TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of August 22, 2013 Board Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 225
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 9:03 a.m.

B. Roll Call
Secretary/Treasurer Sonya Odell called the roll.

Present
Alfred Vidaurri Chair
Chase Bearden Vice-Chair
Sonya Odell Secretary/Treasurer
Charles H. (Chuck) Anastos Member
Bert Mijares, Jr. Member
Michael (Ghad) Davis Member
William (Davey) Edwards Member

TBAE Staff Present
Cathy L. Hendricks Executive Director
Scott Gibson General Counsel
Glenda Best Executive Administration Manager
Glenn Garry Communications Manager
Mary Helmcamp Registration Manager
Jackie Blackmore Registration Coordinator
Christine Brister Staff Services Officer
Ken Liles Finance Manager
Julio Martinez Network Specialist
Jack Stamps Managing Investigator (in @ 10:30)
Katherine Crain Legal Assistant

C. Excused absences
Debra Dockery (Excused) and Paula Ann Miller (Excused)

D. Determination of a quorum
A quorum was present.

E. 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, James Perry, Texas Society of Architects, Nancy Fuller, Office of the Attorney General and Kelly Barnett.
F. Chair's Opening Remarks
The Presiding Chair thanked everyone including the Board and staff for joining the meeting. He explained that he had been in leadership training and had read books by Jim Collins entitled Good and Great and Great by Choice. The concept in the second book is about leadership that goes above and beyond by at least ten times the industry average based on performance. He stated that these leaders are not the most creative, ambitious or charismatic. Their leadership was based upon one principle: control vs. no-control. They have a basic understanding on difference between things they can control and things they cannot control. They focus their energy on the things they can control and do not allow their decisions to be dictated by things outside of their control. The Chair noted that consistency of action, values, goals and performance defines leadership. He noted that the Board has tough, great work ahead of it and the members of the Board have it within their control to choose how to lead.

G. Public Comments
The Chair opened the floor for public comment and recognized Donna Vining, Kelly Barnett and David Lancaster.

Donna Vining, Executive Director for Texas Association for Interior Design, began her public comment by complimenting TBAE Executive Director and agency staff for coming to their aid during the legislative session by responding promptly to the association's public information requests. Ms. Vining addressed proposed amendments to Rules 5.31 and 5.51 which were on the agenda for the meeting. Ms. Vining stated it was her understanding that amendments to the agency Sunset bill was to accomplish two things – allow grandfathered registered interior designers one additional year to pass the registration examination in order to remain registered after 2017 and allow the ARE to substitute for the NCIDQ examination only for architects who are currently grandfathered registered interior designers and not to allow subsequent applicants to use the ARE in order to become registered interior designers.

Kelly Barnett, interior designer, read a statement to the Board. She noted it is TBAE’s responsibility to the public to protect the health, safety and welfare. She stated the public assumes all registered interior designers listed on the agency Web site have passed the NCIDQ examination and have met current educational requirements. She stated the Web site must be changed immediately to specify which registered interior designers became registered through a grandfather provision. Furthermore, she read excerpts of a deposition of the Executive Director in a lawsuit filed against the agency by the Institute for Justice in which it was stated the agency had the ability to specify which registered interior designers became registered through a grandfather provision.
David Lancaster of Texas Society of Architects thanked the Board for the opportunity to make a public comment. He stated that he wanted to offer a reaction to Ms. Vining’s comments. Entering into the Sunset process, TSA’s understanding was that the Sunset Commission understood that passage of the ARE was at least equivalent to passage of the NCIDQ. Mr. Lancaster stated it was believed the original Sunset bill took this equivalency into account and excluded dual licensed architects/interior designers from the requirement that registered interior designers who had not passed the NCIDQ examination must do so in order to remain registered after 2017. However, TSA learned that the Sunset bill as originally written did not take into account the fact that architects who are also registered interior designers had passed the ARE. He said TSA raised the issue with the bill’s sponsors in the Senate and House, informing them the language imposed a redundant and unnecessary examination requirement upon dual licensees who had already passed an architectural examination which is at least as rigorous as the NCIDQ. Mr. Lancaster stated TSA’s representatives informed the legislators that the cleanest solution would be to allow registration beyond 2017 for registered interior designers who had passed either the ARE or the NCIDQ. According to Mr. Lancaster, TSA pointed out to the bill sponsors that this solution would be preferable in that it would have the most limited impact on interior design registration requirements. Only those architects who are currently registered as interior designers would be able to rely upon passage of the ARE to maintain interior design registration. He stated that TSA also told the sponsors an alternative would be to amend the bill to require passage of the examination specified by Board rule for interior design registration in effect on January 1, 2014 instead of September 1, 2013, as in the original bill. The amendment would give TBAE time to amend its rule to allow the ARE to count for interior design registration. Mr. Lancaster reported it was made clear to the bill sponsors that this change would allow all architects to become registered as registered interior designers upon passage of the ARE and its effect would not be limited to dual licensees as with the first option. Mr. Lancaster said the bill sponsors opted for the second version so that the Board would make the decision on whether to allow the ARE to count for interior design registration. Mr. Lancaster noted Ms. Vining’s comments were to the effect that legislative intent was to limit the effect of the provision to architects who are grandfathered interior designers. He observed this is not the case.

The Chair introduced the two new board members, Chad Davis and Davey Edwards, and gave them their official TBAE pins.
2. Approval of the June 14, 2013, Board Meeting Minutes
A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE JUNE 14, 2013, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director Report – Presentation of Budget
A. Presentation of FY2013 end-of-year expenditures/revenue
The Executive Director outlined a document before the Board which listed by budget item the actual revenues and expenditures at the end of Fiscal Year 2013 and a comparison to the budgeted revenues and expenditures set at the start of the year. She noted that revenue from interest is down by 40% as interest rates have been kept low. Revenue under the category of "other" is primarily cost recovery from public information requests and is at 60% of projections in the budget. She noted the total amount of revenue is very close to the budgeted projection at 94% of the budgeted amount. The Executive Director also pointed out that the budget item "actual expenditures" is very close to the budgeted amount. The major variations were for staff training for which the agency spent only $10,000 or 43% of the budgeted amount.

The Executive Director noted the Board added four items at a cost of $100,000 to the staff-recommended base budget at the start of Fiscal Year 2013. She reported the agency did not spend most of that money due to Sunset recommendations which would have had a significant impact on agency revenue. The agency postponed those expenditures until the impact of the legislative session became clear. As a result, the agency did not hire an Information Resource Manager and deferred expenditures for staff training and staff travel. The agency did expend $45,000 in IT upgrades – one of the additional items. Expenditures for the items "salaries and wages" and "payroll related costs" were lower than budgeted because three employees retired and one left to work at another agency and those positions were not filled. The agency employed one part-time employee to cover some of the duties of one of those positions and reallocated the remainder of the workload to other staff.

Mr. Edwards inquired about the revenue item titled "Draw on Fund Balance" of approximately $166,635 which was apparently not spent and does not appear in the proposed budget for Fiscal Year 2014. The Chair observed that it was a good question and suggested the item appear in the budget to illustrate the manner in which the agency will draw upon reserves to cover the cost of specific items added to the budget last year. The Finance Manager stated that is correct. The Finance Manager stated the Board had adopted a policy to maintain balanced budgets which requires expenditures not to be budgeted to exceed revenues. When an additional item is added to the balance budget, the agency will show a draw on fund balance to cover that cost and keep the budget balanced. As
the agency moved through the fiscal year, it was able to cover the additional expenditures (which were not postponed) through revenue the agency was collecting. Therefore, there was no draw on the fund balance and no amount appears for that revenue item in the column for actual and projected expenditures for the year.

Mr. Anastos inquired about the staff vacancies. The Executive Director stated they will remain vacant for the time being.

The Executive Director outlined a document before the Board regarding the budgeted and actual expenditures from the Architectural Registration Examination Financial Assistance Fund ("AREFAF"). She reported the current balance as $140,000. The agency awarded roughly 50 scholarships from the fund during the fiscal year which is about normal.

Mr. Bearden asked the Executive Director to explain the origins and purpose for the fund. The Executive Director stated in the 1990's Representative Ferrar became concerned about the cost of the Architectural Registration Examination. Representative Ferrar sponsored legislation to create a fund to help pay the costs of the examination. Initially the law imposed a surcharge of $10 upon the renewal of each architect's certificate of registration. The revenue stream created a large balance in the fund which began to accrue $40,000 in interest each year. The law was amended to allow the agency leeway to impose a surcharge of less than $10 and the charge was reduced and eventually eliminated roughly 10 years ago. The Executive Director reported awards have been charged against the balance, without replenishing the revenue, and income from revenue has dropped significantly. According to the Executive Director, the fund will be depleted in roughly 5 years.

Mr. Anastos asked if the agency could charge firms for value-added services on the agency's newsletter to restore the fund's balance. The Executive Director asked the Board if the scholarship fund may appear on the agenda for the October Board meeting. She indicated she would provide more information in greater detail and suggested Representative Ferrar should be consulted and the Board should receive input from the profession regarding funding of the scholarship program. She also asked Board members to share any ideas with her. The Executive Director also suggested that the Board consider amending the rules which implement the scholarship program to bar a candidate from receiving reimbursement until after successfully completing all parts of the examination. She noted a candidate might pass part of the examination but fail to complete all parts within 5 years as required under the "rolling clock" rule. She suggested candidates who never become licensed should not receive an award from the program.
Mr. Edwards asked if the Texas Society of Architects have a similar scholarship. Mr. Lancaster answered the Society has a comparable program for architectural students but not candidates for registration. He also stated many architectural firms have reimbursement programs for candidates working at the firm and noted that the statute was worded to avoid paying a scholarship to a person who has other means to cover the cost of the scholarship.

The Chair laid out the proposed budget for Fiscal Year 2014 before the Board. The Chair reported that the Executive Committee voted to recommend the proposed budget to the Board. The Executive Committee’s recommendation is based upon projected losses in revenue due to a 25% projected reduction in the 1,811 registered interior designers who are subject to the examination requirement in the Sunset bill. The Executive Director stated the Committee considered five separate attrition scenarios and decided to project a reduction of 25% with a projected reduction in revenue of $41,144. She noted the recommended budget includes lower travel expenses and includes $41,000 for the purchase of servers. The Executive Director referenced a document before the Board which lists projected losses of $75,000 in administrative penalties, $140,000 in late penalties and the projected loss in projected attrition in registered interior designers, resulting from recent legislative changes. The Executive Director stated the Committee’s recommended budget includes projected cost savings of $110,000 in credit card fees by outsourcing online payment processing and projected additional revenue of $67,500 from business registration fees. In addition, the agency will no longer conduct its own criminal background checks for which it is charged a specific fee per check. The recommended budget includes a reduction in expenditures of $20,000 to reflect savings on criminal history background checks.

Mr. Edwards noted a cost for credit card fees in September and asked if the agency will continue to pay those fees until October. The Executive Director stated that is correct. The contract with Texas.gov will not be fully implemented until sometime in September so the recommended budget includes that cost for the month of September.

The Chair asked about note A in the budget. It specifies that the budget includes increased salary costs of 1% because of a state-mandated pay raise. But it also includes a .5% increase in salaries and wages for an increased payment to ERS. The Chair asked about “ERS”. The Finance Manager stated “ERS” stands for the Employee Retirement System. The Legislature required an increase payment from the agencies to make the retirement fund viable.
Mr. Davis asked if the IRM function was currently being fulfilled by an outside contractor. The Executive Director stated she was currently carrying out that job with the assistance of the three members of the agency’s IT division.

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO ADOPT THE RECOMMENDED FISCAL YEAR 2014 BUDGET. THE MOTION PASSED UNANIMOUSLY.

4. General Counsel Report
   A. Proposed Rules for Adoption:
      The Chair recognized the General Counsel to describe proposed amendments to Rules 5.31 and 5.51 to modify exam requirements for registration as a registered interior designer; striking obsolete language. The General Counsel stated the effect of the proposed amendments would be to recognize that an applicant may become registered as an interior designer by passing the Architectural Registration Examination. If the amendments are adopted and in effect by January 1, 2014, registered interior designers who are also architects will have met examination requirements for registration as a registered interior designer and therefore, will not be required to pass the National Council for Interior Design Qualification examination in order to maintain registration after September 1, 2017 pursuant to the Sunset Bill. He stated the Board proposed the amendments at its last meeting and they were published for public comment. He said that he received two public comments in writing favoring adoption, including comment from the Texas Society of Architects. The General Counsel noted copies of public comment are before the Board for consideration. Referring to comment made during the public comment portion of the meeting, he noted that the Texas Association of Interior Designers is opposed to the proposed amendments.

      The Chair asked if anyone on the Board wished to make a motion regarding the proposed amendments so that the motion will be before the Board for discussion. A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ADOPT AMENDMENTS TO RULES 5.31 AND 5.51 AS PROPOSED.

      The Chair recognized Ms. Odell to comment on the Motion. Ms. Odell noted the Legislature rescinded grandfather status only for registered interior designers, not architects or landscape architects. The intent in the legislative amendment was to address only dual licensees – who are architects and registered interior designers – to allow them to maintain registration as interior designers and not to open up interior design registration to architects who are not grandfathered. She also noted that the legislation disenfranchises older registered interior designers who are
50 to 70 years old and are historically underutilized businesses that will lose their registrations and their businesses. She stated there will be two opportunities in the next two sessions before 2017 for the Legislature to change the examination requirement.

Mr. Anastos stated he also opposes the measure and expressed his hope the Legislature will reconsider and change it next session. Mr. Edwards suggested that the measure be tabled and referred to the Rules Committee for more extensive review.

The General Counsel noted that the Board may refer the proposed amendments to the Rules Committee. However, if the amendment is not in effect by January 1, 2014, it will not have any effect upon the examination requirement to the extent it applies to architects who are registered as interior designers. The Board may reevaluate the rule at a later time to determine if allowing architectural candidates to become registered as interior designers has any adverse impact. He also noted that the rules have been proposed and if they are substantially amended in a manner which substantively changes their original intent, they will have to be republished for public comment.

A MOTION WAS MADE (Anastos/Mijares) TO TABLE THE MOTION UNTIL LATER IN THE MEETING. THE MOTION PASSED UNANIMOUSLY.

The Board recessed at 10:48 a.m. and reconvened in open session at 11:08 a.m.

The Board convened in closed session at 11:09 a.m. to confer with legal counsel from the Office of the Attorney General regarding a settlement offer of pending litigation in the case TBAE V. Powell, et al, pursuant to Section 551.071, Texas Government Code.

The Board reconvened in an open meeting at 12:20 p.m.

The Chair announced that the Board decided to consider the mediation of the case at its next meeting, scheduled to be held on October 24, 2013. The Chair instructed staff to prepare documentation regarding the mediation conference and brief the Board at that meeting.

The Board took a break for lunch at 12:22 p.m. and reconvened at 1:00 p.m.

By unanimous consent, the Chair took the Motion to adopt proposed amendments to rules 5.31 and 5.51 from the table and the Board resumed consideration of the Motion. At the Chair's direction, the staff distributed copies of House Bill 1717, (the agency's Sunset bill) for the Board to review before
taking a vote on the Motion. The Chair stated the Motion to adopt the proposed amendments is before the Board but there had been discussion, but no motion, to refer the proposed amendments to the Rules Committee.

Mr. Anastos stated that since he made the original motion after reading the information staff provided, he believed that by making changes they would be making a completely different rule requiring republication or making the rule vulnerable to legal challenge.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO CALL THE PREVIOUS QUESTION ON THE MOTION TO ADOPT PROPOSED AMENDMENTS TO RULES 5.31 AND 5.51. THE MOTION PASSED BY UNANIMOUS CONSENT.

THE CHAIR CALLED THE VOTE ON THE PREVIOUS MOTION (Anastos/Mijares) TO ADOPT PROPOSED AMENDMENTS TO RULES 5.31 AND 5.51. THE MOTION PASSED 5-1 (Odell opposed.)

The Chair directed the General Counsel to outline proposed amendments to Rule 7.10, the agency fee schedule. The General Counsel stated the original draft amendments included changes to the fee schedule to implement legislative changes lowering late fees, to increase business registration fees, and to provide notice of a convenience fee charged by a contractor to process online payments. The Board considered those draft amendments at its last meeting. The General Counsel stated that at that meeting, Ms. Dockery suggested that the fee schedule specify the amount of fees, including convenience fees, payable by each registration status to clarify the specific fee a person must pay depending upon his or her registration status. The General Counsel stated that the proposed fee schedule is the result of the original substantive changes and the reformatting to clarify the fee schedule. The convenience fee is specified for each charge as is the sum of each fee with its corresponding convenience fee. The General Counsel stated another change to the fee schedule implements legislative changes to late fees which will apply only to the portion of the registration fee which remains with the agency and not the $200 additional charge which is transferred to the General Revenue Fund and the Permanent School Fund. In addition, an annual business registration fee needed a revision from $30 to $45. The amendments also correct two typographical errors.

The General Counsel reported that the proposed amendments were published for 30 days and the agency received no public comment regarding them.

A MOTION WAS MADE AND SECONDED (Mijares/Odell) TO ADOPT THE PROPOSED AMENDMENT TO RULE 7.10 AS PUBLISHED IN THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.
The Chair directed the General Counsel to describe draft amendments to Rules 1.149, 3.149 and 5.158 regarding criminal history background checks. The General Counsel stated the draft amendments implement the fingerprint requirement imposed by the agency's Sunset bill. The amendments replace the pre-existing self-reporting requirement with the legislative mandated requirement that each applicant submit a set of fingerprints to the state contract vendor for a criminal history check. The amendment is effective January 1, 2014. The amendments also require current registrants to undergo a fingerprint check prior to their next renewal. The amendments allow the agency's Executive Director to contact an applicant or registrant regarding any criminal conviction, other than a minor traffic offense, that is revealed as a result of a criminal history background check. The amendments allow the applicant or registrant 30 days to respond to the Executive Director's request. The General Counsel stated the amendments revoke a requirement that applicants and registrants contact the Board within 30 days after a conviction because under the new fingerprint process, the Board will receive notice from the vendor.

A MOTION WAS MADE AND SECONDED (Edwards/Bearden) TO PROPOSE AMENDMENTS TO RULES 1.149/3.149 AND 5.158 TO IMPLEMENT RECENT LEGISLATION MANDATING CRIMINAL BACKGROUND CHECKS BASED ON FINGERPRINTING.

The Chair asked if the law mandates fingerprinting for all registrants and applicants by January 1, 2014.

The Executive Director stated the requirement begins on January 1, 2014, and after that date, each registrant must be fingerprinted in order to become registered. The deadline is not January 1st but after that date submission of fingerprints is a prerequisite to renewing registration.

The Managing Investigator gave an explanation of the process that fingerprinting will entail when the program is to be implemented on January 1, 2014. He reported that fingerprinting will take place in 85 locations in the state.

Mr. Edwards suggested that the Board amend the rule to include language that this is only a one-time process for renewals. The General Counsel stated that with the Board's approval he will amend the draft amendments to include a provision from the bill which states that a registrant is not required to submit another set of fingerprints after submitting a set as an applicant or as a prerequisite to an earlier renewal. By unanimous consent, the Board amended the draft Motion accordingly.

There were no further questions or discussion. The Chair called for the vote on the Motion to propose the amendments as amended. THE MOTION TO PROPOSE THE DRAFT AMENDMENTS TO RULES 1.149/3.149/5.158 AS AMENDED PASSED UNANIMOUSLY.
6. Report on conferences and meetings
A. NCARB Annual Meeting, June 19-22, San Diego, CA
B. Building Officials Association of Texas (BOAT) Annual Conference August 6-7, Waco
C. METROCON13 Expo & Conference, August 15-16, Dallas, TX

Mr. Mijares reported on the NCARB Annual Meeting in San Diego. He stated he participated in a panel discussion regarding the University of Minnesota School of Architecture. He stated there is an effort to compress the time it takes to get registered, including the requirement that 5th year seniors take the registration examination. He stated he would be very interested to learn how it worked, how it was implemented and whether it was successful. The Chair stated he had heard something about that as well and thought it might have been a post-graduate program requirement. Mr. Mijares also stated that the Chair (Alfred Vidaurri) was presented with a crown, scepter and a cape as Chair of NCARB Region III which is the largest of the regions in the country. He congratulated the Chair on his “coronation.” The Chair thanked him.

The Chair reported that NCARB is now in its second year of a new CEO. NCARB has gone through a lot of restructuring, reduction of costs of committees, and noted most committees now meet only once per year. The new CEO has implemented a lot of change.

Mr. Mijares reported that the regional meeting will be in San Antonio from March 6-8, 2014. It is a regional meeting with all regions meeting with Region III so all regions will be in Texas.

The Managing Investigator reported on the BOAT Annual Conference in Waco and stated that he made a presentation to building officials and he and the General Counsel manned a TBAE booth for three days. He noted it was part of the agency’s effort to fulfill the Board’s direction to increase outreach to building officials. He noted the agency also had revamped its building official Web page to that end. He said that they gave the building officials an overview of enforcement cases in order for them to identify and refer enforcement issues to the agency. In addition, he stated representatives from the City of San Antonio and the City of Dallas expressed a desire to have TBAE make a presentation to staff of the plan reviewing and permitting offices in those cities.

The Executive Director reported on METROCON13 EXPO in Dallas and stated that they gave two presentations: (1) on legislative changes, including criminal history background checks and (2) on continuing education matters. She reported that more than 200 people visited the
TBAE booth. She also reported that she received invitations to make presentations to other groups.

7. **CLARB Proposed Bylaws Revisions – 2013 Relating to Examination Administration**

The Executive Director stated that these proposed bylaws were housekeeping issues to update the bylaws to reflect current examination processes.

1. Proposed change #1 deletes references to examinations administered by member boards. No member board administers the CLARB examination any more.

2. Proposed change #2 deletes references to the grading of the examination among the duties of the Examination Committee. Examinations are no longer graded by the Committee or any other individual.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO DIRECT TBAE DELEGATES TO VOTE IN FAVOR OF THE RESOLUTIONS AT THE CLARB MEETING. THE MOTION PASSED UNANIMOUSLY.

8. **Updated Mutual Recognition Agreement between NCARB + Canadian Architectural Licensing Authorities (CALA) – Request to Sign Letter of Undertaking to NCARB – CALA**

The Chair gave the background on the Mutual Recognition Agreement between the Canadian Architectural Licensing Authorities and NCARB and the request that member boards agree to the Letter of Undertaking. In 1994, there was recognition between NCARB and CALA that there were similar education and internship requirements in Canada and the United States and the use of the NCARB Architectural Registration Examination to justify an inter-recognition agreement between CALA and NCARB. The Chair reported that until recently, Canadians took the same exam as the U.S. architects (the ARE). However, over the years, Canada has implemented changes to its internship program and developed a Canadian registration examination. These changes necessitated updates and modifications to the 1994 agreement.

The Chair stated NCARB and CALA have been working on a resolution for 3 years. All 11 Canadian jurisdictions have approved of the new Mutual Recognition Agreement in principal and at NCARB the vote among the jurisdictions was 47-3 this summer. Three jurisdictions could not vote in favor of it under their laws.

In order to fully implement the agreement, a majority of the jurisdictions have to sign a letter of undertaking agreeing to be bound by it. The Chair outlined the Mutual Recognition Agreement as requiring the following in order for an architect from the other country to become registered in a signatory jurisdiction:
• A letter of registration or licensure in good standing;
• 2000 hours of post-licensure experience;
• Proof of citizenship or permanent residency in her/his home state; and
• NCARB certification.

The Chair reported that he requested that the letter go before the Board for approval before signing the Letter of Undertaking.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE REVISED AGREEMENT AND FOR THE CHAIR TO SIGN THE LETTER OF UNDERTAKING ON BEHALF OF THE BOARD, AGREEING TO COMPLY WITH THE MUTUAL RECOGNITION AGREEMENT. THE MOTION PASSED UNANIMOUSLY.

9. Enforcement Cases
Review and possibly adopt the ED’s recommendation in the following enforcement cases: The Executive Director’s recommendations are to resolve the following cases in accordance with proposed settlement agreements reached with the Respondents. The Chair recognized the General Counsel to present the enforcement cases.

A. Registrant & Non-Registrant Cases:
Garrison, Michael (#168-13N) – The General Counsel reported that the case had not been settled prior to the Board meeting and requested that the Board disregard this item on the agenda.
Jacobs, Anton (#047-10A) – The General Counsel made a presentation to the Board on this case and stated that the registrant had signed an agreed order to pay the Board an administrative penalty of $6,000.00 for practicing architecture while his license was delinquent.
Mercadillo, Eduardo (#046-13N) – The General Counsel made a presentation to the Board on this case and stated that the registrant had signed an agreed order to pay the Board an administrative penalty of $600.00 for using the title “architect” on a business card.

A MOTION WAS MADE AND SECONDED (Mijares/Edwards) TO ACCEPT THE EXECUTIVE DIRECTOR’S RECOMMENDATION AND ADMINISTRATIVE PENALTY IN CASE NUMBER 047-10A AND CASE NUMBER 046-13N. THE MOTION PASSED UNANIMOUSLY.

Taniguchi, Evan (#176-13A)
The General Counsel stated the registrant had signed an agreed order to pay an administrative penalty of $1,000.00 for affixing his architectural seal to a construction document not prepared by him. Mr. Anastos inquired about the propriety of a penalty under the circumstances of the case. He believes the architect is in compliance and is not breaking TBAE’s rules. The architect was requested to review the plans for the
project after they had been rejected by the City of Austin. The plans had been prepared by a person who had been an architect, but is no longer an architect. The Managing Investigator approached the Board and gave them the background on the case and explained how the registrant broke our rules. The Managing Investigator stated respondent’s plans were identical to the set prepared by the original designer, except dimensions had been added. The Respondent may add to plans prepared by another and may affix his seal to plans prepared by another but he must clearly identify the portion of the plans he prepared and must note that his seal applies only to those portions. Respondent neglected to include that notation to the plans and specifications.

A MOTION WAS MADE AND SECONDED (Mijares/Davis) TO ACCEPT THE EXECUTIVE DIRECTOR’S RECOMMENDATION FOR a $1,000.00 ADMINISTRATIVE PENALTY.

MR. MIJARES WITHDREW HIS MOTION. He stated that he wanted to hear the companion case against Respondent Michael Garrison, the original designer of the project, at the next board meeting.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO POSTPONE CONSIDERATION OF THE CASE UNTIL THE NEXT BOARD MEETING. 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 required continuing education, and $250 for failing to timely respond to an inquiry of the Board.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR’S PROPOSED SETTLEMENTS IN THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:
Bengston, Gary (#145-13A)
Cash, Cynthia C. (#086-13L)
Chaloupka, Merridee (#125-13I)
Davy, Siobhan (#137-13I)
Goertz, Michael (#178-13A)
Hensley, R. Don (#180-13A)
Hickman, Keith A. (#179-13A)
Lambdin, Wayne (#136-13A)
Lambert, Charles R. (#175-13A)
Noack, Elizabeth E. (#163-13I)
Parker, Timothy K. (#172-13A)
The Chair announced that he would like for the Board to take up the next two items together.

10. **Approval of the Proposed 2014 Board Meeting Dates**
The Board changed the date for the meeting scheduled for Thursday, February 6, 2014 to Thursday, February 13, 2014
Thursday, May 22, 2014
Thursday, August 21, 2014
Thursday, October 23, 2014
The Board changed the proposed meeting date on October 23, 2014 to October 16, 2014 or October 30, 2014 depending on room availability.

11. **Upcoming Board Meeting**
October 24, 2013

The Board took a break at 2:20 p.m. and reconvened in open meeting at 2:30 to go into closed session pursuant to Section 551.074, Government Code, to deliberate on personnel matters.

12. **Executive Director Performance Review Report**
   A. Executive Director’s presentation regarding annual performance evaluation
   B. Executive Committee report on findings based on annual performance evaluation
   C. Full Board adoption of the ED’s 2014 performance objectives
   D. Full Board adoption of the ED’s Executive Development Plan

The Board reconvened in open meeting at 4:05pm.

The Chair announced that the Board had not completed the performance evaluation of the Executive Director. The Board will deliberate upon the goals for the Executive Director during the next Board meeting, scheduled for October.

13. **Chair’s Closing Remarks**
The Chair stated that the Board has come to a conclusion. He thanked the members for their service.

14. **Adjournment**
A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ADJOURN THE MEETING AT 4:09 P.M. THE MOTION PASSED UNANIMOUSLY.
Approved by the Board:

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