

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of February 25, 2016 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

AGENDA ITEMS

DESCRIPTIONS

1A.

Call to Order

Ms. Dockery called the meeting to order at 9:02 a.m.

1B.

Roll Call

Ms. Miller called the roll.

Present Board Members

Debra Dockery	Chair
Paula Ann Miller	Secretary-Treasurer – Public Member
Charles (Chuck) Anastos	Architect Member
Sonya Odell	Registered Interior Design Member
Michael (Chad) Davis	Landscape Architect Member
Chase Bearden	Public Member
Jennifer Walker	Architect Member
Robert (Bob) Wetmore	Architect Member

1C.

**Excused and Unexcused
absences**

None.

1D.

**Determination of a
Quorum**

A quorum was present.

1E.

Recognition of Guests

At this time, no guests were present, however the following arrived later in the meeting:

Jarrett Hill, Governor’s Officer (arrived at 9:50 a.m.);
Michael J. Armstrong, CEO of NCARB;
Katherine (Kathy) Hillegas, Council Relations Director of NCARB; and
David Lancaster, Senior Advocate for Texas Society of Architects
(arrived at 9:13 a.m.)

2.

**Introduction of New
Board Members**

Ms. Dockery acknowledged the recently appointed Board members and provided biographical information on each. Mr. Bearden, Ms. Walker and Mr. Wetmore introduced themselves.

At this time, Ms. Dockery acknowledged the staff members:
Julie Hildebrand, Executive Director
Lance Brenton, General Counsel
Glenn Garry, Communications Manager

Glenda Best, Operations Manager
Christine Brister, Human Resources Program Specialist
Kenneth Liles, Finance Manager
Jack Stamps, Managing Investigator
Dale Dornfeld, IT Manager
Mike Alvarado, Registration Manager
Steve Rodriguez, License & Permit Specialist
Katherine Crain, Legal Assistant
Julio Martinez, Network Specialist

**1F.
Chair's Opening
Remarks**

Ms. Dockery provided the Chair's opening remarks.

**1G.
Public Comment**

Michael Armstrong, CEO of NCARB, provided an update to the Board regarding NCARB programs.

**3.
Approval of Board
Meeting Minutes**

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO APPROVE THE OCTOBER 29, 2015 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

**4.
Executive Director's
Report**

Ms. Hildebrand provided an update to the Board regarding the Summary of Executive Accomplishments, the Operating Budget, and the Scholarship fund. The Board did not have any comments on the Executive Director's Report.

**Report on Conferences
and Meetings**

Ms. Hildebrand provided a report on the following conferences and meetings:

- A. TxA 76th Annual Convention & Design Expo – Nov 5-7;
- B. 2015 Annual CIDQ Council of Delegates Meeting – Nov. 13-14;
- C. CLARB MBE Committee Meeting – Jan. 7-8;
- D. NCARB 2016 MBE Engagement Sessions – Jan. 15-16;
- E. Southern Conference of NCARB Educators & Practitioners Conference – Feb. 12-13

**Report on Upcoming
Conferences and
Meetings**

Ms. Hildebrand provided a report on the following upcoming conferences and meetings:

- A. NCARB MBE Workshop/Regional Summit – March 10-12
Ms. Dockery, Mr. Davis, Ms. Odell, Ms. Hildebrand and Mr. Stamps will attend the workshop in Savannah, Georgia.
- B. 2016 Texas ALSA Annual Conference – April 28-29
Ms. Hildebrand, Mr. Davis, Mr. Stamps and Mr. Alvarado will attend the conference in Galveston, Texas.

The Board did not have any comments on the Executive Director's report on conferences and meetings.

**5.
General Counsel Report**

Mr. Brenton stated that the following items have been published in the Texas Register and no comments were received by the agency. Therefore, these rules are presented for final adoption by the Board.

**5A.
Proposed Rules for
Adoption**

I. Relating to registration of military service members, military veterans, and military spouses, Board Rules 1.22, 3.22, 5.32, 1.29, 3.29, 5.39, 1.69, 3.69, 5.79, and 7.10.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.29, 3.29, 5.39, 1.22, 3.22, 5.32, 1.69, 3.69, 5.79, and 7.10 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

II. Relating to Elimination of Reference to NCIDQ IDEP Program, Board Rules 5.31 and 5.202.

A MOTION WAS MADE AND SECONDED (Odell/Wetmore) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§5.31 AND 5.202 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

III. Relating to Eligibility to Petition for Rulemaking, Board Rule 7.7

A MOTION WAS MADE AND SECONDED (Anastos/Miller) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §7.7, FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

IV. Relating to Employee Training Draft Rule 7.15

Mr. Brenton explained to the Board that the proposed rule mirrors the statute. The rule was proposed at the October Board meeting and the agency received no comments.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADOPT THE PROPOSED DRAFT RULE TO 22 TEX. ADMIN. CODE §7.15, FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD

INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

V. Relating to Consideration of Foreign Landscape Architecture Degrees, Rules 3.21 and 3.191.

Mr. Brenton explained to the Board that the proposed rule was approved at the October Board meeting, published in the Texas Register in December and no comments were received by the agency; therefore, it is staff's recommendation that the Board move to adopt rules 3.21 and 3.191 as proposed.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§3.21 AND 3.191 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

VI. Relating to Cleanup of Reference to \$200 Professional Fee, Rules 1.65, 3.65, and 5.75.

Mr. Brenton explained to the Board that the proposed amendments were approved by the Board in October and published in the Texas Register in December and no comments were received by the agency; therefore, it is staff's recommendation that the Board move to adopt rules 1.65, 3.65, and 5.75.

A MOTION WAS MADE AND SECONDED (Wetmore/Davis) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.65, 3.65, AND 5.75 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

The Board took a break at 10:20 a.m. and reconvened at 10:35 a.m.

The Chair recognized Mr. Jarrett Hill from the Governor's office had joined the Board's meeting and Mr. David Lancaster had joined the Board too.

**5B.
Draft Amendments for
Proposal**

I. Regarding eligibility for architectural registration by reciprocity, relating to education requirements, Board Rule 1.22.

Mr. Brenton explained to the Board that the draft amendments for proposal would be presented and if the Board approved the draft amendments, then Staff would prepare them for publication in the Texas Register and publish them for public comments.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE PROPOSED NEW RULE 22 TEX. ADMIN. CODE §1.22 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

II. Regarding eligibility for architectural registration by examination, relating to NCARB's overhaul of the intern development program, Board Rules 1.5, 1.191, and 1.192.

Mr. Brenton explained that this was the second phase of the changes that NCARB is undertaking with regard to the IDP program. Previously, the number of the hours to complete IDP were reduced. This is the overhaul to the program which decreases the number of categories that must be completed by an applicant which requires a rule change by the Board.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE PROPOSED NEW RULES 22 TEX. ADMIN. CODE §1.5, 1.191, and 1.192 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

Mr. Anastos had a question regarding the effective date of the rule and whether it was retroactive for candidates. Mr. Armstrong stated that the program was retroactive and the candidates' hours will migrate.

**6.
Discussion Items**

A. Discussion of Issues Relating to Recusal to Board Members

Mr. Brenton gave a short presentation to the Board regarding recusals of Board members. Ms. Dockery asked if she needed to recuse herself and leave the room. Mr. Brenton stated that it was not necessary to leave the room. Ms. Dockery requested that the General Counsel do more research on recusals and the effects of voting on cases and provide additional information to the Board.

B. Executive Director Performance Evaluation Process

Ms. Dockery stated that Ms. Hildebrand has been Executive Director of the agency for almost one year and the Board will need to perform an annual review of the Executive Director. She stated that prior to the previous Executive Director's retirement, the Board convened a committee to revise the performance review form and format. Ms. Dockery reestablished the committee to complete the work on the Executive Director review process and bring the form to the Board's May meeting for consideration. Furthermore, the full review will be done in August. Review and possibly adopt Executive Director's recommendation in the following enforcement cases:

**7.
Enforcement Cases**

A. Non-Registrant Case Rodriguez, Omar Eliezer (#149-14N)

Mr. Brenton stated that based upon the investigation, Respondent violated Board Rule 1.123 by using the title “architect” on his Facebook page and the Facebook page for his firm and a \$4,000 administrative penalty was recommended.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT STAFF’S RECOMMENDATION OF A \$4,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

B. Registrant Cases Marquez, Michael J. (#048-15A)

Mr. Brenton stated that based upon the investigation, Respondent violated Board Rule 1.48(b) by practicing architecture when his registration was delinquent and stated that an administrative penalty of \$1,000 was recommended.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ACCEPT STAFF’S RECOMMENDATION OF A \$1,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Todd, Markham W. (#046-15A)

Mr. Brenton stated that based upon the investigation, Respondent violated Board Rule 1.124(a) by failing to register his architectural business with the Board and stated that an administrative penalty of \$1,500 was recommended. Mr. Brenton stated that this violation was discovered as a result of another investigation instigated by the Board, but that investigation was dismissed for lack of evidence.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO ACCEPT STAFF’S RECOMMENDATION OF A \$1,500 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Wallace, Kevin Laurance (#119-15A)

Mr. Brenton stated that based upon the investigation, Respondent violated Board Rules 1.123 and 1.82(b) by using the title “architect” and providing architectural services for twelve (12) projects at a time when his certificate of registration was not in good standing. Furthermore, Respondent violated Board Rule 1.102(b) by affixing a seal with an incorrect registration number on the construction documents for twelve (12) projects; and by violating Board Rule 1.101 by failing to affix his seal, signature and date of signing to two (2) sheets of construction documents for the project 10621 Ivalenes Hope Dr., Avery Ranch, Texas. An administrative penalty of \$4,500 was recommended.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT STAFF’S RECOMMENDATION OF A \$4,500 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

C. Registrant – CE Cases Mr. Brenton stated that the Board would hear the next 16 cases and vote on them together as follows:

Alberstadt, Milton Louis (#033-16A)
Baker, Gary Taylor (#004-16A)
Biegel, Steven L. (#019-16A)
Blankenship, Lance Ray (#080-15A)
Bodron, Thomas M. (#029-16I)
Dioun, Massoud M. (#036-16L)
Durham, Robert Wayne (#035-16A)
Elliott, William C. (#032-16A)
Featherston, Laura Ann (#013-16I)
Grassle, Robert C. (#034-16A)
Larson, Ted William (#062-15I)
Matthiesen, Jay Scott (#028-16A)
Patel, Narendra (#147-15A)
Rougeau, Rhonda M. (#030-16I)
Torres, Alfonso Ybarra (#024-16A)
West, Charles Moss (#018-16A)

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ADOPT STAFF'S RECOMMENDATION AND PENALTIES TO APPROVE ALL OF THE CASES LISTED ON THE AGENDA UNDER CE CASES. THE MOTION PASSED UNANIMOUSLY.

8.
Board Election

Board Vice-Chair and Secretary/Treasurer

The Chair asked the Board if there were any nominations for the board election. Mr. Davis nominated Sonya Odell as Vice-Chair. No further nominations were suggested.

THE BOARD VOTED ALL IN FAVOR FOR SONYA ODELL TO SERVE AS VICE-CHAIR OF THE BOARD.

The Chair stated that she would take nominations for Secretary-Treasurer. Mr. Davis nominated Paula Ann Miller to continue as Secretary-Treasurer. THE BOARD VOTED ALL IN FAVOR FOR PAULA ANN MILLER TO SERVE AS SECRETARY-TREASURER OF THE BOARD.

9.
Board Committee Assignments

The Chair stated that she had made her committee assignments as follows:

Rules Committee

Chuck Anastos, Chair; Chad Davis, Sonya Odell, and Jennifer Walker as committee members.

Executive Director Evaluation Committee

Sonya Odell, Chair; Chase Bearden and Paula Ann Miller as committee members.

Legislative Review Committee

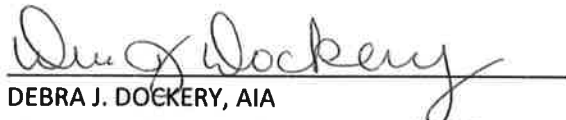
Chad Davis, Chair; Chuck Anastos, Chase Bearden and Bob Wetmore as committee members.

10. Thursday, May 26, 2016 – Full Board & Budget Workshop
Upcoming Board Meeting

11. Ms. Dockery and Mr. Davis thanked the Executive Director and Staff on the
Chair's Closing Remarks work that had been done in preparation for the meetings.

12. A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADJOURN THE
Adjournment MEETING AT 11:24 A.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:


DEBRA J. DOCKERY, AIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS