jurisprudence Examination.

(v) The Board may allow a military spouse applicant under this subparagraph to demonstrate competency by alternative methods which may include any combination of the following as determined by the Board: education, continuing education, examinations (written and/or practical), work experience or other methods required by the Executive Director.

(C) A license issued under this subsection shall be a license to practice therapeutic optometry with the same obligations and duties required of a licensed therapeutic optometrist and subject to the same disciplinary requirements for that license. The license expires on January 1, following the date a license is issued.

(D) Renewal of license. The requirements for renewing the license are the same as the requirements for renewing an active license.

§ 601.24. Licensing of Spouses of Members of the Military

(a) This section sets out the alternative license procedure for military spouse required under Texas Occupations Code, Chapter 55 (relating to License While on Military Duty and for Military Spouse).

(b) The spouse of a person serving on active duty as a member of the armed forces of the United States who holds a current license issued by another state that has substantially equivalent licensing requirements shall complete and submit an application form and fee. In accordance with Texas Occupations Code, § 55.004(c), the executive secretary may waive any prerequisite to obtaining a license after reviewing the applicant's credentials and determining that the applicant holds a license issued by another jurisdiction that has licensing requirements substantially equivalent to those of this state.

(c) The spouse of a person serving on active duty as a member of the armed forces of the United States who within the five years preceding the application date held the license in this state that expired while the applicant lived in another state for at least six months is qualified for licensure based on the previously held license, if there are no unresolved complaints against the applicant and if there is no other bar to licensure, such as criminal background or non-compliance with a board order.

Summary of Committee Recommendations
Penalty Matrix

Current Rule --The penalty matrix is compiled within Rules 1.232/3.232/5.242, titled "Board Responsibilities." (Attached as reference documents.) The matrix specifies a disciplinary action to be applied for listed violations of laws enforced by the Board. Each rule (at paragraph (k)) notes that an Administrative Law Judge or the Board may deviate from the sanction listed in the matrix if warranted under the circumstances of a particular case. In addition, the amount of the administrative penalty to be imposed is determined by reference to the administrative penalty schedule (Rules 1.177/3.177/5.187 attached as reference documents). Over time, many of the cross-references in the matrix have become incorrect as the rules listed have been amended or renumbered. Finally, the Board has in certain cases expressed the opinion that a different sanction should apply to certain offenses.

Committee Recommendations --The amendments more specifically describe the conduct for which a sanction is imposed. For example, a category of offenses currently identified as "failure to uphold responsibilities to the profession" or "dishonest practices" would refer to specific conduct such as offering something of value in exchange for public work or conspiring to violate a law enforced by the Board. The draft corrects obsolete or incorrect cross-references to rule numbers. The draft amendments also modify sanctions for conduct which the Board has indicated should receive a more severe penalty. Also, the draft lists specific administrative penalty amounts for continuing education violations in the penalty matrix.

§1.232(j) -- Penalty Matrix -- Architects

Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§1.62	Administrative penalty or reprimand
Unlawful practice of architecture while registration is on emeritus status	§1.67(b)	Administrative penalty and cease and desist order
Practice of architecture while registration is inactive	§1.68	Administrative penalty and cease and desist order
Failure to fulfill mandatory continuing education requirements	§1.69	Administrative penalty or suspension
Failure to timely complete required continuing education program hours	§1.69(b)	Administrative penalty of $500; subject to higher penalties or suspension for second or subsequent offenses
Falsely reporting compliance with mandatory continuing education requirements	§1.69(g)	Administrative penalty of $700; subject to higher penalties or suspension for second or subsequent offenses
Failure to use appropriate seal or signature	§1.102 §1.104(c)	Administrative penalty or reprimand
Failure to seal documents [~~or insert statement in lieu of seal as required~~]	§1.103[~~(a), (d), (f),(h)(2), (i)~~] §1.105[~~(a)(4)~~] §1.122(c),(e)	Administrative penalty or reprimand
Failure to mark [~~incomplete~~] documents issued for purposes other than regulatory approval, permitting or construction as required	§1.103(b)	Administrative penalty or reprimand
Sealing or authorizing the sealing of a document prepared by another without Supervision and Control – "plan stamping"	§1.104(a) and (b) §1.122(c)	Administrative penalty, suspension, revocation or refusal to renew registration
Sealing or authorizing the sealing of a document prepared by another without Responsible Charge – "plan stamping"	§1.122(e)	Administrative penalty, suspension, revocation or refusal to renew registration
Failure to take reasonable steps to notify sealing Architect of intent to modify that architect's sealed documents	§1.104(d)	Administrative penalty or reprimand

Failure to indicate modifications or additions to a document prepared by another Architect	§1.104(b) and (d)	Reprimand, administrative penalty, or suspension
Removal of seal after issuance of documents	§1.104(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	§1.103(g) §1.105(b) §1.122(d)	Administrative penalty or reprimand
[~~Failure to notify the original design professional as required~~]	[~~§1.103(h)(1)~~]	[~~Administrative penalty or reprimand~~]
[~~Sealing a document prepared by a person not working under the respondent's Supervision and Control ("plan stamping")~~]	[~~§1.103(h)(3)~~ ~~§1.104(a)~~]	[~~Suspension or revocation~~]
Unauthorized use of a seal or a copy or replica of a seal or unauthorized modification of a document	§1.104(b) and (c)	Administrative penalty, [~~or~~] reprimand, or suspension
Violation of requirements regarding prototypical design	§1.105[~~(a)(1), (2), (3), (5)~~]	Administrative penalty, reprimand, or suspension
Failure to provide Statement of Jurisdiction	§1.106	Administrative penalty or reprimand
Failure to enter into a written agreement of association when required	§1.122	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	§1.122(c)	Suspension, [~~or~~] revocation, or refusal to renew registration
Failure to exercise Responsible Charge over the preparation of a document as required	§1.122(e)	Suspension, [~~or~~] revocation, or refusal to renew registration
Failure of a firm, business entity, or association to register	§1.124(a) and (b)	Administrative penalty, cease and desist order, or both
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture	§1.124(c)	Administrative penalty, reprimand, or suspension
Offering or rendering the Practice of Architecture by and through a firm, business entity or association that is not duly registered	§1.124 §1.146(a)(2)(B)	Administrative penalty, cease and desist order, or both
Gross incompetency	§1.142	Administrative penalty,

		suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Recklessness	§1.143	Administrative penalty, Suspension, [~~or~~] revocation, or refusal to renew registration
Acting to defraud, deceive, create a misleading impression, or advertise in a false, misleading or deceptive manner. [~~Dishonest practice~~]	§1.144(a),(b) [~~(c)~~]	Administrative penalty, Suspension [~~or~~] revocation, or refusal to renew registration
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work [~~Dishonest practice~~]	§1.144(c)[~~(b)~~]	Administrative penalty, suspension, or revocation, refusal to renew registration, and/or payment of restitution [~~Administrative penalty or reprimand~~]
Conflict of interest	§1.145	Administrative penalty, suspension, [~~or~~] revocation, or refusal to renew registration
Participating in a plan, scheme or arrangement to violate the Act or rules of the Board [~~Failure to uphold responsibilities to the architectural profession~~]	§1.146(a)	Administrative penalty, suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Failure to provide information regarding an Applicant upon request; failure to report lost, stolen or misused architectural seal [~~uphold responsibilities to the architectural profession~~]	§1.146(b), (c)	Administrative penalty or reprimand
Submission of a competitive bid in violation of the Professional Services Procurement Act	§1.147	Administrative penalty, suspension or revocation, and/or refusal to renew registration
Disclosure of fee information inconsistent [~~Failure to act in a manner consistent~~] with the Professional Services Procurement Act	§1.147	Administrative penalty or reprimand
Disclosure of information with the intent to indirectly disclose fee information	§1.147	Administrative penalty, suspension or revocation, and/or refusal to renew registration
Unauthorized practice or use of title "architect"	§1.123 §1.148	Administrative penalty, [~~Suspension, revocation, or~~]

		denial of registration, or refusal to renew, reinstate, or reactivate registration
Criminal conviction	§1.149	Suspension or revocation
Gross incompetence caused by substance abuse	§1.150	Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety
Violation by Applicant regarding unlawful use of the title "architect", unlawful practice, or criminal convictions	§1.148 §1.149 §1.151	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply, or probationary initial registration
Failure to submit a document as required by the Architectural Barriers Act	§1.170	Reprimand or administrative penalty
Failure to respond to a Board inquiry	§1.171	Administrative penalty
Unlawfully engaging in construction observation of construction of architectural plans and specifications for a nonexempt building	§1.217	Administrative penalty, reprimand, denial of registration, or refusal to reinstate or reactivate registration
Failure to report course of action likely to have a material adverse effect on safe use of building or failure to refuse to consent to the course of action	§1.216	Suspension, revocation or refusal to renew registration

Rule 3.232(j) – Penalty Matrix – Landscape Architects

Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§3.62	Administrative penalty or reprimand
Unlawful practice of landscape architecture while registration is on emeritus status	§3.67(b)	Administrative penalty and cease and desist order
Practice of landscape architecture while registration is inactive	§3.68	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§3.69	Administrative penalty or suspension
Failure to timely complete required continuing education program hours	§3.69(b)	Administrative penalty of $500; subject to higher penalties or suspension for second or subsequent offenses
Falsely reporting compliance with mandatory continuing education requirements	§3.69(g)	Administrative penalty of $700; subject to higher penalties or suspension for second or subsequent offenses
Failure to use appropriate seal or signature	§3.102 §3.104(c)	Administrative penalty or reprimand
Failure to seal documents [~~or insert statement in lieu of seal as required~~]	§3.103[~~(a), (d), (f), (h)(2), (i)~~] §3.105 §3.122(c), (e)	Administrative penalty or reprimand
Failure to mark [~~incomplete~~] documents issued for purposes other than regulatory approval, permitting or construction as required	§3.103(b)	Administrative penalty or reprimand
Sealing or authorizing the sealing of a document prepared by another without Supervision and Control – "plan stamping"	§3.104(a) and (b) §3.122(c)	Administrative penalty, suspension, revocation or refusal to renew registration
Sealing or authorizing the sealing of a document prepared by another without Responsible Charge – "plan stamping"	3.122(e)	Administrative penalty, suspension, revocation or refusal to renew registration
Failure to take reasonable steps to notify sealing Landscape Architect or intent to modify that Landscape Architect's sealed documents	§3.104(d)	Administrative penalty or reprimand

Failure to indicate modifications or additions to a document prepared by another Landscape Architect	§3.104(b)	Administrative penalty or reprimand
Removal of seal after issuance of documents	§3.104(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	§3.103(g) §3.105(b) §3.122(d)	Administrative penalty or reprimand
[~~Failure to notify the original design professional as required~~]	[~~§3.103(h)(1)~~]	[~~Administrative penalty or reprimand~~]
[~~Sealing a document prepared by a person not working under the respondent's Supervision and Control~~]	[~~§3.103(h)(3) §3.104(a)~~]	[~~Suspension or revocation~~]
Unauthorized use of a seal or a copy or replica of a seal or unauthorized modification of a document	§3.104(b) and (c)	Administrative penalty, [~~or~~] reprimand or suspension
Violation of requirements regarding prototypical design	§3.105	Administrative penalty, reprimand or suspension
Failure to provide Statement of Jurisdiction	§3.105	Administrative penalty or reprimand
Failure to report a course of action taken against the respondent's advice as required	§3.106(d) [~~§3.105(b)~~]	[~~Administrative penalty, reprimand, or suspension~~] Suspension, revocation or refusal to renew registration
Failure to enter into a written agreement of association when required	§3.122	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	§3.122(c)	Suspension, [~~or~~] revocation, or refusal to renew registration
Failure to exercise Responsible Charge over the preparation of a document as required	§3.122(e)	Suspension, [~~or~~] revocation, or refusal to renew registration
Failure of a firm, business entity, or association to register	§3.124(a) and (b)	Administrative penalty, cease and desist order, or both
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide landscape architecture	§3.124(c)	Administrative penalty, reprimand, or suspension
Offering or rendering Landscape Architecture by and through a firm,	§3.124 §3.146(a)(2)(B)	Administrative penalty, cease and desist order, or both

business entity or association that is not duly registered		
Gross incompetency	§3.142	Administrative penalty, suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Recklessness	§3.143	Administrative penalty, suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Acting to defraud, deceive, create a misleading impression, or advertise in a false, misleading or deceptive manner. [~~Dishonest practice~~]	§3.144(a),(b) [~~(c)~~]	Administrative penalty, suspension, [~~Suspension or~~] revocation, refusal to renew registration and/or payment of restitution
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work[~~Dishonest practice~~]	§3.144(c)[~~(b)~~]	Administrative penalty, suspension, revocation and payment of restitution [~~Administrative penalty or reprimand~~]
Conflict of interest	§3.145	Administrative penalty, suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Participating in a plans, scheme or arrangement to violate the Act or the rules of the Board [~~Failure to uphold responsibilities to the landscape architectural profession~~]	§3.146(a)	Administrative penalty, suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Failure to provide information regarding an Applicant upon request; failure to report lost, stolen or misused landscape architectural seal ~~uphold responsibilities to the landscape architectural profession~~	§3.146(b), (c)	Administrative penalty or reprimand
Submission of a competitive bid in violation of the Professional Services Procurement Act	§3.147	Administrative penalty, suspension, revocation and/or refusal to renew registration
Disclosure of fee information inconsistent [~~Failure to act in a manner consistent~~] with the Professional Services Procurement Act	§3.147	Administrative penalty or reprimand
Disclosure of information with the intent	§3.147	Administrative penalty,

to indirectly disclose fee information		suspension or revocation and/or refusal to renew registration
Unauthorized practice or use of title "landscape architect"	§3.123 §3.148	Administrative penalty, denial of registration, or refusal to renew, reinstate, or reactivate registration [~~Suspension, revocation, or denial~~]
Criminal conviction	§3.149	Suspension or revocation
Gross incompetence caused by substance abuse	§3.150	Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety
Violation by Applicant regarding unlawful use of title “landscape architect”, unlawful practice, or criminal convictions	§3.148 §3.149 §3.151	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply, or probationary initial registration
Failure to submit a document as required by the Architectural Barriers Act	§3.170	Reprimand or administrative penalty
Failure to respond to a Board inquiry	§3.171	Administrative penalty

§5.242(j) – Penalty Matrix – Registered Interior Designers

Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§5.72	Administrative penalty or reprimand
Using the title "Registered Interior Designer" while on emeritus status	§5.77(b)	Administrative penalty and cease and desist order
Practice of Interior Design while registration is inactive	§5.78	Administrative penalty and cease and desist order
Failure to fulfill mandatory continuing education requirements	§5.79	Administrative penalty or suspension
Failure to timely complete required continuing education program hours	§5.79(b)	Administrative penalty of $500; subject to higher penalties or suspension for second or subsequent offenses
Falsely reporting compliance with mandatory continuing education requirements	§5.79(g)	Administrative penalty of $700; subject to higher penalties for second or subsequent offenses
Failure to use appropriate seal or signature	§5.112 §5.114(c)	Administrative penalty or reprimand
Failure to seal documents [~~or insert statement in lieu of seal as required~~]	§5.113[~~(a) and (b)~~] §5.132(c) and (e)	Administrative penalty or reprimand
Failure to mark [~~incomplete~~] documents issued for purposes other than regulatory approval, permitting or construction as required	§5.113(b)	Administrative penalty or reprimand
Sealing or authorizing the sealing of a document prepared by another without Supervision and Control – "plan stamping"	§5.114(a) and (b) 5.132(c)	Administrative penalty, suspension or revocation
Sealing or authorizing the sealing of a document prepared by another without Responsible Charge – "plan stamping"	5.132(e)	Administrative penalty, suspension or revocation
Failure to take reasonable steps to notify sealing Registered Interior Designer of intent to modify sealed documents	§5.114(d)	Administrative penalty or reprimand

Failure to indicate modifications to or portion of document prepared by Registered Interior Designer	§5.114(b) and (d)	Reprimand, administrative penalty or suspension
Removal of seal after issuance of documents	§5.114(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	§5.113(c) §5.132(d)	Administrative penalty or reprimand
[~~Failure to make reasonable efforts to notify the original design professional as required~~]	[~~§5.114(d)~~]	[~~Administrative penalty or reprimand~~]
[~~Sealing a document prepared by a person not working under the respondent's Supervision and Control~~]	[~~§5.114(a)~~]	[~~Suspension or revocation~~]
Unauthorized use of a seal or a copy or replica of a seal or unauthorized modification of a document	§5.114(b) and (c)	Administrative penalty, [~~or~~] reprimand, or suspension
Failure to provide Statement of Jurisdiction	§5.115(a)	Administrative penalty or reprimand
Failure to report a course of action taken against the respondent's advice as required	§5.115(d)[~~(b)~~]	[~~Administrative penalty, reprimand, or suspension~~] Suspension, revocation or refusal to renew registration
Failure to enter into a written agreement of association when required	§5.132	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	§5.132(c)	Suspension, [~~or~~] revocation, or refusal to renew registration
Failure to exercise Responsible Charge over the preparation of a document as required	§5.132(e)	Suspension, [~~or~~] revocation, or refusal to renew registration
Failure of a firm, business entity, or association to register	§5.134(a) and (b)	Administrative penalty or reprimand
Failure to timely notify the Board upon dissolution of a business entity or association or upon loss of the entity or association to use the title "registered interior designer"	§5.134(c)	Administrative penalty, cease and desist order, or both
Representing firm, business entity or association which is not registered as Registered Interior Designer firm	§5.134	Administrative penalty, cease and desist order, or both
Gross incompetency	§5.152	Administrative penalty, suspension, [~~Suspension~~

		~~or~~] revocation, or refusal to renew registration
Recklessness	§5.153	Administrative penalty, suspension [~~Suspension or~~] revocation, or refusal to renew registration
Acting to defraud, deceive, create a misleading impression, or advertise in a false, misleading or deceptive manner. [~~Dishonest practice~~]	§5.154(a),(b) [~~(c)~~]	Administrative penalty, suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work [~~Dishonest practice~~]	§5.154(c)[~~(b)~~]	Administrative penalty, suspension, revocation, refusal to renew registration and/or payment of restitution [~~Administrative penalty or reprimand~~]
Conflict of interest	§5.155	Administrative penalty, suspension, [~~Suspension or~~] revocation or refusal to renew registration
Participating in a plan, scheme, or arrangement to violate the Act or rules of the Board [~~Failure to uphold responsibilities to the Interior Design profession~~]	§5.156(a)	Administrative penalty, suspension, [~~Suspension or~~] revocation, or refusal to renew registration
Failure to provide information regarding an Applicant upon request; failure to report lost, stolen, or misused registered interior design seal [~~uphold responsibilities to the Interior Design profession~~]	§5.156(b), (c)	Administrative penalty or reprimand
Unauthorized practice or use of title "registered interior designer"	§5.133 §5.157	Administrative penalty, [~~Suspension, revocation, or~~] denial of registration, or refusal to renew, reinstate, or reactive registration
Criminal conviction	§5.158	Suspension or revocation
Gross incompetency caused by substance abuse	§5.159	Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety

Violation by Applicant regarding unlawful use of the title "registered interior designer, unlawful practice or criminal convictions	§5.157 §5.158 §5.160	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply, or probationary initial registration
Failure to submit a document as required by the Architectural Barriers Act	§5.180	Reprimand or administrative penalty
Failure to respond to a Board inquiry	§5.181	Administrative penalty

Reference Documents – Penalty Matrix

RULE §1.232 Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of the Rules and Regulations of the Board. However, if a Contested Case is not settled informally pursuant to Subchapter I, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) Any party of record in a Contested Case who is adversely affected by the proposal for decision may file exceptions and briefs within 20 days after the date of service of the proposal for decision. Replies to exceptions and briefs may be filed within 15 days after the date for the filing of exceptions and briefs. Exceptions, briefs, and replies shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally

resolve a Contested Case. The Board may change a finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board's decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding, that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

Attached Graphic

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §1.177 shall be applied to determine the amount of the administrative penalty.

RULE §3.232 Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of the Rules and Regulations of the Board. However, if a Contested Case is not settled informally pursuant to Subchapter I, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) Any party of record in a Contested Case who is adversely affected by the proposal for decision may file exceptions and briefs within 20 days after the date of service of the proposal for decision. Replies to exceptions and briefs may be filed within 15 days after the date for the filing of exceptions and briefs. Exceptions, briefs, and replies shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral

hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board's decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding, that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

Attached Graphic

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent.
(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.
(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §3.177 shall be applied to determine the amount of the administrative penalty.

RULE §5.242 Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of the Rules and Regulations of the Board. However, if a Contested Case is not settled informally pursuant to Subchapter I, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) Any party of record in a Contested Case who is adversely affected by the proposal for decision may file exceptions and briefs within 20 days after the date of service of the proposal for decision. Replies to exceptions and briefs may be filed within 15 days after the date for the filing of exceptions and briefs. Exceptions, briefs, and replies shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a finding of fact or conclusion of law

made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board's decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the proceeding agency that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

Attached Graphic

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §5.187 of this title (relating to Administrative Penalty Schedule) shall be applied to determine the amount of the administrative penalty.

RULE §1.177 Administrative Penalty Schedule

If the Board determines that an administrative penalty is the appropriate sanction for a violation of any of the statutory provisions or rules enforced by the Board, the following guidelines shall be applied to guide the Board's assessment of an appropriate administrative penalty:

(1) The Board shall consider the following factors to determine whether the violation is minor, moderate, or major:

(A) Seriousness of misconduct and efforts to correct the ground for sanction:

(i) Minor--the respondent has demonstrated that he/she was unaware that his/her conduct was prohibited and unaware that the conduct was reasonably likely to cause the harm that resulted from the conduct or the respondent has demonstrated that there were significant extenuating circumstances or intervening causes for the violation; and the respondent has demonstrated that he/she provided a satisfactory remedy that alleviated or eliminated any harm or threat to the health or safety of the public.

(ii) Moderate--the violation shows that the respondent knowingly disregarded a standard or practice normally followed by a reasonably prudent person under the same or similar circumstances. A violation of a Board order shall constitute, at a minimum, a moderate violation.

(iii) Major--the conduct demonstrates gross negligence or recklessness or resulted in a threat to the health or safety of the public and the respondent, after being notified of the alleged violation intentionally refused or failed to take prompt and remedial action.

(B) Economic harm:

(i) Minor--there was no apparent economic damage to property or monetary loss to the project owner or other involved persons and entities.

(ii) Moderate--economic damage to property or monetary harm to other persons or entities did not exceed $1,000, or damage exceeding $1,000 was reasonably unforeseeable.

(iii) Major--economic damage to property or economic injury to other persons or entities exceeded $1,000.

(C) Sanction history:

(i) Minor--the respondent has not previously received a written warning, advisory notice or been subject to other enforcement proceedings from the Board.

(ii) Moderate--the respondent was previously subject to an order of the Board or other enforcement proceedings which resulted in a finding of a violation of the laws or rules over which the TBAE has jurisdiction.

(iii) Major--the respondent has received at least two prior written notices or has been subject to two disciplinary actions for violation of the rules and laws over which the TBAE has jurisdiction.

(2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:

(A) Minor violations--if the violation is minor in every category described in paragraph (1) of this section, an administrative penalty of not more than $500 shall be imposed.

(B) Moderate violations--if the violation is moderate in any category described in paragraph (1) of this section, an administrative penalty of not more than $2,000 shall be imposed.

(C) Major violations--if the violation is major in any category described in paragraph (1) of this section or if the Board determines that the facts of the case indicate a higher penalty is necessary in order to deter similar misconduct in the future, an administrative penalty of not more than $5,000 shall be imposed.

(D) Because of the threat to human health, safety and well-being which necessarily arises out of a Non-registrant preparing and issuing architectural plans and specifications the Board possesses a compelling interest in ensuring that architectural plans and specifications are prepared and issued only by a registered architect or by a person who is working under the active and documented Supervision and Control of a registered Architect when required by law. If the evidence establishes that Architectural plans and specifications for a project that is not exempt from the Architects' Practice Act were prepared by a person who is not registered to engage in the Practice of Architecture and was not working under the active and documented Supervision and

Control of an Architect the violation shall be presumed to be a major violation and each sheet of architectural plans or separate section of the specifications shall be considered a separate violation for purposes of calculating and imposing administrative penalties.

(E) Because of the threat to human health, safety and welfare which necessarily arises from Non-registrants engaging in the Practice of Architecture the Board has a compelling interest in ensuring that only those persons who are registered to engage in the Practice of Architecture or whose work is conducted under the active and documented Supervision and Control of a registered architect engage in the Practice of Architecture. If the evidence establishes that an Architect has sealed architectural plans and separately numbered section of the specifications without having exercised active and documented Supervision and Control of the Non-registrants' activities the Board shall presume such conduct by the sealing architect to be a major violation and each sheet of architectural plans or separate section of the specifications shall be considered a separate violation for purposes of calculating and imposing administrative penalties.

(F) The agency is responsible for protecting the public's health, safety and welfare by interpreting and enforcing the Architects' Practice Act. In fulfilling this statutory duty the Board depends upon, and expects, that Registrants and Applicants will provide complete, truthful and accurate information to the Board upon request. This prompt and accurate provision of information is essential to protecting the public's health, safety and welfare.

(G) An Architect, Candidate, or Applicant who fails, without good cause, to provide information to the Board under provision of §1.171 of this subchapter (relating to Responding to Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its responsibilities. For these reasons a violation of §1.171 of this subchapter shall be considered a moderate violation if a complete response is not received within 30 days after receipt of the Board's written inquiry. Any further delay constitutes a major violation. Each 15 day delay thereafter shall be considered a separate violation of these rules.

(3) In order to determine the appropriate amount in a penalty range described in paragraph (2) of this section, the Board shall consider the factors described in paragraph (1) of this section.

(4) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.

RULE §3.177 Administrative Penalty Schedule

If the Board determines that an administrative penalty is the appropriate sanction for a violation of any of the statutory provisions or rules enforced by the Board, the following guidelines shall be applied to guide the Board's assessment of an appropriate administrative penalty:

(1) The Board shall consider the following factors to determine whether the violation is minor, moderate, or major:

(A) Seriousness of misconduct and efforts to correct the ground for sanction:

(i) Minor--the respondent had demonstrated that he/she was unable that his/her conduct was prohibited and unaware that the conduct was reasonably likely to cause the harm that resulted from the conduct or the respondent has demonstrated that there were significant extenuating circumstances or intervening causes for the violation; and the respondent has demonstrated that he/she provided a satisfactory remedy that alleviated or eliminated any harm or threat to the health or safety of the public.

(ii) Moderate--the violation shows that the respondent knowingly disregarded a standard or practice normally followed by a reasonably prudent person under the same or similar circumstances. A violation of a Board order shall constitute, at a minimum, a moderate violation.

(iii) Major--the conduct demonstrates gross negligence or recklessness or resulted in a threat to the health or safety of the public and the respondent, after being notified of the alleged violation intentionally refused or failed to take prompt and remedial action.

(B) Economic harm:

(i) Minor--there was no apparent economic damage to property or monetary loss to the project owner or other involved persons and entities.

(ii) Moderate--economic damage to property or monetary harm to other persons or entities did not exceed $1,000, or damage exceeding $1,000 was reasonably unforeseeable.

(iii) Major--economic damage to property or economic injury to other persons or entities exceeded $1,000.

(C) Sanction history:

(i) Minor--the respondent has not previously received a written warning, advisory notice or been subject to other enforcement proceedings from the Board.

(ii) Moderate--the respondent was previously subject to an order of the Board or other enforcement proceedings which resulted in a finding of a violation of the laws or rules over which the TBAE has jurisdiction.

(iii) Major--the respondent has received at least two prior written notices or has been subject to two disciplinary actions for violation of the rules and laws over which the TBAE has jurisdiction.

(2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:

(A) Minor violations--if the violation is minor in every category described in paragraph (1) of this section, an administrative penalty of not more than $500 shall be imposed.

(B) Moderate violations--if the violation is moderate in any category described in paragraph (1) of this section, an administrative penalty or not more than $2,000 shall be imposed.

(C) Major violations--if the violation is major in any category described in paragraph (1) of this section or if the Board determines that the facts of the case indicate a higher penalty is necessary in order to deter similar misconduct in the future, an administrative penalty of not more than $5,000 shall be imposed.

(D) Because of the threat to human health, safety and well-being which necessarily arises out of a Non-registrant preparing and issuing landscape architectural plans and specifications the Board possesses a compelling interest in ensuring that landscape architectural plans and specifications are prepared and issued only by registered landscape architect or by a person who is working under the active and documented Supervision and Control of a registered Landscape Architect when required by law. If the evidence establishes that Landscape Architectural plans and specifications for a project that is not exempt from the Landscape Architects' Practice Act were prepared by a person who is not registered to engage in the Practice of Landscape Architecture and was not working under the active and documented Supervision and Control of a Landscape Architect the violation shall be presumed to be a major violation and each

sheet of architectural plans or separate section of the specifications shall be considered a separate section of the specifications shall be considered a separate violation for purposes of calculating and imposing administrative penalties.

(E) Because of the threat to human health, safety and welfare which necessarily arises from Non-registrants engaging in the Practice of Landscape Architecture the Board has a compelling interest in ensuring that only those persons who are registered to engage in the Practice of Landscape Architecture or whose work is conducted under the active and documented Supervision and Control of a registered Landscape Architect engage in the Practice of Landscape Architecture. If the evidence establishes that a Landscape Architect has sealed landscape architectural plans and separately numbered section of the specifications without having exercised active and documented Supervision and Control of the Non-registrants' activities the Board shall presume such conduct by the sealing landscape architect to be a major violation and each sheet of landscape architectural plans or separate section of the specifications shall be considered a separate violation for purposes of calculating and imposing administrative penalties.

(F) The agency is responsible for protecting the public's health, safety and welfare by interpreting and enforcing the Landscape Architects' Practice Act. In fulfilling this statutory duty the Board depends upon, and expects, that Registrants and Applicants will provide complete, truthful and accurate information to the Board upon request. This prompt and accurate provision of information is essential to protecting the public's health, safety and welfare.

(G) A Landscape Architect, Candidate, or Applicant who fails, without good cause, to provide information to the Board under the provision of §3.171 of this subchapter (relating to Responding to Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its responsibilities. For these reasons a violation of §3.171 of this subchapter shall be considered a moderate violation if a complete response is not received within 30 days after receipt of the Board's written inquiry. Any further delay constitutes a major violation. Each 15 day delay thereafter shall be considered a separate violation of these rules.

(3) In order to determine the appropriate amount in a penalty range described in paragraph (2) of this section, the Board shall consider the factors described in paragraph (1) of this section.

(4) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.

Rule §5.187 Administrative Penalty Schedule

If the Board determines that an administrative penalty is the appropriate sanction for a violation of any of the statutory provisions or rules enforced by the Board, the following guidelines shall be applied to guide the Board's assessment of an appropriate administrative penalty:

(1) The Board shall consider the following factors to determine whether the violation is minor, moderate, or major:

(A) Seriousness of misconduct and efforts to correct the ground for sanction:

(i) Minor--the respondent has demonstrated that he/she was unaware that his/her conduct was prohibited and unaware that the conduct was reasonably likely to cause the harm that resulted from the conduct or the respondent has demonstrated that there were significant extenuating circumstances or intervening causes for the violation; and the respondent has demonstrated that he/she provided a satisfactory remedy that alleviated or eliminated any harm or threat to the health or safety of the public.

(ii) Moderate--the violation shows that the respondent knowingly disregarded a standard or practice normally followed by a reasonably prudent person under the same or similar circumstances. A violation of a Board order shall constitute, at a minimum, a moderate violation.

(iii) Major--the conduct demonstrates gross negligence or recklessness or resulted in a threat to the health or safety of the public and the respondent, after being notified of the alleged violation intentionally refused or failed to take prompt and remedial action.

(B) Economic harm:

(i) Minor--there was no apparent economic damage to property or monetary loss to the project owner or other involved persons and entities.

(ii) Moderate--economic damage to property or monetary harm to other persons or entities did not exceed $1,000, or damage exceeding $1,000 was reasonably unforeseeable.

(iii) Major--economic damage to property or economic injury to other persons or entities exceeded $1,000.

(C) Sanction history:

(i) Minor--the respondent has not previously received a written warning, advisory notice or been subject to other enforcement proceedings from the Board.

(ii) Moderate--the respondent was previously subject to an order of the Board or other enforcement proceedings which resulted in a finding of a violation of the laws or rules over which the TBAE has jurisdiction.

(iii) Major--the respondent has received at least two prior written notices or has been subject to two disciplinary actions for violation of the rules and laws over which the TBAE has jurisdiction.

(2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:

(A) Minor violations--if the violation is minor in every category described in paragraph (1) of this section, an administrative penalty of not more than $500 shall be imposed.

(B) Moderate violations--if the violation is moderate in any category described in paragraph (1) of this section, an administrative penalty of not more than $2,000 shall be imposed.

(C) Major violations--if the violation is major in any category described in paragraph (1) of this section or if the Board determines that the facts of the case indicate a higher penalty is necessary in order to deter similar misconduct in the future, an administrative penalty of not more than $5,000 shall be imposed.

(D) Because of the threat to human health, safety and well-being which necessarily arises from a Non-registrant representing himself or herself to be registered as a Registered Interior Designer the Board possesses a compelling interest in ensuring that only those persons who are permitted by statute and rule to use the title "registered interior designer" do so. If the evidence establishes that a person not registered as a Registered Interior Designer has represented himself or herself as a registrant, the

violation shall be classified as a major violation and each sheet of Interior Design plans or separate section of the specifications shall be considered a separate violation for purposes of calculating and imposing administrative penalties.

(E) The agency is responsible for protecting the public's health, safety and welfare by interpreting and enforcing the Interior Designers' Registration Law. In fulfilling this statutory duty the Board depends upon, and expects, that Registrants, Candidates and Applicants will provide complete, truthful and accurate information to the Board upon request. This prompt and accurate provision of information is essential to protecting the public's health, safety and welfare.

(F) A Registered Interior Designer, a Candidate, or an Applicant who fails, without good cause, to provide information to the Board under §5.181 of this subchapter (relating to Responding to Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its responsibilities. For these reasons a violation of §5.181 of this subchapter shall be considered a moderate violation if a complete response is not received within 30 days after the violation. Any further delay constitutes a major violation. Each 15 day delay thereafter shall be considered a separate violation of these rules.

(3) In order to determine the appropriate amount in a penalty range described in paragraph (2) of this section, the Board shall consider the factors described in paragraph (1) of this section.

(4) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.

Summary of Committee Recommendations

Professional Services Procurement Act

Current Law --Section 1051. 203, Texas Occupations Code, generally prohibits the Board from regulating commercial speech, except to restrict false, misleading or deceptive practices. The law prohibits the Board from adopting rules which restrict competitive bidding. However, a portion of the law requires the Board to adopt rules to prohibit its registrants from submitting a competitive bid to a governmental entity and from soliciting a competitive bid on behalf of a governmental entity, if the Professional Services Procurement Act bars the governmental entity from awarding a contract on the basis of competitive bidding.

The Professional Services Procurement Act lists both architecture and landscape architecture as “professional services” subject to the Act. Governmental entities may not select a provider of either professional service on the basis of competitive bids. However, the Act implements that prohibition differently for architectural services than it does for landscape architectural services.

The Act specifies a two-step process for the procurement of architectural services (along with engineering and land surveying services). A governmental entity must first select the most highly qualified provider of architectural services on the basis of demonstrated competence and qualifications and then attempt to negotiate a fair and reasonable price with the selected provider. For the selection of a provider of landscape architectural services (along with all other professional services), the Act requires a governmental entity to make the selection and award on the basis of demonstrated competence and qualifications to perform the services for a fair and reasonable price. There is no specified sequence of selection followed by negotiation for awarding a contract to a landscape architect.

The Board has adopted rules restricting architects and landscape architects from submitting a competitive bid to, or soliciting a competitive on behalf of, a governmental entity in accordance with the Act. The rule bans architects and landscape architects from providing information relating to fees for a professional service only after selection on the basis of competence and qualifications.

Committee Recommendation --The recommended amendments define the term “competitive bid” for purposes of the rule regarding architectural practices. As defined, a competitive bid includes information which discloses a fee for a professional service for architecture. The definition includes information from which the fee may be extrapolated or indirectly determined. Due to the different standard for procuring landscape architecture under the PSPA, the Committee recommends the repeal of Rule §3.147. (Staff recommends a corresponding amendment to the penalty matrix.)

The Committee amendments more closely track and implement the restrictions in the law and the rules of the Texas Board of Professional Engineers and the Texas Board of Professional Land Surveying. The amendments also clarify the current restriction on the disclosure of any information “related to the monetary cost of a professional service” which broad enough and vague enough to be construed in an inconsistent or overbroad manner.

Committee Recommendation
PSPA Rules

RULE §1.147. Professional Services Procurement Act

An Architect shall neither submit a competitive bid to nor solicit a competitive bid on behalf of any governmental entity that is prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids. For purposes of this Section, the term "competitive bid" means information which specifies the fee charged by an Architect for a professional service, including information from which such fee may be extrapolated or indirectly determined. An Architect may disclose to a governmental entity [~~submit information related to~~] the fee for [~~monetary cost of~~] a professional service, including information found in a fee schedule, only after the governmental entity has selected the Architect on the basis of demonstrated competence and qualifications pursuant to the Professional Services Procurement Act.

~~RULE §3.147. Professional Services Procurement Act~~

~~A Landscape Architect shall neither submit a competitive bid to nor solicit a competitive bid on behalf of any governmental entity that is prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids. A Landscape Architect may submit information related to the monetary cost of a professional service, including information found in a fee schedule, only after the governmental entity has selected the Landscape Architect on the basis of demonstrated competence and qualifications pursuant to the Professional Services Procurement Act.~~

PSPA Reference Documents

§ 1051.203, Texas Occupations Code

§ 1051.203. Rules Restricting Advertising or Competitive Bidding

(a) The board may not adopt rules restricting advertising or competitive bidding by a certificate holder except to prohibit false, misleading, or deceptive practices.

(b) In its rules to prohibit false, misleading, or deceptive practices, the board may not include a rule that:

(1) restricts the use of any advertising medium;

(2) restricts the use of a certificate holder's personal appearance or voice in an advertisement;

(3) relates to the size or duration of an advertisement by the certificate holder; or

(4) restricts the certificate holder's advertisement under a trade name.

(c) The board shall adopt rules to prevent a person regulated by the board from submitting a competitive bid to, or soliciting a competitive bid on behalf of, a governmental entity that is prohibited by Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids.

Professional Services Procurement Act

§ 2254.001. Short Title

This subchapter may be cited as the Professional Services Procurement Act.

§ 2254.002. Definitions

In this subchapter:

(1) "Governmental entity" means:

(A) a state agency or department;

(B) a district, authority, county, municipality, or other political subdivision of the state;

(C) a local government corporation or another entity created by or acting on behalf of a political subdivision in the planning and design of a construction project; or

(D) a publicly owned utility.

(2) "Professional services" means services:

(A) within the scope of the practice, as defined by state law, of:

(i) accounting;

(ii) architecture;

(iii) landscape architecture;

(iv) land surveying;

(v) medicine;

(vi) optometry;

(vii) professional engineering;

(viii) real estate appraising; or

(ix) professional nursing; or

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

(i) a certified public accountant;

(ii) an architect;

(iii) a landscape architect;

(iv) a land surveyor;

(v) a physician, including a surgeon;

(vi) an optometrist;

(vii) a professional engineer;

(viii) a state certified or state licensed real estate appraiser; or

(ix) a registered nurse.

§ 2254.003. Selection of Provider; Fees

(a) A governmental entity may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

(1) on the basis of demonstrated competence and qualifications to perform the services; and

(2) for a fair and reasonable price.

(b) The professional fees under the contract may not exceed any maximum provided by law.

§ 2254.004. Contract for Professional Services of Architect, Engineer, or Surveyor

(a) In procuring architectural, engineering, or land surveying services, a governmental entity shall:

(1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and

(2) then attempt to negotiate with that provider a contract at a fair and reasonable price.

(b) If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the entity shall:

(1) formally end negotiations with that provider;

(2) select the next most highly qualified provider; and

(3) attempt to negotiate a contract with that provider at a fair and reasonable price.

(c) The entity shall continue the process described in Subsection (b) to select and negotiate with providers until a contract is entered into.

§ 2254.005. Void Contract

A contract entered into or an arrangement made in violation of this subchapter is void as against public policy.

§ 2254.007. Declaratory or Injunctive Relief

(a) This subchapter may be enforced through an action for declaratory or injunctive relief filed not later than the 10th day after the date a contract is awarded.

(b) This section does not apply to the enforcement of a contract entered into by a state agency as that term is defined by Section 2151.002. In this subsection, “state agency” includes the Texas Building and Procurement Commission.

Reference Documents
PSPA Rules by Similarly Situated Agencies

Texas Board of Professional Engineers
§ 137.53. Engineer Standards of Compliance with Professional Services Procurement Act

(a) A licensed engineer shall not submit or request, orally or in writing, a competitive bid to perform professional engineering services for a governmental entity unless specifically authorized by state law and shall report to the board any requests from governmental entities and/or their representatives that request a bid or cost and/or pricing information or any other information from which pricing or cost can be derived prior to selection based on demonstrated competence and qualifications to perform the services.

(b) For the purposes of this section, competitive bidding to perform engineering services includes, but is not limited to, the submission of any monetary cost information in the initial step of selecting qualified engineers. Cost information or other information from which cost can be derived must not be submitted until the second step of negotiating a contract at a fair and reasonable cost.

(c) This section does not prohibit competitive bidding in the private sector.

Texas Board of Professional Land Surveying
§ 663.8. Adherence to Statutes and Codes

Strict adherence to practice requirements of related sections of the statutes, the state code, and all local codes and ordinances shall be maintained in all services rendered. The registrant:

(1) Shall abide by, and conform to, the registration and licensing laws of the state;

(2) Shall abide by, and conform to, the provisions of the state code and any local codes and ordinances not consistent with this Act. Any surveyor subdividing land into tracts subject to statutory requirements providing for an approval process by a governing body for such subdivision shall notify the individual whose intent it is to create the subdivision of the existence of the statutory requirements that pertain to and affect the development of the proposed subdivision prior to commencing the survey. It is recommended that this notification be in writing and a copy be maintained within the surveyor's permanent records;

(3) Shall not violate nor aid and abet another in violating a rule of conduct nor engage in any conduct that may adversely affect his/her fitness to practice;

(4) Shall not sign nor impress his/her seal or stamp upon documents not prepared by him/her or under his/her control or knowingly permit his/her seal or stamp to be used by any other person; and

(5) Shall not submit or request, orally or in writing, a competitive bid to perform professional surveying services for a governmental entity or political subdivision of the State of Texas unless specifically authorized by state law.

(A) For purposes of this section, the Board considers competitive bidding to perform professional surveying services to include the submission of any monetary cost information in the initial step of selecting qualified professional land surveyors. Cost information or other information from which cost can be derived must not be submitted until the second step of negotiating a contract.

(B) This section does not prohibit competitive bidding in the private sector.

Committee Recommendation
Regarding
Intent/Knowledge in Dishonest Practices Rules

Current Rules--The Board's rules prohibiting dishonest conduct specifically include an element of intent. In order to prove a violation of a dishonest practices rule, the agency must prove an act or assertion was made, or withheld, with the intent to defraud, deceive or create a misleading impression. The rules regarding dishonest practices of architecture also include a prohibition upon knowingly making a false statement when testifying as an expert witness.

Although these offenses carry an element of intent or knowledge, the rules do not define the level of, or nature of, the respondent's culpable mental state when acting to deceive. This ambiguity does not provide clear notice to agency registrants regarding the nature of the conduct for which the Board may impose a sanction. It also does not give the agency or an administrative law judge adequate guidance on the elements which must be proved in order to establish a violation.

The rules also prohibit registrants from giving goods or services to a governmental entity in an effort to be awarded publicly funded work. Registrants have contacted the agency about the extent to which this rule applies regarding minor services or items of minimal value.

Committee Recommendation--The Committee amendments create a definition of the term "intent" for purposes of the dishonest practices rules. As defined, "intent" may be established by the nature of the conduct or the reasonable result of the conduct. The definitions create an objective standard of intent based upon what may reasonably be inferred from the conduct in question. The intent of a registrant to defraud, deceive, or create a misleading impression may be established if a reasonable person would reasonably conclude that the registrant wanted deception or a misleading impression to result from the conduct. The draft amendments also state intent may be established by circumstantial evidence. The evidence regarding the circumstances of respondent's actions, assertions, and lack of actions or assertions may establish respondent's conscious intent to bring about the fraud, deception or misleading impression.

The terms "knowing" and "knowledge" are likewise defined by reference to an objective standard based upon reasonableness. As amended, an architect would act knowingly or with knowledge if a reasonably prudent architect would be aware of the nature of the action or the likely result of the action. The definitions for "intent" and "knowing" or "knowledge" are based upon statutory guidance from the Texas Penal Code regarding culpable mental states. A copy of the relevant provision is included for reference.

The Committee amendments also modify the rules to prohibit registrants from giving a thing or service of *significant* value to a governmental entity to be awarded work. The meaning of the term "significant value" is described as a value which would create or appear to create an obligation on the governmental entity's part to award work to the registrant who gave the thing or service to the governmental entity. The definition for the term is substantively identical to the definition of "benefit of any substantial nature" used the Board's Rules 1.145, 3.145 and 5.155 regarding conflicts of interest.

RULE §1.144 Dishonest Practice

(a) An Architect may not directly or indirectly perform an act, omit an act or allow an omission, make an assertion, or otherwise engage in a practice with the intent to:

(1) defraud;

(2) deceive; or

(3) create a misleading impression.

(b) An Architect may not advertise in a manner which is false, misleading, or deceptive.

(c) An Architect may not directly or indirectly solicit, offer, give, or receive anything or any service of significant value as an inducement or reward to secure any specific publicly funded architectural work. An Architect may not give architectural plans, design services, pre-bond referendum services, or any other goods or services of significant value to a governmental entity in response to a request for qualifications, a request for proposals, or otherwise during the process to select an Architect to render publicly funded architectural work. The term "significant value" means any act, article, money, or other material consideration which is of such value or proportion that its offer or acceptance would affect the governmental entity's selection of an Architect or would create the appearance of an obligation or bias on the part of the governmental entity to select the Architect to perform the architectural work.

(d) An Architect serving as an expert witness is subject to discipline for committing a dishonest practice upon a finding by a court of law that the Architect:

(1) rendered testimony the Architect has actual knowledge is false; or

(2) agreed to receive payment contingent upon giving testimony that expresses a particular opinion.

(e) For purposes of this Section, an Architect's conduct is intentional, or with intent, if the nature of the conduct or a reasonable result of the conduct demonstrates a conscious objective or desire to engage in the conduct or cause the result. An Architect's conduct is knowing or with knowledge, with respect to the nature of the conduct or to circumstances surrounding the conduct when a reasonably prudent Architect in the same or similar circumstances would be aware of the nature of the conduct or that the circumstances exist. An Architect acts knowingly, or with knowledge, with respect to a result of the Architect's conduct when a reasonably prudent Architect would be aware of the conduct and the conduct is reasonably certain to cause the result. An Architect's intent or knowledge may be established by circumstantial evidence.

RULE §3.144 Dishonest Practice

(a) A Landscape Architect may not directly or indirectly perform an act, omit an act or allow an omission, make an assertion, or otherwise engage in a practice with the intent to:

(1) defraud;

(2) deceive; or

(3) create a misleading impression.

(b) A Landscape Architect may not advertise in a manner which is false, misleading, or deceptive.

(c) A Landscape Architect may not directly or indirectly solicit, offer, give, or receive anything or any service of significant value as an inducement or reward to secure any specific publicly funded landscape architectural work. A Landscape Architect may not give landscape architectural plans, design services, pre-bond referendum services, or any other goods or services <u>of significant value</u> to a governmental entity in response to a request for qualifications, a request for proposals, or otherwise during the process to select a Landscape Architect to render publicly funded landscape architectural work. <u>The term "significant value" is defined to mean any act, article, money, or other material consideration which is of such value or proportion that its offer or acceptance would affect the governmental entity's selection of a Landscape Architect or would create the appearance of an obligation or bias on the part of the governmental entity to select the Landscape Architect to perform the landscape architectural work.</u>

(d) <u>For purposes of this Section, a Landscape Architect's conduct is intentional, or with intent, if the nature of the conduct or a reasonable result of the conduct demonstrates a conscious objective or desire to engage in the conduct or cause the result. A Landscape Architect's intent or knowledge may be established by circumstantial evidence.</u>

RULE §5.154 Dishonest Practice

(a) A Registered Interior Designer may not directly or indirectly perform an act, omit an act or allow an omission, make an assertion, or otherwise engage in a practice with the intent to:

(1) defraud;

(2) deceive; or

(3) create a misleading impression.

(b) A Registered Interior Designer may not advertise in a manner which is false, misleading, or deceptive.

(c) A Registered Interior Designer may not directly or indirectly solicit, offer, give, or receive anything or any service of significant value as an inducement or reward to secure any specific publicly funded Interior Design work. A Registered Interior Designer may not give Interior Design plans, design services, pre-bond referendum services, or any other goods or services <u>of significant value</u> to a governmental entity in response to a request for qualifications, a request for proposals, or otherwise during the process to select a Registered Interior Designer to render publicly funded Interior Design work. <u>The term "significant value" is defined to mean any act, article, money, or other material consideration which is of such value or proportion that its offer or acceptance would affect the governmental entity's selection of a Registered Interior Designer or would create the appearance of an obligation or bias on the part of the governmental entity to select the Registered Interior Designer to perform the Interior Design work.</u>

(d) <u>For purposes of this Section, a Registered Interior Designer's conduct is intentional, or with intent, if the nature of the conduct or a reasonable result of the conduct demonstrates a conscious objective or desire to engage in the conduct or cause the result. A Registered Interior Designer's intent may be established by circumstantial evidence.</u>

Reference Documents

Committee Recommendations Regarding Intent/Knowledge

PENAL CODE

TITLE 2. GENERAL PRINCIPLES OF CRIMINAL RESPONSIBILITY

CHAPTER 6. CULPABILITY GENERALLY

Section. 6.01. REQUIREMENT OF VOLUNTARY ACT OR OMISSION.
(a) A person commits an offense only if he voluntarily engages in conduct, including an act, an omission, or possession.
(b) Possession is a voluntary act if the possessor knowingly obtains or receives the thing possessed or is aware of his control of the thing for a sufficient time to permit him to terminate his control.
(c) A person who omits to perform an act does not commit an offense unless a law as defined by Section 1.07 provides that the omission is an offense or otherwise provides that he has a duty to perform the act.

Section. 6.02. REQUIREMENT OF CULPABILITY.
(a) Except as provided in Subsection (b), a person does not commit an offense unless he intentionally, knowingly, recklessly, or with criminal negligence engages in conduct as the definition of the offense requires.
(b) If the definition of an offense does not prescribe a culpable mental state, a culpable mental state is nevertheless required unless the definition plainly dispenses with any mental element.
(c) If the definition of an offense does not prescribe a culpable mental state, but one is nevertheless required under Subsection (b), intent, knowledge, or recklessness suffices to establish criminal responsibility.
(d) Culpable mental states are classified according to relative degrees, from highest to lowest, as follows:
(1) intentional;
(2) knowing;
(3) reckless;
(4) criminal negligence.
(e) Proof of a higher degree of culpability than that charged constitutes proof of the culpability charged.
(f) An offense defined by municipal ordinance or by order of a county commissioners court may not dispense with the requirement of a culpable mental state if the offense is punishable by a fine exceeding the amount authorized by Section 12.23.

Section. 6.03. DEFINITIONS OF CULPABLE MENTAL STATES.

(a) A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

(b) A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

(c) A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(d) A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

Section. 6.04. CAUSATION: CONDUCT AND RESULTS.

(a) A person is criminally responsible if the result would not have occurred but for his conduct, operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the actor clearly insufficient.

(b) A person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated, or risked is that:

(1) a different offense was committed; or

(2) a different person or property was injured, harmed, or otherwise affected.

Summary of Committee Recommendation
Regarding the "Rolling Clock"

Current Rules -- The Board's current "rolling clock" rules establish a deadline for passing the registration examination for each of the professions regulated by the Board. After passing one section of the examination, a candidate must pass all remaining sections within the following 5 years. If the candidate fails to pass all sections within that 5-year period, each passing score which predates the start of the 5-year period becomes invalid and the candidate must pass that section again within 5 years of passing all other examination sections. The rule requires contemporaneous knowledge of all parts of the examination.

The rule allows the Board to grant a candidate a single 6-month extension for the birth or adoption of a child during the 5-year period. The Board's provision relating to the granting of an extension differs from the provisions applied by NCARB for extending the 5-year deadline.

Committee Recommendation --The draft rule amendments would bring the Board's rule regarding extensions to the "rolling clock" period in line with the standards set by NCARB's *Certification Guidelines*. The draft amendments make the following changes:

- Elimination of the restriction which allows only a single extension;
- Creation of a new extension for serious medical conditions;
- Creation of a new extension for active duty service in the United States armed forces; and
- Allowing the extensions for serious health medical conditions and active duty military service to continue for the duration of the medical condition or active duty service.

Under the Committee amendments, the extension for the birth or adoption of a child would remain at 6 months.

RULE §1.43 Reexamination

(a) A Candidate's passing grade for any section of the examination is valid for five (5) years. Each Candidate must pass all sections of the examination within five (5) years after the date the Candidate passes a section of the examination. A Candidate who does not pass all sections of the examination within five (5) years after passing a section of the examination will forfeit credit for the section of the examination passed and must pass that section of the examination again.

(b) The Board may grant extensions [~~one extension~~] to the 5-year period for completion of the examination if the [~~a~~] Candidate is unable to pass all sections of the examination within that period for the following reasons:

(1) The Candidate gave birth to, or adopted a child [~~because of the adoption or birth of a child~~]-within that 5-year period;

(2) The Candidate developed a serious medical condition within that 5-year period; or

(3) The Candidate commenced active duty service as a member of the United States military within that 5-year period.

(c) [~~.~~] A Candidate may receive [~~request~~] an [~~one~~] extension of up to 6 months for the birth or adoption of a child by filing a written application with the Board together with any corroborating evidence immediately after the Candidate learns of the impending adoption or birth. A Candidate may receive an extension for the period of the serious medical condition or for the period of active duty military service by filing a written application with the Board together with corroborating evidence immediately after the Candidate learns of the medical condition or the commencement of active duty military service. A Candidate shall immediately notify the Board in writing when the medical condition is resolved or active duty military service ends.

RULE §3.43 Reexamination

(a) A Candidate's passing grade for any section of the examination is valid for five (5) years. Each Candidate must pass all sections of the examination within five (5) years after the date the Candidate passes a section of the examination. A Candidate who does not pass all sections of the examination within five (5) years after passing a section of the examination will forfeit credit for the section of the examination passed and must pass that section of the examination again.

(b) The Board may grant extensions [~~one extension~~] to the 5-year period for completion of the examination if the [~~a~~] Candidate is unable to pass all sections of the examination within that period for the following reasons:

(1)The Candidate gave birth to, or adopted a child [~~because of the adoption or birth of a child~~] within that 5-year period;

(2) The Candidate developed a serious medical condition within that 5-year period; or

(3) The Candidate commenced active duty service as a member of the United States military within that 5-year period.

(c) [~~A~~] Candidate may receive [~~request~~] an [~~one~~] extension of up to 6 months for the birth or adoption of a child by filing a written application with the Board together with any corroborating evidence immediately after the Candidate learns of the impending adoption or birth. A Candidate may receive an extension for the period of the serious medical condition or for the period of active duty military service by filing a written application with the Board together with corroborating evidence immediately after the Candidate learns of the medical condition or the commencement of active duty military service. A Candidate shall immediately notify the Board in writing when the medical condition is resolved or active duty military service ends.

RULE §5.53 Reexamination

(a) A Candidate's passing grade for any section of the examination is valid for five (5) years. Each Candidate must pass all sections of the examination within five (5) years after the date the Candidate passes a section of the examination. A Candidate who does not pass all sections of the examination within five (5) years after passing a

section of the examination will forfeit credit for the section of the examination passed and must pass that section of the examination again.

(b) The Board may grant extensions [~~one extension~~] to the 5-year period for completion of the examination if the [~~a~~] Candidate is unable to pass all sections of the examination within that period for the following reasons:

(1) The Candidate gave birth to, or adopted a child [~~because of the adoption or birth of a child~~] within that 5-year period;

(2) The Candidate developed a serious medical condition within that 5-year period; or

(3) The Candidate commenced active duty service as a member of the United States military within that 5-year period.

(c) [~~A~~] Candidate may receive [~~request~~] an [~~one~~] extension of up to 6 months for the birth or adoption of a child by filing a written application with the Board together with any corroborating evidence immediately after the Candidate learns of the impending adoption or birth. A Candidate may receive an extension for the period of the serious medical condition or for the period of active duty military service by filing a written application with the Board together with corroborating evidence immediately after the Candidate learns of the medical condition or the commencement of active duty military service. A Candidate shall immediately notify the Board in writing when the medical condition is resolved or active duty military service

NCARB Rolling Clock vs. Texas Rolling Clock

A rolling clock policy ensures candidates demonstrate competency on the entire domain of the examination within a set of period time.

The NCARB rolling clock policy and the Texas rolling clock policy are very similar. In fact, the NCARB rolling clock is based off what was the already existing Texas rolling clock. Since the Texas rolling clock went into effect more than four years prior to the NCARB rolling clock, the administration of exams for Texas' candidates is out of synch with NCARB data. Exams that would be considered still valid under NCARB's Rolling Clock may not be valid under the Texas rolling clock. After the final Implementation of Resolution 2009-2 in July of 2014, the NCARB rolling clock and the Texas rolling clock will be in alignment as to the calculation of expiration dates.

The NCARB rolling clock policy is also more lenient on the granting of extensions. Texas limits extensions to birth/adoption of a child and only allows 1 per 5-year period. NCARB allows for extensions due to birth/adoption of a child as well as additional extensions related to active military service, serious medical conditions experienced by the candidate, candidate's partner, or candidate's child. NCARB does not limit the number of extensions that can be applied to a division.

	Texas Rolling Clock	NCARB Rolling Clock
Effective Date	February 1, 2002	July 1, 2006
Policy	Each individual division passed is valid for a period of five (5) years after which it will expire if all other divisions are not passed.	Each individual division passed is valid for a period of five (5) years after which it will expire if all other divisions are not passed.
Grandfathered exams	None – all exams taken prior to 2-1-2002 were immediately governed by the Texas rolling clock.	Exams taken prior to 7-1-2006 are grandfathered until 7-1-2014 at which time they will expire if all other divisions are not passed.
Extensions	Birth/adoption of a child • 6-month extension • Limited to 1 per 5 year period • ? • ?	Birth/adoption of each child • 6-month extension Serious medical condition • Length of impact of condition Active military service • Length of impact of service
Extension Process	Written application and corresponding documentation are required. The request must be submitted and received by the Texas Board prior to the candidate's current rolling clock end date.	A completed Rolling Clock extension request form and supporting documentation are required. The request must be submitted and received by NCARB prior to the candidate's current Rolling Clock end date.

3/27/2014

1

TEXAS Board of Architectural Examiners
Architects ▪ Landscape Architects ▪ Registered Interior Designers

MEMORANDUM

TO: TBAE BOARD MEMBERS

FROM: Cathy L. Hendricks, Executive Director

DATE: August 21, 2014

SUBJECT: Reinstatement Application – Jaime Condit

Architect Jaime Condit was convicted of a felony and incarcerated on April 1, 2012 which became the effective date of the revocation of his architect registration by operation of law. He has been released and has applied for reinstatement of his architect registration (application enclosed). I recommend approval of the reinstatement, and request Board approval.

Enclosure

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

333 Guadalupe, Suite 2-350 • Austin, TX 78701-3942
P.O. Box 12337 • Austin, TX 78711-2337
PH 512.305.9000 FAX 512.305.8900 www.tbae.state.tx.us

INTEROFFICE MEMORANDUM

TO: CATHY HENDRICKS

FROM: JACK W. STAMPS

SUBJECT: REINSTATEMENT APPLICATION

DATE: 7/10/2014

CC: SCOTT GIBSON

Jaime Condit has applied for reinstatement of his architectural registration. His registration was revoked by operation of law on 4/11/12 due to his felony conviction and incarceration. Mr. Condit was charged with felony driving while intoxicated (third offense) and received a sentence of five years community supervision in 2008. A subsequent arrest for public intoxication in 2012 led to the revocation of his probation and incarceration.

In support of his application for reinstatement, Mr. Condit has submitted the following:

- A letter from Mr. Condit explaining the chronology of events leading to his incarceration and his efforts at alcoholism rehabilitation.
- A letter from his parole officer describing Mr. Condit's cooperation during parole and his exemplary rehabilitation efforts.
- A letter of recommendation from a colleague in the design field.
- Substance abuse course certification.
- Driver License eligibility documentation

I have spoken with Mr. Condit a few times during this process and he has expressed genuine remorse for his history of alcohol abuse and asserts that he continues to abstain. This assertion is bolstered by documentation from his parole officer which indicates he never tested positive of alcohol or drug ingestion and never missed an Alcohol Anonymous meeting.

In reviewing all the above, I have no objection to Mr. Condit's reinstatement. The above mentioned documentation and Mr. Condit's reinstatement application are attached for your review.

TEXAS Board of Architectural Examiners
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PH 512.305.9000 FAX 512.305.8900 www.tbae.state.tx.us

APPLICATION FOR REINSTATEMENT OF ARCHITECT REGISTRATION

Name: JAIME C. CONDIT Reg. No.: 13936

Address: 529 OLD FORT ISABEL RD # 1408 City: BROWNSVILLE

State: TX Zip Code: 78521 Phone: (956) 589-9753 Email: JCCONDIT@LIVE.COM

A. Have you had a lapsed, revoked or inactive registration in a state other than Texas for a period of five years or more? If yes, please attach a letter of explanation including state, dates of lapsed registration and reason for lapse.

YES ☐ **NO** ☑

B. Applicant shall sign his/her full name below the correct statement **"B.1" or "B.2"**

B.1 I certify that I **have not** used the title "Architect" or offered or performed architectural services in the State of Texas, as defined by Texas law, since the date my registration expired.

Jaime C. Condit 5/11/14

(Applicant's Signature) (Date)

B.2 I certify that I **have** used the title "Architect" and/or offered or performed architectural services in the State of Texas, as defined by Texas law, since the date my registration expired. (Attach an explanation describing these activities.) Please note that if you have practiced architecture improperly or used any form of the title "architect" to describe yourself or your work since the date your registration was revoked, an enforcement case may be opened to determine whether your conduct violated the Architects' Registration Law. Your application could be delayed significantly while the Board's enforcement division addresses the matter.

(Applicant's Signature) (Date)

RECEIVED 2014 MAY 12 AM 8:57

NOTICE TO PERSON COMPLETING THIS FORM: With few exceptions, upon request you are entitled to be informed about the information the Texas Board of Architectural Examiners (TBAE) collects about you through this form. Pursuant to Sections 552.021 and 552.023 of the Texas Government Code, you are entitled to receive and review such information. Pursuant to Section 559.004 of the Texas Government Code, you are entitled to have TBAE correct information about you that is incorrect. Making a false statement under oath may be a Criminal Offense** Penal Code: 37:02 Perjury and other False Statements. Effective 9/1/95 H.B. 655, the 74th Legislature established a law to suspend professional licenses of those with child support delinquency.

6/7/2013

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P.O. Box 12337 • Austin, TX 78711-2337
PH 512.305.9000 FAX 512.305.8900 www.tbae.state.tx.us

Criminal History Statement

I have submitted an application for professional registration to the Texas Board of Architectural Examiners. I am aware that Texas law does not allow me to practice professionally until after my application has been approved and I have been assigned an official registration number.

I have read both the Texas Statute and the Rules and Regulations of the Board that will govern my professional practice in Texas. I am aware that it is my responsibility to be aware of the contents of the statute and the rules and to contact the Board if I have questions about their application. I also am aware that ignorance of any of the laws that regulate my professional practice will not protect me from disciplinary action if I fail to comply with the law.

I am aware that I must provide the Board with information related to my criminal history and that the Board may refuse to grant my application for professional registration if I have been convicted of any crime that directly relates to the duties and responsibilities of my profession. I am also aware that, once I am registered with the Board, I must fully disclose information related to any and all criminal convictions at the time of conviction and that the Board may take action against my professional registration if I fail to provide full disclosure of any and all convictions. I hereby certify that I have reported to the Board any and all convictions, other than minor traffic violations, entered against me since September 1, 1981.

Signature Jaime Condit Date 5/11/14

Printed Name JAIME CARLOS CONDIT

- 1998 DWI
  PROBATION: COMPLETED
- 2002 DWI
  PROBATION: COMPLETED
- 2008 DWI (FELONY)
  PROBATION: REVOKED IN 2011
- 2013 PAROLE: COMPLETED 1/31/2014

6/7/2013

RECEIVED
2014 JUL -9 AM 1:53
TEXAS BOARD OF
ARCHITECTURAL EXAMINERS

July 8, 2014

Mr. Jack W. Stamps
Managing Investigator, TBAE
333 Guadalupe, Suite 2-350
Austin, Texas 78701-3942

RE: Case No. 114-13A

Dear Mr. Stamps:

Enclosed please find the requested information in support of my case for reinstatement. Please let me know if additional information is required. As always, you can contact me via telephone at (956) 589-9753 or via email at jccondit@live.com.

Thank you for your consideration in this matter.

Sincerely,

Jaime C. Condit

February 20, 2013

Mr. Jack W. Stamps
Managing Investigator, TBAE
333 Guadalupe, Suite 2-350
Austin, Texas 78701-3942

RE: Case No. 114-13A

Dear Mr. Stamps:

Pursuant to your letter dated Feb. 8, 2013, enclosed please find – as requested- my architectural seal and registration certificate. I am unable to return my miniature registration certificate, as I lost it long ago.

In addition, I would like to thank you for your information regarding the steps needed to apply for reinstatement. I have already contacted Ms. Helmcamp to obtain the documentation needed to do so. I plan to apply for reinstatement upon the successful completion of my period of parole which will terminate in January of 2014.

As per our telephone conversation, following is a quick synopsis of the events leading to my current predicament with the Board. As you know, my recent incarceration and subsequent parole stems from a DWI conviction in 2008. A that time I was sentenced to five (5) years of community supervision (probation). A PI (public intoxication) conviction two and a half years into my 5 year probation sentence lead to the revocation of said probation and my eventual incarceration. I was released to parole in November of last year and have since stopped drinking altogether and am attending AA meetings regularly.

Please know that I am most interested in regaining my architectural license. Becoming an Architect was the culmination of a lifelong goal and represents who I am and how I gain my livelihood. The idea of forever losing this identity is unthinkable to me. I don't know if you are an architect Mr. Stamps, but if you are, you well know the time and dedication it takes to achieve this goal and once attained it is something to be cherished. Although I am aware that my present situation is self-inflicted, please know that I will do everything within my power to successfully resolve it.

Thank you for your understanding and please let me know if you need additional information from me.

Sincerely,

Jaime C. Condit

July 7, 2014

Re: Letter of Recommendation
for Jaime C. Condit

To whom it may concern:

I am writing this letter of recommendation for Mr. Jaime Carlos Condit regarding his parole completion with this division. Mr. Condit was released to parole on November 1, 2012 and was officially discharged on January 30, 2014. Mr. Condit successfully completed all his parole requirements, including but not limited to alcohol classes, random urinary analysis testing, (all of which were negative for alcohol and drug ingestion), and mandatory AA attendance. Beyond this, Mr. Condit never missed an office meeting or home visit, nor was he ever late for any of these meetings.

In short, Mr. Condit was an exemplary parolee and a pleasure to work with. If you need additional details on Mr. Condit's case you may contact me by phone at (956) 428-2017, Ext: 230

Sincerely,

Jose L. Martinez

Jose Luis Martinez
District Parole Officer II

Texas Department of Criminal Justice

Huntsville, Texas 77340

To whom it may concern:

The undersigned, Director of the Texas Department of Criminal Justice, certifies that

CONDIT, JAIME CARLOS MEDRANO

TDCJ number 01775374 **was convicted of a felony to-wit by the District Courts of:**

DWI HIDALGO

And sentenced on the 31ST **day of** JANUARY **, A.D.** 12 **to** 02 **years confinement in the penitentiary.**

Received in TDCJ custody	04-11-12
Released to mandatory supervision	
Released to parole	11-01-12
Date of discharge	01-30-14

Remarks:

Per Texas Government Code, Chapter 493.030, the Social Security Administration has been notified of all offenders released who were confined in a facility for a period of less than twelve consecutive months and were previously receiving Supplemental Security Income or Social Security Disability Insurance benefits.

Per Texas Family Code, Section 85.025 (c), if a person, who is the subject of a protective order, is confined or imprisoned on the date the protective order would expire, the order is to be extended and will expire on the first anniversary of the date the person is released from confinement or imprisonment.

Witness my hand and seal of office this the 6TH **day of** FEBRUARY **,** 2014 **.**

WILLIAM STEPHENS ,DIRECTOR

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

BY Kelly Enloe

CHAIRMAN, CLASSIFICATIONS AND RECORDS

KELLY ENLOE

ITSR41

Texas Department of Criminal Justice

Brad Livingston
Executive Director

Harlingen District Parole Office
232 Hanmore Industrial Parkway
Harlingen, Texas 78550
(956) 428-0335

SACP: 4-HOUR BLOCK CLASS

DATE: 11-2-2012

SUBJECT: Substance Abuse Counseling Program

NAME: Conde't, Jaime Carlos

TDCJ / SID #: 01775374

A **MANDATORY** Substance Abuse Session has been scheduled for 11-7-2012 on Wednesday, **starting at 1:00 p.m. and ending at 5:00 p.m.** The session will be held at the Harlingen District Parole Office located at 232 Hanmore Industrial Parkway Drive, Harlingen, Texas. Please **be on time**.

This session is **MANDATORY** since it is to comply with your Special Condition "S" reflected on your Parole Certificate.

It is very important that you attend this Substance Abuse Orientation. Your parole officer will be notified of your attendance. **PLEASE NOTE THAT ATTENDANCE IS MANDATORY AND FAILURE TO ATTEND WILL RESULT IN A VIOLATION AGAINST YOUR PAROLE.**

If you have any questions regarding the Parole Orientation or you are unable to attend, please contact our office at (956) 428-0335.

Parole Officer — Date: 11-2-2012

Offender Signature — Date: 11/2/12

Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.

Jaime I. Martinez, Asst. Regional Director
Corpus Christi District Parole Office
5233 IH-37, Suite A-6
Corpus Christi, Texas 78408
(361) 888-5698

THE STATE OF TEXAS

CONGRATULATIONS !!

I, ***JAIME CONDIT***

HAVE COMPLETED THE

SUBSTANCE ABUSE

4 – HOUR

NEW ARRIVAL

ORIENTATION GROUP

Jaime Condit
Name of Client

11/7/12
Date of Completion

Edward B. Owens
Counselor

Texas Department of Public Safety
Driver License Division

License Eligibility

Receipt & Logout

Thank you for using the Texas DPS online License Eligibility system. Please record the Trace Number and print this receipt page for your records. Texas.gov will remit the amount paid to the agency on your behalf.

STATUS: Your license status is currently ELIGIBLE. A status of "eligible" means you are allowed to drive if you have a valid driver license in your possession. If you do not have a valid driver license, you are eligible to apply for one. Just stop by any Driver License Office location.

NOTE: It may take up to 72 hours to process your payment. Please wait 72 hours, then log back in at the beginning of this service to check your updated requirements and driving eligibility status.

Receipt

Trace Number: 405DT44115273

Name: JAIME CONDIT

Date and Time: 03/03/2014 12:06:41

Fees Paid and Total Charged: $130.75

Fee	Amount
ALR REINSTATEMENT FEE REQUIRED	$125.00

Texas.gov Price	$130.75

Compliance Requirements

You do not have Compliance Requirements to complete at this time.

Other Requirements

You do not have additional requirements to complete at this time.

Help

For technical assistance with this application, please call 1-877-452-9060 or send an email to Texas.gov Help ✉.

Resources

- Texas Department of Public Safety

Texas.gov

Texas.gov Policies

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TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

Case Number:	**085-14A**
Respondent:	**Thomas A. Dooley**
Location of Respondent:	**Nashville, TN**
Date of Complaint Received:	**November 22, 2013**
Instrument:	**Report and Notice of Violation**

Findings:

- Thomas A. Dooley (hereafter "Respondent") is a registered architect in Texas with registration number 18531.
- From September 30, 2009 through November 22, 2013, Respondent's architectural registration was inactive.
- In calendar year 2013, Respondent provided architectural services for a project identified as *Free Standing Emergency Department for Plaza Medical Center* located in Burleson, Texas and for a project identified as *Free Standing Emergency Department for Medical Center of Plano* located in Plano, Texas.
- In response to the Board's inquiry, Respondent stated that both projects were prototypes and compliant with building codes, Texas Accessibility Standards, and the Texas Department of State Health Services.
- Respondent self-reported the error, has been honest and cooperative during this investigation and has accepted responsibility for his violations.
- In addition, TBAE staff has determined that Respondent has no other projects and has not otherwise engaged in the practice of architecture in Texas during his inactive status.
- Respondent is currently in good standing with the Board and is on active status.

Applicable Statutory Provisions and Rules:

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. §§1051.351(a) &1051.701(a).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452.

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent is prepared to accept the imposition of an administrative penalty in the sum of **$1,500.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

Case Number:	**116-13N**
Respondents	**Rafael Sanchez**
Location of Respondent:	**San Antonio, Texas**
Date of Complaint Received:	**February 11, 2013**
Instrument:	**Report and Notice of Violation**

Findings:

- Rafael Sanchez (hereafter "Respondent") is not and never has been registered as an architect in Texas.
- Respondent is a partner in the design firm of Contempo Advance Solution Construction, L.L.C.
- The firm, Contempo Advance Solution Construction, L.L.C., was not registered with the Board as an architectural firm in the State of Texas.
- At all times referenced herein, there was no architect employed by, or under contract with the firm Contempo Advance Solution Construction, L.L.C., to render architectural services on behalf of the firm.
- At all times referenced herein, Respondent was also a partner in a business entity identified as "Sago Construction L.P." and "Sago Construction, G.P., L.L.C."
- At all times referenced herein, there was no architect employed by, or under contract with the firm "Sago Construction L.P." and/or "Sago Construction, G.P., L.L.C.," to render architectural services on behalf of the firm.
- On or about April 6, 2006, Respondent executed a contract, titled "Subcontractor Agreement" on behalf of the firm Sago Construction, L.P., to provide design services as a subcontractor for a project identified as "Rockwood Apartments" to be located on Lot 7A, 7B on East Camelia Avenue, in McAllen, Texas. The scope of work specified in the contract reads as follows: "Design of Architectural, mechanical, electrical, and plumbing plans." The contract was executed by Juan Carlos Suarez, identified as "Contractor" who, under the contract, agreed to hire Respondent's firm to provide architectural (and other) design services as a subcontractor.
- On or about September 1, 2006, Respondent executed a contract titled "Standard Form of Agreement Between Owner and Architect with Standard Form of Architect's Services" on behalf of his firm, Contempo Advance Solution Construction, L.L.C., which is also identified in the contract as "CADS." Pursuant to the contract, the firm was to design a project identified as "Mosaic Lofts – McAllen, Texas," and described as "Proposed project consists of a four story apartment building located on the Owners property known as Lots 7A and 7B, The Atrium Plaza, in McAllen, Texas."
- The contract for the design of the Mosaic Lofts project included the following provision: "Drawings, specifications and other documents, including those in electronic form, prepared by the Project Design Firm [Respondent's firm] and the

Project Design Firm's consultants are Instruments of Service for use solely with respect to this Project. The Project Design Firm and the Project Design Firm's consultants shall be deemed the authors and owners of their respective Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. The Project Design Firm will have all pertinent drawings, specification [sic] and other documents stamped by a licensed/certified Architect and Engineer."

- In the course and scope of his work for his design firm, Respondent prepared, or directed draftsmen employed by his firm to prepare, at least forty-three (43) sheets of architectural construction documents issued for the Mosaic Lofts project.
- The construction documents Respondent and others prepared on behalf of Respondent's firm depicted the design of six buildings to be used in whole or in part as multifamily dwellings, at least four of the buildings were to be used entirely as multifamily dwellings and exceed a height of two stories.
- After Respondent and others working at his direction in his firm prepared construction documents for the Mosaic Lofts project, the project owner retained a registered architect to review, modify and affix his architectural seal to them. However, neither Respondent nor the owner retained the architect to exercise supervision and control over the preparation of the construction documents. The project owner retained the architect solely for the purpose of conducting a final review, making revisions, and affixing his architectural seal to the architectural plans and specifications immediately prior to their issuance to the City of McAllen for the purpose of obtaining a construction permit.
- Respondent engaged in construction observation during construction of the Mosaic Lofts project after issuance of the architectural plans and specifications from Respondent's firm for permitting, regulatory and construction purposes. During the course of construction, Respondent and persons working under Respondent's direction for Respondent's firm made changes to the architectural plans and specifications.
- During the course of its investigation, the Board gave Respondent an opportunity to respond in writing to the evidence that he and his firm may have engaged in the practice of architecture. Respondent's attorney responded in writing on his behalf. Respondent also appeared at an informal conference held at the Board's offices. Respondent noted the contract with the project owner required Respondent to obtain the services of an architect, not serve as the architect. Respondent also stated the references to him as "architect" were in error and the written contract was prepared by the project owner. Respondent stated he is from Mexico, where he may legally refer to himself as an architect. Respondent stated at the time he signed the contract, he was not fluent in English.
- Respondent has been cooperative in this investigation and has provided the Board with valuable information for the prosecution of a companion case.

Applicable Statutory Provisions and Rules:

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a) (West 2004 & Supp. 2008).
- A firm, partnership, corporation, or association may engage in the practice of architecture, represent to the public that it is engaged in the practice of architecture

or offering architectural services, or use any form of the words "architect" or "architecture" in any manner in its name only if any practice of architecture or architectural services performed on its behalf is performed by or through a person who is registered as an architect. TEX. OCC. CODE ANN. §1051.701(b); 22 TEX. ADMIN. CODE §1.123(b).

- An architectural plan or specification for the construction of a building to be used as a multifamily dwelling must be prepared by an architect, or under the supervision and control[3] of an architect, if the building exceeds the height of two stories or exceeds 16 units per building. TEX. OCC. CODE ANN. §1051.606(a)(4)(C) and 22 TEX. ADMIN. CODE §1.211. *See also*, 22 TEX. ADMIN. CODE §1.210 (defining 'architectural plans and specifications.')
- Construction Observation is an architectural practice which may be conducted only by an architect on a project which is not exempt from the Architect's Practice Act. 22 TEX. ADMIN. CODE §1.217.
- By executing contracts on behalf of two firms to provide architectural services by one or more persons who were not architects or under the supervision and control of an architect, Respondent unlawfully offered architectural services on behalf of each firm.
- By preparing architectural plans and specifications for the construction of multifamily dwellings which exceeded the height of two stories, Respondent unlawfully engaged in the practice of architecture.
- By engaging in construction observation during the construction of the project, Respondent unlawfully engaged in the practice of architecture.

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **$15,000.00.** The Executive Director also recommends the imposition of an Order that Respondent cease and desist the unlawful practice of architecture and the unlawful use of the title "architect."

[3] The term "supervision and control" is defined by 22 TEX. ADMIN. CODE §1.5(62) as the amount of oversight by an architect overseeing the work of another whereby (a) the architect and the individual performing the work can document frequent and detailed communication with one another and the architect has both control over and detailed professional knowledge of the work; or (b) the architect is in responsible charge of the work and the individual performing the work is employed by the architect or by the architect's employer.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**134-14I**
Respondent:	**Susan L. Fridrich**
Location of Respondent:	**Dallas, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Susan L. Fridrich (hereafter "Respondent") is a registered interior designer in Texas with registration number 10568.
- On January 16, 2014, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2012 through December 31, 2012.
- On June 10, 2014, she responded by sending a letter stating that she was unable to locate her continuing education certificates due to a change in employment and she no longer had access to those records.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2012 through December 31, 2012, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **$500.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**091-14A**
Respondent:	**Gregory G. Hagmann**
Location of Respondent:	**Richardson, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Gregory G. Hagmann (hereafter "Respondent") is registered as an architect in Texas with registration number 16057.
- On October 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of April 1, 2010 through March 31, 2011.
- He responded by stating that although he had completed the continuing education requirements, he could not locate all of the certificates of completion for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of April 1, 2010 through March 31, 2011, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **$500.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**120-14A**
Respondent:	**Peter C. Merwin**
Location of Respondent:	**Houston, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Peter C. Merwin (hereafter "Respondent") is registered as an architect in Texas with registration number 12936.
- On December 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2011 through November 30, 2012.
- On March 13, 2014, he responded by submitting a CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that his continuing education requirements were completed outside the audit period.

Applicable Statutory Provisions and Rules:

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **$700.00**.

Action Recommended by Executive Director:

- The Executive Director recommends a total administrative penalty of **$700.00.**

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**203-13A**
Respondent:	**Robert Steve Noah**
Location of Respondent:	**Live Oak, TX**
Nature of Violation:	**Failure to Respond to a Board Inquiry**
Instrument:	**Report and Notice of Violation**

Findings:

- Robert Steve Noah (hereafter "Respondent") is registered as an architect in Texas with registration number 16496.
- In the course of a random continuing education audit, he was requested to provide verification of CE hours for the audit period August 1, 2011 through July 31, 2012.
- During the course of staff's investigation regarding his continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to a written request for information within 30 days of staff's request, Respondent violated Board rule 1.171. The standard administrative penalty assessed for this violation is **$250.00.**

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **$250.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**094-14I**
Respondent:	**Brigitte Preston**
Location of Respondent:	**Dallas, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Brigitte Preston (hereafter "Respondent") is registered as an interior designer in Texas with registration number 5308.
- Based upon the results of a random continuing education audit, it was determined that she failed to timely complete her continuing education requirements for the audit period of October 1, 2011 through September 30, 2012.
- During the course of staff's investigation, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 5.69(f). The standard administrative penalty assessed for this violation is **$500.00**.
- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 5.171 which requires that an interior designer answer an inquiry or produce requested documents within 30 days of a request. A violation is subject to a standard administrative penalty of **$250.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **$750.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**119-14A**
Respondent:	**Victor Spina**
Location of Respondent:	**Hayward, CA**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Victor Spina (hereafter "Respondent") is registered as an architect in Texas with registration number 9527.
- On January 16, 2014, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2012 through December 31, 2012.
- On April 2, 2014, he responded by emailing the Continuing Education Coordinator and stated that he could not locate all of his records.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2012 through December 31, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **$500.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**118-14A**
Respondent:	**William G. Suttle**
Location of Respondent:	**Plano, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- William G. Suttle (hereafter "Respondent") is registered as an architect in Texas with registration number 15486.
- On January 16, 2014, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2012 through December 31, 2012.
- On March 4, 2014 and March 27, 2014, he responded by sending various documents to the Board's Continuing Education Coordinator. A review of the documentation by the Continuing Education Coordinator determined that he did not provide supporting documentation for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **$500.00**.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	**121-14A**
Respondent:	**Francisco Valadez, Jr.**
Location of Respondent:	**San Antonio, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Francisco Valadez, Jr. (hereafter "Respondent") is registered as an architect in Texas with registration number 15586.
- On December 16, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of June 1, 2010 through May 31, 2011.
- On March 31, 2014, he responded by emailing the Continuing Education Coordinator and stated that he could not produce the certificates of completion because they were lost due to a computer crash.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of June 1, 2010 through May 31, 2011, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **$500.00**.

Executive Director Transition

1. **Pending/ongoing** matters to be reassigned/temporarily delegated:
    a. Signing Notices of Violation/Proposed Settlement Agreements on behalf of agency: Assigned to Director, Executive Administration with advice from General Counsel
    b. Addressing imposition of late fees under extenuating circumstances (most usually fingerprinting issues): Assigned to General Counsel with notice to Director, Executive Administration, Registration Manager, and Investigations Manager
    c. Communicating Executive Director's emails, telecommunication and correspondence – Director, Executive Administration with notice to appropriate agency personnel
    d. Addressing ad hoc issues regarding rules/laws – General Counsel with notice to appropriate agency personnel
    e. All other routine executive functions to be assumed by interim Executive Director
2. **Upcoming Reports to be filed**:
    a. 2015-2019 Strategic Plan – August 2014, after Board approval
    b. Annual Financial Report (AFR) – November 2014
    c. Annual Performance Measures report – November 1, 2014
    d. Quarterly SDSI report – mid-October, 2014
    e. Biennial SDSI report – January, 2015
    f. Other routine/supervisory matters, leave requests for directs under the ED, will be assumed by the interim Executive Director. Managers will continue leave approvals.
3. **Communications**
    a. Staff to inform relevant legislative committees and agencies of the new Interim Executive Director (e.g. House Appropriations, Senate Business & Commerce, SAO).
    b. Interim Executive Director to inform/update staff on developments related to search/hiring process. Schedule/frequency to be determined.
    c. For discussion by the Board: How or whether to inform registrants and stakeholders generally? Options range from silence until the new ED is hired, to sending a list-serve to 20,000 registrants and stakeholders with news of the retirement and search.
4. **Media possibilities**:
    a. Regularly scheduled newsletter (late October)
    b. List-serve (at any time)
    c. Update in Announcements section of Web site (without list-serve)
5. **Scheduled appearances at Conferences**
    a. TxA – November 2014: General Counsel and Communications Manager
    b. CLARB Annual Meeting (Landscape Architect Board member). Staff will join the following virtual sessions of the meeting:
        i. CLEAR MBE Executive Leadership Training: Positive Regulatory Public Relations and Communications
        ii. Opening Session; Critical Conversations: Governance Assessment Recommendations: Member Board Development Strategy and Understanding the Candidate Pipeline
    c. NCIDQ (Registered Interior Designer Board Member)
6. **Legislative Session**
    Interim Executive Director to assume ED's role subject to possible direction from Board Legislative Affairs Committee (pending approval at August 21 Board meeting)

PROPOSED EXECUTIVE DIRECTOR (ED) RECRUITMENT AND PLACEMENT PLAN
FOR BOARD APPROVAL

PHASE ONE

STEP 1: Review and revise current Job Description

Staff Responsibility	Committee Responsibility
1. *Provides the committee with:* a. *current job description* b. *job description template* c. *sample ED job descriptions* d. *sample job vacancy notices* 2. *Provides technical support to the Board in the development of the job description.* 3. *Reviews job description to ensure compliance with Equal Employment Opportunity (EEO) guidelines.*	1. *Board committee develops a draft job description to be reviewed and approved by the Board.* 2. *Board Chair approves and signs revised job description.* 3. *Develops timeline for filling vacancy.*

STEP 2: Budget Verification with approved Personnel Action Form/Compensation Range

Staff Responsibility	Committee Responsibility
1. *Provides the committee with current salary information and salary range* 2. *Prepares the Personnel Action Form for signature*	1. *Determines compensation for vacancy announcement* 2. *Chair approves and signs Personnel Action Form*

STEP 3: Vacancy Announcement & Identify Candidate Sources

Staff Responsibility	Committee Responsibility
1. *Provides the committee with template for vacancy announcement.* 2. *Prepares the vacancy announcement using the Board's approved job description with other instructions.* 3. *Reviews vacancy announcement for compliance with EEO standards* 4. *Posts vacancy announcement on Texas Workforce Commission WorkinTexas.com for a minimum of 10 days. Vacancy announcement is targeted to US veterans for the first 24 hours.* 5. *Posts to additional sites as directed by the committee.*	1. *Develops and approves vacancy announcement using approved job description. May wish to highlight specific experience or knowledge, skills or abilities.* 2. *Determine closing date of vacancy announcement* 3. *Applicants are required to apply with a State of Texas Application for employment.* 4. *May require a writing sample, cover letter and resume.* 5. *Designates additional sites to advertise position (TBAE ListServe, AIA, CLARB, CIDQ, etc.) Considers cost associated with search sites*

STEP 4: Application

Staff Responsibility	Committee Responsibility
1. *Staff receives completed State of Texas Applications for Employment.* 2. *Applications received in person, via email, USPS mail or fax.* 3. *Applications are logged in and EEO data is compiled for reporting purposes.*	*Receive status updates and other information upon request.*

STEP 5: Develop Interview Questions and Screening & Selection Criteria

Staff Responsibility	Committee Responsibility
1. *Screens each application for minimum qualifications, preferred qualifications and flags those claiming Veterans Preference. An individual who qualifies for a veterans' employment preference is entitled to a preference in employment over other applicants who do not have a greater qualification for the same position. A veteran is defined as an individual who served in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard or in an auxiliary service of one of those branches of the U.S. Armed Forces* 2. *Sort applications by "Qualified", "Not Qualified" and "Needs Additional Review" by Committee.* 3. *Forwards ALL applications to committee members based on timeframe set by the committee* 4. *Provides Committee with sample questions for approval.* 5. *Reviews questions to ensure compliance with EEO guidelines.*	1. *Determines how often to receive screened applications.* 2. *Reviews all applications received from staff. May confer with staff regarding reasons for "Qualified" or "Not Qualified" status.* 3. *Decides on the number of candidates to interview, ranging from three to five candidates. If the number of qualified candidates exceeds the committee's number, the committee may choose to do further application screening or conduct telephonic interviews. Veterans Preference status can be considered at this stage.* 4. *If applicant pool is not acceptable to the Committee, the process can be re-initiated from Step 3.* 5. *Develops interview questions based on job requirements and KSA's.* 6. *Approves interview questions.* 7. *The Committee presents their top candidates for interviews to the Full Board.*

PHASE TWO

STEP 6: Interviews

Staff Responsibility	Board Responsibility
1. *Incorporates Board questions into template.* 2. *Coordinates interview dates and time with the Board.* 3. *Schedules interviews with candidates and Board.* 4. *Provides Board with schedule.* 5. *Prepares all interview forms for the Board* 6. *Maintains all documentation related to selection process, all documents are subject to open records requests.*	1. *Interviews are conducted in closed session. Candidates are interviewed individually based on the timeline scheduled for each interview session.* 2. *Meeting will be posted.* 3. *Records candidates' responses during the interviews on forms provided by staff. All candidates are asked the same questions. Board members may ask follow up questions.*

STEP 7: Selection & Background Check

Staff Responsibility	Board Responsibility
1. *Verifies work history and education.* 2. *Conducts criminal history check. If clear, proceed with offer. Negative criminal history check requires consultation with the General Counsel and Board. (Conviction of a crime is not necessarily a cause for rejection).* 3. *Prepares PAF for Chair's signature with recommended start date as the 1st or 15th of the month for payroll purposes.*	1. *Makes selection based on interview and experience.* 2. *The full Board makes motion on selection in open meeting. Motion includes start date and compensation. (Contingent on successful background and criminal history check).* 3. *If selected candidate declines or no suitable candidate is found, the Board may decide to interview additional applicants from the current pool and/or re-post and re-initiate process at Step 3.*

STEP 8: Hiring Package & Notifications

Staff Responsibility	Board Responsibility
1. *Finalizes job offer with candidate in writing.* 2. *Sends "not selected" letters to candidates who were interviewed.* 3. *Communication of new executive director to various stakeholders and leaders of state government.*	1. *Plans for introduction of new ED to staff and various stakeholders.* 2. *Provides guidance on communication and announcement of the new executive director.*

STEP 9: On-Boarding

Staff Responsibility	Board Responsibility
1. *Orientation: ensures completion of new hire package (W-4, Federal Employment Eligibility Form I-9, Direct Deposit form), enrollment in Texas Government Employee Benefits Program (insurance and retirement plans).* 2. *Reviews and acknowledge receipt of various state government documents.* 3. *Reviews internal housekeeping items* 4. *Assigns deadline for completion of mandatory new hire EEO Training.* 5. *Payroll documents sent to Payroll for processing.* 6. *Arrange for department briefings.* 7. *Close out hiring process and ensure all documents are filed in the Official Personnel Folder.*	1. *Orientation with the Board conducted within 90 days of hire.* 2. *Reviews the job description with the ED. Both the ED and the Chair sign to acknowledge review.* 3. *Signed Job Description returned to staff and placed in ED's official personnel folder.* 4. *Sets expectations and priorities* 5. *Develops goals for the ED evaluation over the initial review period.*

NCARB

National Council of Architectural Registration Boards

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23 June 2014

Dear NCARB Member Board Members and Member Board Executives:

The National Council of Architectural Registration Boards (NCARB) is currently seeking Member Board comments on proposed changes to the Intern Development Program (IDP), the Broadly Experienced Architect Program (BEA), and the Broadly Experienced Foreign Architect Program (BEFA). Changes to the IDP specifically relate to the hours required to complete the program and the categories and areas in which interns need to document their experience, while changes to the BEA and BEFA programs relate to eligibility requirements and review processes to complete the programs for NCARB certification.

Years of pulsing you, our members, asking "why", and challenging conventional wisdom are leading to these proposals for sustainable change. Change that embraces "rigor for a reason," rather than rigor for the sake of rigor. This approach has led to two proposals that will ensure continued protection of the public's health, safety, and welfare.

The first proposal involves the IDP and is being offered as a two step-change with Phase I being a short-term streamlining of the IDP, and Phase 2 a longer-term overhaul plan for the IDP. The second proposal involves the BEA program and is designed to determine that an applicant for licensure is competent to practice architecture independently at the point of *initial* licensure. Lastly, the third proposal involves the BEFA program and is designed to acknowledge each member boards' responsibility to determine that an applicant for reciprocal licensure is competent to practice architecture independently.

A detailed description of the proposed changes with background information is attached and is also posted on the Registration Board Section of the NCARB website. We sincerely seek your honest input, including suggested adjustments to our proposals. This was a lot of information to digest at our Annual Business Meeting, and your thoughtful comments will assist us in determining whether to go forward as proposed, adjust the proposals, or take a pause for more discussion.

This notice opens the official comment period for your Board to review the proposed changes and submit your feedback. We would greatly appreciate it if you would please take the opportunity to review the proposed changes and provide your feedback. **The NCARB Board of Directors would like to hear from all Member Boards before they vote on the proposed changes to the IDP and continue discussion on proposed changes to the BEA and BEFA programs**. To that end, please use the following questions as a guide when crafting your response to the proposed changes:

NCARB

Intern Development Program Changes

Phase 1 - Streamlining the IDP:

- Does your Board agree, disagree, or have no position on the proposed change to focus solely on the required, or "core" hours, to complete the program?
- If your Board disagrees, what are your concerns?
- Does your Board need more time to address the proposed streamline change? If so, when do you expect to be able to provide us feedback?
- Do you believe your Board will adopt the proposed change if approved?

Phase 2 – Overhaul the IDP:

- Does your Board agree, disagree, or have no position on the proposed change to align the required programmatic experience areas with the phases of contemporary practice?
- If your Board disagrees, what are your concerns?
- Does your Board need more time to address the proposed overhaul change? If so, when do you expect to be able to provide us feedback?
- Do you believe your Board will adopt the proposed change if approved?

Broadly Experienced Architect Changes Proposed for Discussion

- Does your Board agree, disagree, or have no position on the proposed change to the requirements for certification through the BEA program?
- If your Board disagrees, what are your concerns?
- Does your Board need more time to address the proposed change? If so, when do you expect to be able to provide us feedback?
- Do you believe your Board will adopt the proposed change if approved?

Broadly Experienced Foreign Architect Changes Proposed for Discussion

- Does your Board agree, disagree, or have no position on the proposed change to the requirements for certification through the BEFA program?
- If your Board disagrees, what are your concerns?
- Does your Board need more time to address the proposed change? If so, when do you expect to be able to provide us feedback?
- Do you believe your Board will adopt the proposed change if approved?

All comments, including "no comments", should be received by 5:00 P.M. on **Friday, September 5, 2014.** To submit your comments please click on the following link and complete the survey:
http://www.surveygizmo.com/s3/1693931/Proposed-changes-to-the-IDP-BEA-and-BEFA

PROPOSED CHANGE TO IDP – PHASE 1: STREAMLINE

WHAT IS THE PROPOSED CHANGE?

This proposed change will allow interns to complete IDP upon documenting completion of the **core hour requirements**. Currently interns must document 3,740 hours in 17 different experience areas to meet the "core" hour requirements of IDP; however, to complete the program they need to document an additional 1,860 hours in any of the 17 experience areas. This proposed change would, for the first time since the inaugural year of IDP, require interns to satisfy only the core hour requirements to complete their internship – a total of 3,740 hours.

WHY SHOULD THIS CHANGE BE IMPLEMENTED?

Removal of the elective hour requirement will reduce complexities while ensuring that intern architects still acquire the comprehensive experience that is essential for competent practice, and result in a program that is both justifiable and defensible. This proposed change is designed to reflect how the marketplace, education, and technology have all impacted ways in which experience is gained. Upon final approval, this change would take effect in early 2015.

The NCARB Board of Directors preliminarily approved the following revisions to modify the IDP "Reporting Requirements" for Member Board comment:

Modify the IDP Guidelines, December 2013 and remove all references to the elective hour requirements. This will include:

- *Removal of definition of elective hours, page 12*
- *Removal of elective hours required to complete the program – page 12*
- *Removal of references to supplemental experience for elective hour credit – Pages 13 and 18 - 20*

RATIONALE

Focus on Program Requirements Outlined in Practice Analysis

The data resulting from the Internship Survey of the *2012 NCARB Practice Analysis of Architecture* informed the appropriate distribution of core hour requirements among the IDP experience areas. However, the data will not and never has been used to inform the elective hour requirements. Therefore, it should be noted that the current internship program contains a substantial elective requirement that is not informed or guided by data. Furthermore, considering the inherent "elective" nature of the additional elective hours, there can be no proof that this requirement ensures any level of competency or greater protection of the health, safety, and welfare of the public. It simply

ensures more time in internship, not necessarily more quality or broader experience. The requirements of internship should be governed by content (as outlined in the *Practice Analysis),* not time.

Additionally, the Practice Analysis data strongly suggests that practitioners do not view supplemental experience as an acceptable alternative to on-the-job performance. Removal of the elective hour requirement will call for the elimination of supplemental experience opportunities that qualify for elective hours. The Board determined that supplemental experience that counts for core hours should remain and called for a renewed focus on improving the value of supplemental experience.

No Evidence (Historical or Contemporary) that Elective Hours Ensure Greater Competency and Further Promote Protection of HSW
As defined in the *IDP Guidelines*, core minimum hours are "the minimum number of hours you must earn in a given experience category or area." Elective hours are "experience hours that exceed the 3,740 core minimum requirement." There is no stipulation for specific experience areas in which elective hours must be earned, so interns can potentially complete the program by documenting all of their elective hours in a single experience area. Interns can also meet their elective hour requirement by documenting excess community service and completing supplemental experience. Neither one of these options guarantee greater competency or increased protection of the health, safety and welfare of the public.

In addition, since there is not a requirement that calls for the distribution of elective hours, it can be assumed that the core hours are the hours required to actually obtain minimal competency in a given experience area. Thereby, documenting the completion of the core hours should establish an intern's requisite competency in all of the current 17 experience areas.

Advances in Technology and Practice
IDP is the standard accepted means of meeting the experience requirement of most NCARB Member Boards. However, the last 40 years has seen an evolution in technology and practice. In the 1970s and 1980s interns and architects could spend significant time completing tasks that the interns and architects of today can complete in minutes or even seconds. In the 70s and 80s interns and architects would spend hours utilizing a pencil and draft paper to complete what was then a manual process. The introduction of CAD, BIM, and other digital resources has changed the game. Interns and architects are exposed to more substantial concepts sooner, make higher level decisions earlier, and produce a more detailed product in less time than ever before. And while technology has drastically sped up the process in which an architect conducts his/her work, the program requirements for internship have not evolved. The Board of Directors believed this evolution of technology and practice warrants a fresh look at the total hours required to complete IDP

and ultimately determined that the *core hours* are the *experience hours* that ensure competent practice.

PROPOSED CHANGE TO OVERHAUL IDP – PHASE 2

WHAT IS THE PROPOSED CHANGE TO OVERHAUL IDP?

The current program includes four (4) experience categories and 17 experience areas. This proposed change calls for development of a new IDP framework in which an intern would be required to document hours in six (6) experience categories only that directly align with the six phase-based areas of contemporary practice; practice management, project management, programming & analysis, project planning & design, project development & documentation, and construction & evaluation. In addition, interns would no longer be required to document hours in numerous experience areas within a given category. Instead, these six categories would include recommended tasks that would qualify for credit as well as a guideline for the "appropriate" amount of diversified experience.

WHY SHOULD THIS CHANGE BE IMPLEMENTED?

Modifying the IDP framework and requiring interns to document their experience within six (6) categories that directly align with the six phase-based areas of architecture will reduce complexity and align with the current realities and challenges of contemporary practice; all while ensuring intern architects still acquire the comprehensive experience that is essential for competent practice. This proposed change is designed to reflect how the marketplace, education, and technology have all impacted ways in which experience is gained. Upon final approval, this change would take effect in mid to late 2016

Note - The NCARB Board of Directors preliminarily approved the concept of aligning the IDP experience categories with the phase-based categories of contemporary practice, but details of the transition will be dependent upon approval from the membership and subsequent work of the Internship Committee.

RATIONALE

Alignment of Programs with Contemporary Practice

Changing the framework of IDP from four (4) Experience Categories and 17 Experience Areas to six (6) Experience Categories aligns the program with the same developmental structure as the ARE. As NCARB works to better integrate the programs for licensure, it is useful and efficient when all programs build from the same foundation. A better aligned series of programs allows each program, whether it be IDP or ARE, to utilize the same

foundation but focus developmentally on each program's purpose. IDP is meant to ensure that experience is gained completing tasks, while the ARE ensures that an actual level of knowledge is acquired. Therefore, IDP and ARE can now focus on specific experience aspects and specific testing aspects respectively using a standardized, mutually accepted set of topics.

Broader Focus
The current 17 experience areas of IDP, in combination with their respective minimum hour requirements, reflect an extremely specific and detailed format that keeps internship focused on the details rather than the broader picture. The level of detail required by both the intern, the IDP supervisor, and the mentor relegate the current internship process to more of an accounting practice rather than a true learning experience. A move to a broader IDP that focuses on capturing the "big picture," will allow the intern to more freely explore learning opportunities within the office or on a particular project, rather than maintaining a primary focus on checking-off a box and poring over timesheets.

Increased Flexibility
The current practice of architecture involves a greater variety of activities, building types, practice types, and projects than ever before. This degree of variety in practice requires a greater level flexibility in any standardized approach to licensure. Since no two interns are likely to have the same experience over the course of their internships, the IDP must be able to adapt to this variety. A program that focuses on the over-arching six phase-based experience areas subsequently accommodates and welcomes the current variety in the profession and encourages interns to embrace it. Interns will no longer be pressured into conforming their internship to the IDP. Rather, the IDP will allow their internship to take a more natural and organic direction, indicative of the reality of today's practice.

Improved Usability and Understanding
The current IDP requires an extensive understanding of the program rules and requirements in order to effectively and efficiently progress through the program. The high volume of experience areas (17), and their complementary hourly requirements, constributes significantly to the program's complexity. Furthermore, interns, IDP supervisors, and mentors must also understand the knowledge/skills and tasks associated with each of the 17 experience areas. A change to six phase-based experience categories will signficantly reduce this complexity, allowing interns, IDP supervisors, and mentors a more usable and understandable program. A focus on only six phase-based experience areas delivers an internship that allows all involved to focus on the execution of internship and not the internship program itself.

PROPOSED CHANGES TO STREAMLINE AND OVERHUAL IDP

IMPETUS FOR CHANGE

Created jointly in the 1970s by the National Council of Architectural Registration Boards (NCARB) and the American Institute of Architects (AIA), the Intern Development Program (IDP) identifies the comprehensive experience that is essential for the independent practice of architecture. Except for the year in which the concept of IDP was formed, the requirement has always been the equivalent of three (3) years duration.

Historical research indicates that the NCARB membership, while in search of ways to prove competency through means other than a duration requirement, initially proposed what we now know as IDP as a two year requirement. This proposal was brought for a vote and successfully passed in 1971 and the NCARB Model Law was updated accordingly. However, this was short lived as in 1972 the Model Law was amended to stipulate that the program should be three (3) years in duration. Research indicates this change was brought about in an effort to comply with the requirements outlined in the laws and rules of the NCARB Member Boards. Getting "buy in" from the Member Boards was key to facilitating licensure across state borders.

Flash forward 40 years and IDP has become the standard accepted means of meeting the experience requirement of most NCARB Member Boards. However, concerns that the IDP contains extensive requirements that make it difficult for users to comprehensively understand; is overwhelmingly resource intensive to administer; and often takes interns significantly longer to complete than intended led to the formation of a multi-department special research team in April 2013. The team was tasked with thoroughly analyzing the Internship Development Program and providing the NCARB Board of Directors with an in-depth analysis of options identifying ways to streamline the experience requirement while ensuring interns acquire the comprehensive experience essential for competent practice.

The multi-departmental research team was formed to ensure that viewpoints from all areas of Council operations would be taken into consideration. In addition, leaders of the special research team facilitated focus groups with members of the Internship Advisory Committee (IAC), Education Committee, Licensure Task Force, and Intern Think Tank during FY14. The goal of these focus groups was to garner feedback from key stakeholders that could assist the team in identifying the options that our Member Boards and key stakeholders might feel most comfortable adopting. Members involved in the focus groups were comprised from NCARB, AIA, AIAS, ACSA, the Society of Design Administrators, and also included Member Board Chairs, Member Board Executives, Member Board Members, IDP Coordinators, recently licensed architects, and interns.

Proposed Changes – Intern Development Program
Phase 1 Streamline and Phase 2 Overhaul

An exhaustive review of historic decisions, interviews of key stakeholders, and the use of agile project management approaches has resulted in proposals that preserve the rigor of IDP, and address elements which unnecessarily complicate the process of meeting the programs' goals. These changes can be characterized as a "course correction," mindful of the many years spent by volunteers in designing programs to address concerns of Member Boards.

The Board enters into this process understanding that unanimous adoption will surely not happen immediately, and that some jurisdictions may prefer a more gradual implementation. The Board strongly feels that our work over several years of strategic planning, surveying, brainstorming, and consultation with Member Boards has laid the foundation for significant streamlining of programs and reflects the consensus of the Council's many stakeholders.

WHAT ARE THE PROPOSED CHANGES TO THE BEA?

An applicant for NCARB certification who does not meet the NCARB Education Requirement (a degree from a program in architecture accredited by the National Architectural Accrediting Board (NAAB)) shall:

1. meet a member board's education and experience requirements for initial licensure (NEW), and
2. successfully complete the Architect Registration Examination® (ARE®), and
3. maintain a license to practice architecture in the jurisdiction of initial licensure in good standing without disciplinary action, for one year (NEW).

WHY SHOULD THIS CHANGE BE IMPLEMENTED?

Existing Program Requirements
The current BEA program requires an architect to demonstrate learning through experience for six to ten years after they obtain initial licensure depending on the architect's level of education. The applicant's education is evaluated by the NAAB in the Education Evaluation Service for Architects to identify 'education deficiencies." The applicant documents satisfaction of education deficiencies through projects completed post licensure in an education dossier. The dossier is reviewed by the BEA Committee.

The Conversation
What is the relevancy of documenting years of learning through post-licensure experience? Member Boards issuing an initial license have already performed the necessary due diligence to ensure that all newly licensed architects have demonstrated the required level of learning through experience prior to licensure to competently practice architecture independently.

Architects who have obtained licensure through a combination of education and extended experience requirements have in fact met the education and experience requirements of an NCARB Member Board for initial licensure. They have had the required "opportunity" to demonstrate learning through experience for additional years beyond the IDP requirements for an NCARB Member Board to be confident they are competent to practice architecture independently upon obtaining licensure.

This proposal maintains that the additional *pre-licensure experience* warrants the reduction of the requirement for six, eight or ten years of post-licensure experience to one year; and the elimination of the education evaluation, education dossier, and dossier review.

RATIONALE

The research team focused on four principal areas of licensure:

- Regulation of Initial Licensure
- Education *and* Experience
- Post Licensure Experience
- Internship *is* Learning through Experience

Regulation of initial Licensure

All NCARB Member Boards have three requirements for initial licensure in common: education, experience, and examination. All Boards:

1. accept the professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) as satisfaction of the education requirement,
2. accept participation in the Intern Development Program (IDP) as a primary means for the satisfaction of the experience requirement,
3. require completion of the Architect Registration Examination® (ARE®) to satisfy the examination requirement,

NCARB's *Model Regulations* include the following:

> ***"100.301 Initial Registration Standards***
> ***To be granted registration … an applicant must meet the requirements set forth in 100.301–305.***
>
> ***(B) Other experience may be substituted for the registration requirements set forth in 100.303 only insofar as the Board considers it to be equivalent to or better than such requirements. The burden shall be on the applicant to show by clear and convincing evidence the equivalency or better of such other experience.***

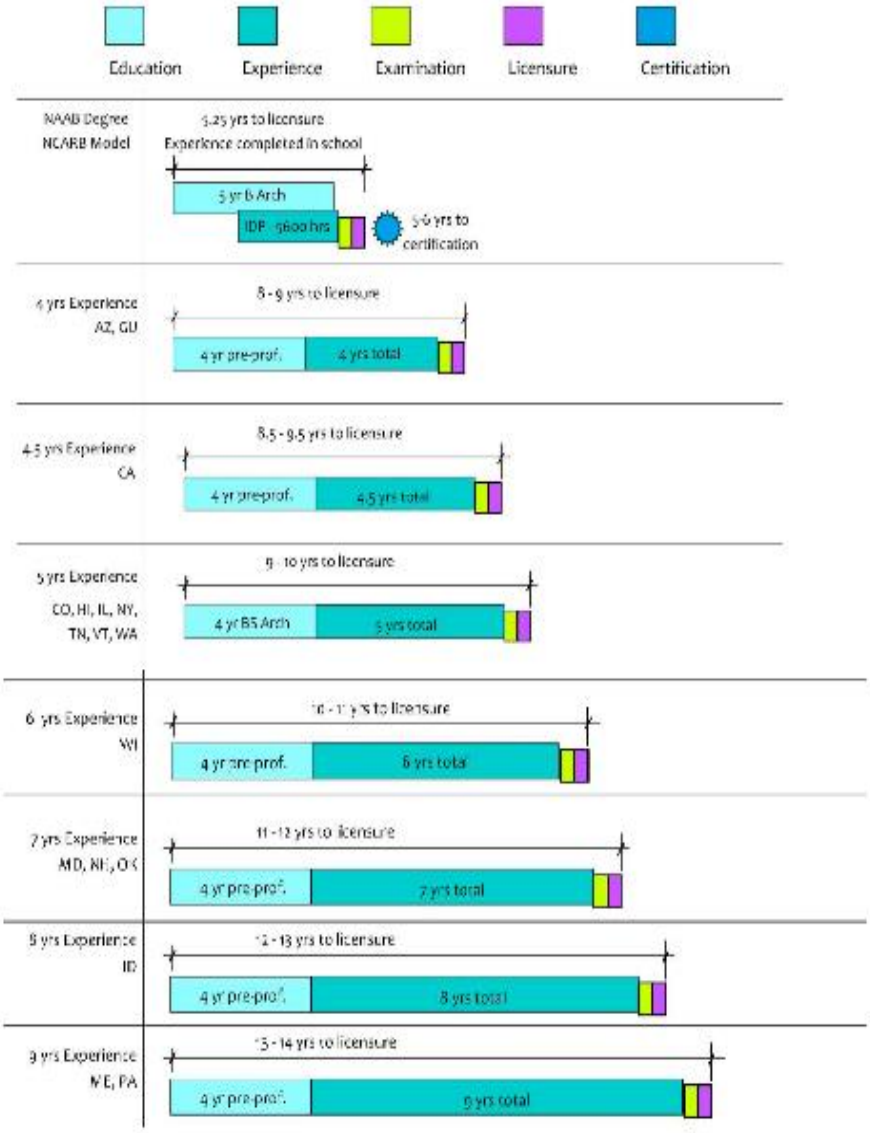
Education and Experience

There are 17 Member Boards that do not *require* education from a program accredited by the NAAB; however, every one of those boards require additional years of experience under the supervision of an architect *prior to obtaining initial licensure*. The minimum number of years of pre-licensure experience varies from four years to 13 years, depending on the jurisdiction and level of education obtained. In essence, these boards are requiring substantial equivalency among all interns prior to initial licensure.

NCARB

Proposed Changes
Broadly Experienced Architect Program (BEA)

The following chart outlines the path(s) an intern travels to obtain initial licensure in the 17 jurisdictions that allow experience to supplement the education requirement. This chart, for comparison purposes, assumes an intern has obtained a four-year pre-professional degree in architecture (62% of applicants for certification have obtained this degree)



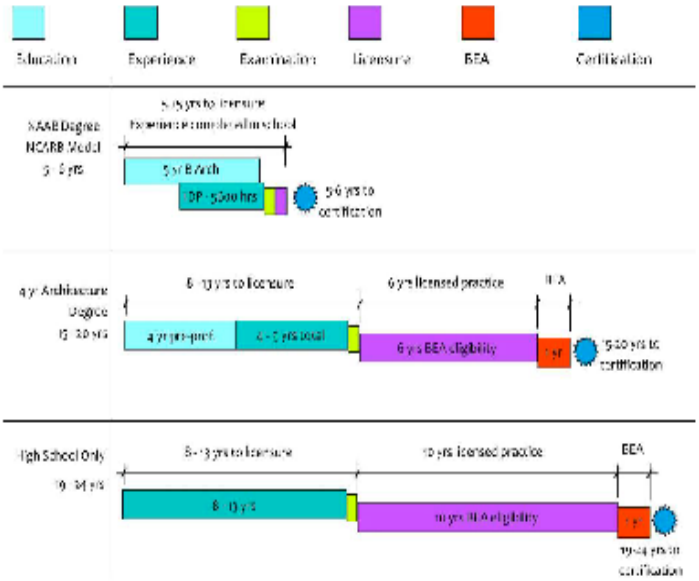
NCARB

Proposed Changes
Broadly Experienced Architect Program (BEA)

The Council's BEA program requires a *licensed* architect to:

1. prove additional experience, as an architect, for another six, eight, or ten years, depending on the level of education obtained prior to initial licensure; and
2. "demonstrate learning through experience" post licensure to indicate how they overcame what are identified as education deficiencies. (This is achieved through the development, submission, and review of an education dossier).

The following chart outlines the typical paths leading to application for NCARB certification through the BEA program, dependent on education obtained prior to experience:



Responsible Control

The objective of the education dossier is to allow architects to demonstrate their learning through experience as a registered architect to meet the requirements of the ***NCARB Education Standard*** as an alternative to the professional degree from a NAAB-accredited program. Applicants must describe their practice experience as a registered architect through which they gained learning through experience. Architects must select practice experience for which they were personally responsible that meets the definition of *responsible control*.

The *NCARB Legislative Guidelines and Model Law/Model Regulations* define "responsible control" as:

> ***"That amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a registered architect applying the required professional standard of care, including but not limited to an architect's integration of information from manufacturers, suppliers, installers, the architect's consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect's technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation."***

The definition of *responsible control* does not indicate that an architect is to demonstrate learning through the experience of being in responsible control. It states that the architect in fact must have "detailed professional knowledge."

Responsible control does not represent a learning opportunity. *Responsible control* is not evidence of overcoming an education deficiency.

Internship is Learning through Experience

The *NCARB Practice Analysis of Architecture* findings are significant to the profession and help determine the knowledge and skills necessary to practice architecture independently and protect the public's health, safety, and welfare. The survey content addressed specific tasks and knowledge/skills related to pre-design, design, project management, and practice management, as well as general knowledge and skills. The knowledge/skills and tasks identified in the findings have been used to:

1. **Drive** the Architect Registration Examination® (ARE®)
2. **Inform** the Intern Development Program (IDP)
3. **Guide** NCARB's contribution to the National Architectural Accrediting Board (NAAB) Accreditation Review Conferences (ARC) and the Council's future continuing education policies

The *NAAB's Student Performance Criteria* (SPC,) are linked seamlessly into the subject areas defined in the *NCARB Education Standard*. Further, the NAAB's SPC are linked seamlessly to the knowledge/skills necessary to perform the tasks required by the *Intern Development Program (IDP)*.

Therefore, it is logical to assume that an architect having participated in the IDP and having completed education combined with additional experience required by a member board has demonstrated learning through experience at the time of initial licensure.

Architects who have obtained licensure through a combination of education and extended experience requirements have in fact met the education and experience requirements of an NCARB Member Board for initial licensure. NCARB facilitates licensure. The NCARB Certificate facilitates reciprocal licensure. The NCARB Certificate must acknowledge the rigor imposed on applicants for initial licensure by Member Boards.

IMPETUS FOR STUDY

Years of pulsing you, our members, asking "why", and challenging conventional wisdom are leading to sustainable change. Change that embraces "rigor for a reason," rather than rigor for the sake of rigor. This approach has led to a discussion of proposed changes to the BEA program that recognizes the rigor imposed by each member board in the reciprocal licensing of architects that ensures protection of the public's health, safety, and welfare.

These proposed changes are designed to acknowledge each member boards' responsibility to determine that an applicant for reciprocal licensure is competent to practice architecture independently. Feedback received in response to the request will be used to inform discussions by the Board of Directors at the September and December meetings.

Concerns that the BEA program contains extensive requirements that are difficult for architects to comprehensively understand; is overwhelmingly resource intensive to administer; and often takes architects significantly longer to complete than intended led to the formation of a multi-department special research team in August 2013. The team was tasked with thoroughly analyzing the Broadly Experienced Architect Program and providing the NCARB Board of Directors with an in-depth analysis of options identifying ways to improve requirements for NCARB certification while ensuring the program is objective, attainable, sustainable, and defensible.

The multi-departmental research team was formed to ensure that diverse would be taken into consideration. In addition, leaders of the team engaged BEA and Education Committee members, architects who have participated in the program, and architects that would like to pursue certification in conversations on various requirements of the current program. The goal of these conversations was to garner feedback from key stakeholders that could assist the team in identifying the options that Member Boards and key stakeholders might feel most comfortable adopting.

An exhaustive review of historic decisions, interviews of key stakeholders, and the use of agile project management approaches has delivered proposals that preserve the rigor of BEA but addresses elements which unnecessarily complicate the process of meeting the programs' goals. These changes can be characterized as a "course correction," mindful of the many years spent by volunteers in designing programs to address concerns of Member Boards. The Board of Directors enter into these iterations understanding that unanimous adoption will surely not happen immediately, and that some jurisdictions may prefer a more gradual implementation. The Board of Directors strongly feel that our work over several years of strategic planning, surveying, brainstorming, and consultation with Member Boards has laid the foundation for significant streamlining of programs and reflects the consensus of the Council's many stakeholders.

NCARB

Proposed Changes
Broadly Experienced Foreign Architect Program (BEFA)

Foreign architects are defined, for the purpose of the BEFA program, as individuals credentialed to practice architecture in a foreign country, through that country's requirements for education, experience, and examination, if any.

WHAT ARE THE PROPOSED CHANGES TO THE BEFA?

An applicant for NCARB certification who is licensed/credentialed in a country other than the U.S. or Canada shall:

1. Hold a current license/credential as an architect in a country that has a formal record keeping method for disciplinary actions for architects, and
2. **Education:** Hold a recognized education credential that leads to the lawful practice of architecture in a country other than the U.S. or Canada, and
3. **Experience** (NEW)**:** Document two years of active licensed/credentialed practice in the country of licensure/credential; or
   Document two years working in the U.S. under the direct supervision of an architect in responsible control, and
4. **Examination** (NEW)**:** Complete the Architect Registration Examination® (ARE®)

WHY SHOULD THIS CHANGE BE IMPLEMENTED?

NCARB must have a certification model that acknowledges a foreign architect's competence to practice in their country of licensure. However, NCARB and its Member Boards should hold a higher value of their demonstration of competence earned through experience under the supervision of U.S. architects. Every Member Board expects competence at the point of initial licensure. Demonstrating competence to independently practice architecture in a U.S. environment is a basic element of our licensure requirements.

Further, NCARB Member Boards do not allow experience to be substituted for satisfaction of the examination requirement for any U.S. applicant for initial or reciprocal licensure. NCARB and its Member Boards should hold a higher value of their demonstration of competence earned through completion of the ARE. Demonstrating acquisition of knowledge and skills through examination to practice in a U.S. jurisdiction is a basic element of our licensure requirements.

Proposed Changes
Broadly Experienced Foreign Architect Program (BEFA)

This proposal maintains that a foreign architect credential and U.S. experience warrants the reduction of the requirement for seven years of post-licensure foreign experience to two years in a foreign country or the United States. Completion of the ARE warrants the elimination of the experience dossier, dossier review, and interview.

RATIONALE

Current Program Requirements

Foreign architects applying for NCARB certification are given the opportunity to demonstrate competence to independently practice architecture, while protecting the public health, safety, and welfare, to meet the examination requirement of NCARB certification. Applicants for certification through the BEFA do not document education, experience, or examination. They demonstrate competence solely through projects represented in their Experience Dossier, relating their experience to the content areas of the ARE.

Foreign architects are eligible to apply for an NCARB Certificate through the Broadly Experienced Foreign Architect (BEFA) Program if they:

1. Have graduated with a recognized education credential from an officially recognized architecture program, and
2. Are currently credentialed as an architect in a country other than the United States and Canada (NCARB provides certification for architects registered in Canada) that:
    - Has a formal record keeping method for disciplinary actions for architects, and
3. Have completed a minimum of seven years of comprehensive, unlimited practice as a credentialed architect over which the applicant exercised responsible control in the foreign country where the applicant is credentialed

Applicants must prepare an 'experience dossier,' which is distinct from a professional portfolio of work in that it allows a foreign architect to demonstrate competence to practice architecture independently rather than documentation of registration and professional qualifications.

The specific areas of the BEFA dossier require project documentation based on the content areas of the Architect Registration Examination® (ARE®)

1. Programming, Planning, & Practice
2. Site Planning & Design
3. Building Design & Construction Systems
4. Schematic Design
5. Structural Systems
6. Building Systems
7. Construction Documents & Services

The dossier must include a detailed, written description of specific examples of experience as a credentialed architect and provide supporting documentation that is relevant to the experience areas. The projects included in the dossier must be completed projects located in the foreign country where the foreign architect is credentialed.

Comprehensive practice and responsible control must be clearly explained both in the written descriptions and in the supporting documentation. The applicant must also describe the general nature of modifications necessary to comply with U.S. building codes and laws including accessibility laws.

> ***Comprehensive Practice** means an architectural practice that regularly involves familiarity with all of those areas tested on the Architect Registration Examination, including programming, design, technical and construction documents production, and construction administration.*
>
> ***Responsible Control** means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a registered architect applying the required professional standard of care.*

Applicants must describe the general nature of modifications necessary to comply with U.S. building codes and laws including accessibility laws. Most applicants are currently working in the U.S.

Foreign Architects: Education, Experience, and Examination

Architecture education varies from country to country. Experience requirements vary, if required at all. Examination requirements vary also, if required at all. The following chart outlines typical requirements in many countries:

Applicants for the BEFA are required to have practiced in their country where credentialed for a minimum of seven years. Many foreign architects who have expressed interest in the BEFA program left their country of credentialed practice soon after they completed their country's requirements, to settle in the U.S. Most of these individuals, working legally in the U.S. as "interns," have years of experience working in a U.S. firm under the supervision of a U.S. architect. As noted above, applicants must annotate submitted documents to indicate the general nature of modifications necessary to comply with U.S. building codes and laws including accessibility laws. Because most applicants are currently working in the U.S, it seems more logical to allow, or require, documentation of experience developing buildings here in the U.S. under the supervision of a U.S. architect.

The Council has developed a number of programs over the years to address the different requirements in various countries. For example, the BEFA, the MRA with the European Union, and APEC Architect Project were all developed in parallel around the same time. The basis for eligibility in all three programs was similar and based on the numbers 14 and seven:

> 14 total years including formal education + training, leading to registration + practice; seven of which must be in certified, unlimited, post-registration practice.

Most recognized foreign education programs are five years long – similar in length to the NAAB-accredited Bachelor of Architecture. When the path to licensure was linear – Education + Experience + Examination – IDP was

considered to take three years and the ARE was expected to take two years – a "ten year" unofficial path. The "12 year" unofficial path appears to be reflected by those member boards that utilize a system of education credits to qualify for initial and/or reciprocal licensure.

The project team acknowledges that there is no single consistent path in foreign countries, however the team's research found there has been no consistency in "how long" the path to licensure should be. The project team could not find any official documentation to support a requirement for seven years of practice in a foreign country.

All Member Boards require successful completion of the Architect Registration Examination® (ARE®) by candidates applying for initial licensure. While some jurisdictions do allow additional experience to supplement education requirements, none allow experience as a substitute for the examination requirement. The ARE is viewed by the Member Boards as 'the great equalizer,' assessing a candidate's acquisition of the necessary knowledge and skills to practice architecture independently. Further, the addition of the ARE requirement provides assurance as to familiarity with U.S. codes and facility with the English language.

NCARB must have a certification model that acknowledges a foreign architect's competence to practice in their country of licensure. However, NCARB and its Member Boards should recognize the value of an applicant's demonstration of competence earned through experience under the supervision of U.S. architects and completion of the ARE. Demonstrating experience in a U.S. environment and acquisition of knowledge and skills through examination are basic elements of our licensure requirements.

IMPETUS FOR STUDY

Years of pulsing you, our members, asking "why", and challenging conventional wisdom are leading to sustainable change. Change that embraces "rigor for a reason," rather than rigor for the sake of rigor. This approach has led to a discussion of proposed changes to the BEFA program that recognizes the rigor imposed by each member board in the reciprocal licensing of architects that ensures protection of the public's health, safety, and welfare.

These proposed changes are designed to acknowledge each member boards' responsibility to determine that an applicant for reciprocal licensure is competent to practice architecture independently. Feedback received in response to the request will be used to inform discussions by the Board of Directors at the September and December meetings.

Proposed Changes
Broadly Experienced Foreign Architect Program (BEFA)

Concerns that the BEFA program contains extensive requirements that are difficult for foreign architects to comprehensively understand; is overwhelmingly resource intensive to administer; and often takes architects significantly longer to complete than intended led to the formation of a multi-department special research team in August 2013. The team was tasked with thoroughly analyzing the Broadly Experienced Foreign Architect Program and providing the NCARB Board of Directors with an in-depth analysis of options identifying ways to improve requirements for NCARB certification while ensuring the program is objective, attainable, sustainable, and defensible.

The multi-departmental research team was formed to ensure that diverse would be taken into consideration. In addition, leaders of the team engaged BEA and Education Committee members, foreign architects who have participated in the program, and foreign architects that would like to pursue certification in conversations on various requirements of the current program. The goal of these conversations was to garner feedback from key stakeholders that could assist the team in identifying the options that Member Boards and key stakeholders might feel most comfortable adopting.

An exhaustive review of historic decisions, interviews of key stakeholders, and the use of agile project management approaches has delivered proposals that preserve the rigor of BEFA but addresses elements which unnecessarily complicate the process of meeting the programs' goals. These changes can be characterized as a "course correction," mindful of the many years spent by volunteers in designing programs to address concerns of Member Boards. The Board of Directors enter into these iterations understanding that unanimous adoption will surely not happen immediately, and that some jurisdictions may prefer a more gradual implementation. The Board of Directors strongly feel that our work over several years of strategic planning, surveying, brainstorming, and consultation with Member Boards has laid the foundation for significant streamlining of programs and reflects the consensus of the Council's many stakeholders.

July 16, 2014

Florida Board of Architecture and Interior Design
Reaction to the Proposed Changes to IDP

In June of this year at the National Council of Architectural Registration Board's (NCARB) Annual Meeting each Member Board was requested to provide comments on the proposed changes to the Intern Development Program (IDP). This "paper" will address the Florida Board of Architects and Interior Designers concerns and provide our comments specifically to the suggested changes to the IDP.

This response relates specifically to the reduction in hours required to complete the program, the categories and areas of experience and also a question regarding the specific "Work Settings" where an Intern-architect can gain their required experience.

Background

Florida has been a strong supporter of the IDP since its inception and was the second jurisdiction of the 54 Member Boards to mandate the IDP as the only accepted path for experience in the early 1980's. We have stood behind our commitment to this program for over three decades.

We have watched its evolution over the last few years and believe the changes that were introduced and adopted in "IDP 2.0" were appropriate and long overdue. We wholeheartedly support needed changes but not when the changes lower the bar or reduce the rigor of this time tested program. The concept of "rigor for a reason," is valid more so than "rigor for the sake of rigor". It should also be noted that over the years, Member Boards have adopted the IDP based on time honored concepts of internship/apprenticeship and that "change for change sake" is not appropriate.

From history we know that NCARB jointly created IDP in the 1970s with the American Institute of Architects (AIA); the Intern Development Program (IDP) identifies the comprehensive experience that is essential for the independent practice of architecture. Prior to IDP there was no structured path or process that measured the knowledge and skill that an intern was receiving under the tutelage of their employer. It is well know that all employers were not created equal and some were better mentors than others. IDP set out to eliminate the "pigeonholing" that interns would experience and provide a broad spectrum of experience that is now known as the "Training Areas". The concept of the IDP was formed to enhance the time honored apprentice system of three years which was in existence for decades prior to the creation of IDP.

Information has been provided by NCARB stating that:

> "Historical research indicates that the NCARB membership, while in search of ways to prove competency through means other than a duration requirement, initially

> proposed what we now know as IDP as a two year requirement. This proposal was brought for a vote and successfully passed in 1971 and the NCARB Model Law was updated accordingly. <u>However, this was short lived as in 1972 the Model Law was amended to stipulate that the program should be three (3) years in duration".</u>

At goes on to further state,

> "Research indicates this change was brought about in an effort to comply with the requirements outlined in the laws and rules of the NCARB Member Boards. Getting "buy in" from the Member Boards was key to facilitating licensure across state borders."

We know that IDP has become the standard accepted means of meeting the experience requirement of all NCARB Member Boards (this has taken decades but there are still some jurisdictions that do not require it). The recent "push" by some organizations to reduce the requirements because of "… concerns that the IDP contains extensive requirements that make it difficult for users to comprehensively understand; is overwhelmingly resource intensive to administer; and often takes interns significantly longer to complete than intended", led NCARB to create the multi-department Special Research Team (SRT) in April 2013.

BOAID believes that the SRT has done an admirable job in thoroughly analyzing the IDP and has provided the NCARB Board of Directors with an in-depth analysis of options identifying ways to streamline the experience requirement while ensuring interns acquire the comprehensive experience essential for competent practice.

It has been stated that as the Board enters into this process, it should be pointed out that "there may not be unanimous adoption"; BOAID feels strongly that that <u>should be the goal.</u> If the NCARB Board adopts the position where each Member Board is placed in a position of having to change their Law or Rules it will cause unnecessary hardship and confusion for those jurisdictions that do not agree with the change in duration.

It should also be noted that our professional colleagues in Canada have taken a bold step in the evolution of the Intern Architect Program (IAP) along with the changes to their examination. These changes have led to the new Mutual Recognition Agreement (MRA) that was singed earlier this year. Some Member Boards have issues with this new agreement and some stem from the changes made to the IAP.

The Florida BOAID offers the following commentary and suggestions for consideration as the NCARB Board embarks in the decision making and approval.

Phase 1 - Streamlining the IDP:

- **The Florida BOAID agrees to the proposed change to focus solely on the required "core" hours, to complete the program <u>WITH THE FOLLOWING CAVEAT</u>:**

- All "core" hours shall be obtained in "Work Setting "A" in an architectural or architectural / engineering office under the direct supervision of a licensed architect.

- No other "Work Settings" are approved

- Since the Florida BOAID has previously adopted and endorsed the IDP we believe our Board will adopt the proposed change if approved with the above caveat.

Our Rationale

We agree that this proposed change in the elimination of the supplementary hours would assist the intern in focusing their attention to learning the knowledge, skill and abilities in the day to day working environment of a practicing architect. Our rational for this opinion is the practice of architecture has gotten more complex in the last few decades and the exposure and experience obtained in the office of an architect is paramount in training the intern to be a competent architect when they enter the profession. If the number of hours are to be reduced, they need to be obtained in Work Setting A.

Since the 2012 Practice Analysis (PA) strongly indicated that practitioners do not view supplemental experience as an acceptable alternative to "on-the-job performance", the case could also be made that on the job experience in Work Setting A would also enhance the internship experience.

Having reviewed the data resulting from the Education portion of the survey sections of the 2014 *Practice Analysis,* we have no reason to refute the information and data obtained as a part of that effort. Also it is apparent from an analysis of the data that there is a significant disconnect in the educational process as it relates to "experience". The 2012 Practice Analysis data shows there is a gap in the transmission of knowledge, skill and ability while in the Academy, wherein the professor believes that he/she is teaching a student the relevant items and that the student is learning it, only to find out later in the survey, that the student thought they didn't learn that specific item in the Academy but obtained the knowledge, skill or ability during their internship period or when they were out in practice. (*Refer to the Education Section of the 2012 Practice Analysis, See Table B10 and B11*)

Another piece of data from the Internship Section (see information contained in the 2014 PA in Table IDP A C2), where Interns that had completed the IDP in the last two years were asked to respond to the question if they had performed a specific task. Of the 136 Task Statements covered in the PA, (there were 1003 individuals surveyed) approximately 30% indicated they "Did not perform", "Observed others performing" or "performed with assistance" these required tasks. An astonishing result in the context of eliminating 1860 hours of experience with the goal of producing a competent independently practicing architect.

There are those that say advances in technology and practice allow us to be "faster, quicker, smarter, better", there are also those that say sustainability, climate change, social reform, diversity and litigation have changed the way we practice. We know that in the 1970s and 1980s interns and architects could spend significant time completing tasks that the interns and architects of today can complete in minutes or even seconds. The introduction of CAD, BIM, and other digital resources has changed the game. NCARB has stated,

> "… Interns and architects are exposed to more substantial concepts sooner, make higher level decisions earlier, and produce a more detailed product in less time than ever before. And while technology has drastically sped up the process in which an architect conducts his/her work, the program requirements for internship have not evolved."

For this reason, it makes even more sense that the experience of an intern should be under the direct control of an architect, not an engineer, landscape architect or contractor.

We understand that based on the data contained and available at NCARB, the vast majority (over 90%) of the typical intern's experience is obtained in an architect's office (Work Setting A). If that's what is happening, then there should not be any push back on the concept of having all the IDP experience completed in Work Setting A. Would you prefer that a cardiovascular surgeon do their internship in an anesthesiologist's office? Or course not, then why wouldn't you want a future architect to be trained by a licensed architect.

Phase 2 – Overhaul the IDP:

- **The Florida Board agrees on the proposed change to align the required programmatic experience areas with the phases of contemporary practice.**
- **The Florida Board will adopt the proposed change if approved.**

<u>Our Rationale</u>

As we understand it, the current program includes four experience categories and seventeen experience areas. This proposed change calls for development of a new IDP - framework in which an intern would be required to document hours in six (6) experience categories that reflect and directly align with the six phase-based areas of contemporary practice; (practice management, project management, programming & analysis, project planning & design, project development & documentation, and construction & evaluation). In addition, interns would no longer be required to document hours in numerous experience areas within a given category. Instead, these six categories would include recommended tasks that would qualify for credit as well as a guideline for the "appropriate" amount of diversified experience.

Florida is in agreement in modifying the IDP framework and requiring interns to document their experience within six (6) categories that directly align with the six phase-based areas of

architecture as long as there is still some way to evaluate that the intern is gaining experience all while ensuring intern-architects still acquire the comprehensive experience that is essential for competent practice.

Alignment of Programs with Contemporary Practice
Florida is in agreement that changing the framework of IDP from four Experience Categories to six Experience Categories that aligns the program with the same developmental structure as the ARE.

Broader Focus
While Florida agrees that the current 17 experience areas reflect an extremely specific and the detailed format that keeps interns focused on the details rather than the broader picture. The level of detail required for all participants push the process to more of an accounting practice rather than a true learning experience. A move to a broader IDP that focuses on capturing the "big picture," will allow the intern to more freely explore learning opportunities within the office or on a particular project.

Increased Flexibility
Florida also agrees that the current practice of architecture involves a greater variety of activities, building types, practice types, and projects than ever before. This degree of variety in practice requires a greater level flexibility in any standardized approach to licensure. Since no two interns are likely to have the same experience over the course of their internships, the IDP must be able to adapt to this variety. A program that focuses on the over-arching six phase-based experience areas subsequently accommodates and welcomes the current variety in the profession and encourages interns to embrace it. Interns will no longer be pressured into conforming their internship to the IDP. Rather, the IDP will allow their internship to take a more natural and organic direction, indicative of the reality of today's practice.

Improved Usability and Understanding
The Florida Board agrees that the current IDP requires an extensive understanding of the program rules and requirements in order to effectively and efficiently progress through the program. A change to six phase-based experience categories will significantly reduce this complexity, allowing interns, IDP supervisors, and mentors a more usable and understandable program.

The Florida Board appreciates the opportunity to provide our input on this most important discussion. We are available to provide further information if there are additional questions that the NCARB Board may have as a final decision is made on this essential foundational program.

August 1, 2014

Existing NCARB Intern Development Program (IDP) requirements

5,600 hours (3,740 "core" hours, 1,860 elective hours)

Earned during paid employment in one of three settings

Setting A – Practice of Architecture: 1,860 hours minimum in this setting

Setting O – Other work settings in the design & construction industry (i.e. engineer office): 1,860 hours maximum

Setting S – Supplemental (experience outside traditional work setting): 1,860 hours maximum

Core credits are earned in 4 categories, with a total of 17 experience areas:

Category 1 – Pre-design:	260 hours
Category 2 – Design:	2,600 hours
Category 3 – Project Management:	720 hours
Category 4 – Practice Management:	160 hours
Total core hours	3,740 hours

Eligibility: Candidates may begin earning credits after high school graduation

Proposed IDP revisions

First step: "Streamlining" – remove the 1,860 elective hours from the requirement. All other requirements regarding the 3,740 core hours remain.

Next step: "Alignment" – align the categories and experience areas with the new 6 division ARE 5.0 (Architects Registration Examination) and the results of the 2012 Practice Analysis of Architecture.

Reasons for revisions: "Rigor for reason" not rigor for the sake of rigor. Recommendations from on-going study of the inordinate length of time to licensure. Research conducted by NCARB intern think tank.

Some thoughts on the changes

Even though the current 1,860 elective hours are discretionary in terms of the category, the work must still fall under one of the core experience areas or one of the items on a list of the qualifying experience areas which are all design or construction related. Qualifying experience includes CSI certification, AIA continuing education, construction work, or participating in a design competition.

The elective hours can serve to reinforce the core credits especially where the core credit experience may be less than effective training.

Credits can be earned at high school graduation, before any formal architecture education. The adage "experience is experience" no matter when earned may not result in useful training if prior knowledge to apply the experience has not been achieved. The elective hours could compensate in this area as well.

Removing 1,860 hours from the current requirements means the remaining hours must be high quality, effective training, and rigorous as to experience area.

If the elective hours are simply "marking time" to acquire 3 years of experience, and the additional experience is not critical to the training of an architect, then the reduction in hours is warranted.

Some jurisdictions have expressed concerns about the work experience settings in the belief that in reducing the IDP from 3 years to 2 years, all qualifying experience should be earned in work Setting A – in the practice of architecture. Currently 1/3 of the total hours or 1/2 of the core hours must be earned in Setting A. It would seem some valuable and applicable experience to become an architect could be achieved in work experience with an engineering or allied design professional firm. Perhaps 1 year in an alternate setting out of 2 years IDP required, however, is too much in an alternate setting.

Questions for TBAE Board

Should we support proposed IDP changes without further stipulations on the core hours or the work settings?

Should we support the changes, but with the stipulation that all 3,740 hours of experience be acquired in work Setting A?

Do we support some reduction in the number of required IDP hours, but not the full reduction of 1,860 hours?

Do we believe the current IDP program best serves the HSW needs of the public and the training of architects and should not be changed in terms of hours, settings, or experience areas (except, possibly, for future realignment of experience areas into the ARE 5.0 divisions)?

Respectfully submitted,

Debra J. Dockery, AIA, NCARB