TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of February 12, 2014 Board Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower II, Conference Room 350L
Austin, TX  78701
1:00p.m. until completion of business

1. Chair called the meeting of the Texas Board of Architectural Examiners to order at 1:01p.m. 

2. 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
Debra Dockery         Member
Paula Ann Miller      Public Member
Michael (Chad) Davis  Member
William (Davey) Edwards Public Member

TBAE Staff Present
Scott Gibson          General Counsel
Glenda Best           Executive Administration Manager
Christine Brister    Staff Services Officer

Nancy Fuller, Assistant Attorney General of the Office of the Attorney General was present to serve as legal counsel to the Board in closed session.

The Chair declared a quorum was present. The Chair noted the Board had a very brief meeting scheduled for the day and some items on the agenda may be time consuming. Other than welcoming the Board to the meeting, the Chair deferred opening remarks to the full meeting scheduled for the following day.

3. Public Comment
None.

4. Board Approval of the Executive Director Performance Evaluation from August 1, 2012 through July 31, 2013

The Board convened in closed session at 1:03p.m. pursuant to Section 551.074, Government Code, to deliberate on personnel matters.
The Board reconvened in open session at 2:51p.m.
The following TBAE Staff members arrived to attend the remainder of the meeting: Glenn Garry, Communications Manager; Mary Helmcamp, Registration Manager; Ken Liles, Finance Manager; Jack Stamps, Managing Investigator; and Dale Dornfeld, IT Manager.

The Chair laid out a document titled “Board Evaluation Scores” and noted scores on core competencies counted for 50% of the total score, scores for training accounted for 10%, and individual performance goals account for 40% of the total score. The table listing the scores from the Executive Committee shows a final score of 599 and the average final score from the members of the Board is 598.10. The Chair noted the final average scores from the Committee and the Board members are essentially the same and fall within the mid-range listed on the evaluation matrix.

A MOTION WAS MADE AND SECONDED (Odell/Mijares) TO ACCEPT THE AVERAGE OF THE BOARD MEMBERS' SCORES AS THE SCORE FOR THE EXECUTIVE DIRECTOR'S PERFORMANCE EVALUATION.

Ms. Dockery noted for the record that the score is lower than in past performance evaluations for the Executive Director.

Mr. Davis and Mr. Edwards stated for the record that they did not complete an evaluation form because the performance evaluation was already underway when they took their seats on the Board. They had no experience working with the Executive Director and therefore were not able to assess her performance for the evaluation period.

Mr. Bearden suggested that the Executive Director's performance evaluation should coincide with the reporting of the results of the agency’s Survey of Employee Engagement. He noted the scores on the survey were higher than they have been in the past and it would have been beneficial for the Executive Committee to have had that information when it conducted the performance evaluation.

The Board members asked how often the survey was conducted and when the results were reported. The Staff Services Officer stated it is conducted every 2 years after each legislative session but there was no set schedule for the survey.

THE MOTION PASSED UNANIMOUSLY.

5. Board Development and Approval of the 2014 Performance Goals, Plans and Outcome Measures for the Executive Director
The Chair noted that the Executive Director had prepared a proposed improvement plan, including goals, for the next evaluation cycle. He stated that although the Board appreciates the Executive Director’s efforts, the Board will set the goals for the Executive Director in the 2014 cycle.
A MOTION WAS MADE AND SECONDED (Dockery/Anastos) TO CREATE A THREE-MEMBER COMMITTEE OF THE BOARD TO DEVELOP GOALS, PLANS, AND OUTCOME MEASURES FOR THE 2014 EXECUTIVE DIRECTOR REVIEW CYCLE.

The Chair put the Motion before the Board for discussion. The Chair asked if the three professions regulated by the Board should be represented on the Committee. The Board generally concurred that they should. The Chair asked for an architect member of the Board to volunteer for the Committee. Mr. Mijares stated he will be leaving the Board in early 2014 and therefore declined. Ms. Dockery volunteered to serve on the Committee.

BY UNANIMOUS CONSENT, THE MOTION WAS AMENDED TO SPECIFY THAT THE COMMITTEE WOULD INCLUDE MS. DOCKERY, MR. DAVIS AND MS. ODELL TO SERVE AS THE ARCHITECT, LANDSCAPE ARCHITECT AND REGISTERED INTERIOR DESIGNER REPRESENTATIVES ON THE COMMITTEE. THE MOTION AS AMENDED PASSED UNANIMOUSLY.

The Board discussed a deadline for the Committee to report to the Board. The Board by unanimous consent directed the Committee to make its report to the Board at its next meeting in May 2014. The Chair designated Ms. Odell to serve as Chair of the Committee.

6. Determination and Final Disposition of the 2013 Executive Director Performance Evaluation and Possible Personnel Action
The Chair placed this agenda item before the Board and reported that the Executive Committee recommended a 3% salary increase.

A MOTION WAS MADE (Anastos/Bearden) TO ACCEPT THE COMMITTEE’S RECOMMENDATION TO GRANT A 3% COST OF LIVING INCREASE TO THE EXECUTIVE DIRECTOR’S SALARY TO BE EFFECTIVE FEBRUARY 1, 2014.

Mr. Mijares noted the Motion refers to a cost of living increase and inquired if the 3% was tied to a benchmark or some other measure, possibly established by the federal government, which shows the cost of living has increased by 3%.

Ms. Odell stated the discussion in the Executive Committee was to tie the raise to the generally applicable salary increase the Legislature made to state employees’ salaries. The Chair asked the Staff Services Officer if the Legislature granted a 3% across-the-board increase to state salaries. The Staff Services Officer answered there was a 3% increase for the biennium. She noted state workers received a 1% increase for Fiscal Year 2014 and a 2% increase for Fiscal Year 2015. The Staff Services Officer was asked if the Executive Director received this salary increase. The Staff Services Officer stated the Executive Director did not. Executive Directors are not included in across-the-board salary
adjustments. Executive Directors’ salaries are generally set (subject to limitations in the General Appropriations Act) by the Boards they serve.

THE MOTION PASSED BY A VOTE OF 5-3 (Ms. Dockery, Mr. Mijares, and Mr. Davis opposed).

7. **Board Discussion/Recommendation of Current and Potential Future Executive Director Evaluation Systems.**

The Chair put the agenda item before the Board for discussion. Mr. Mijares asked the Staff Services Officer about the current process and how the Board came to use the current template for conducting the Performance Evaluation. The Staff Services Officer stated the current process was adopted in 2010 in an effort to make the evaluation more objective and provide more categories to score performance.

Mr. Mijares asked if the scale for scoring performance changed. He stated he remembered the numbers for assigning scores were once different than they are now. The Staff Services Officer confirmed that the scale and scoring was changed in 2010. The scores are weighted differently than they were before 2010.

Mr. Bearden stated that the record for the performance evaluation score adopted today should reflect that fact. When the record reflects the Executive Director’s score is lower than previous scores, it should be noted the scores are currently weighted and calculated differently. He described it as an “apples to oranges” comparison.

Mr. Anastos recommended that the Board also delegate revision of the performance evaluation system to the Committee. He suggested the Committee should also consider whether performance on one factor inordinately skews the final score. Ms. Dockery agreed, noting there are redundancies in some of the scored categories and the current system seems overly complex.

Mr. Davis asked if the Executive Committee discusses scores when it makes its recommendations to the Board. Mr. Bearden stated it does, noting the Committee tries to work with the templates it has in order to get the score correct.

The Chair agreed that the Committee should work on this process and put the matter before the Board. **BY UNANIMOUS CONSENT THE BOARD ADDED REVISIONS AND IMPROVEMENTS TO THE EXECUTIVE DIRECTOR PERFORMANCE EVALUATION SYSTEM TO THE COMMITTEE’S DELEGATED TASKS.**

8. **“Blue Sky” Discussion of Potential Issues/Trends/Processes that the Board should consider regarding Agency Operations.**
The Chair put the “Blue Sky” item before the Board and indicated it was to be a discussion of any vision or idea about improving or modifying the manner in which the Board conducts its business. The “blue sky” concept is to propose any idea without consideration of any fiscal, jurisdictional or practical constraints. The concept is to visualize an ideal scenario, without consideration of the obstacles, and go back and consider the obstacles to determine if it would be worthwhile or possible to alter things to remove or work around them to implement the considered idea. The Chair suggested the first topic for the “blue sky” conversation:

a. Board Governance
The Chair asked if the meetings of the Board should be evenly spaced throughout the year or whether the Board should continue to space out the meetings in January and June in odd-numbered years to accommodate the legislative session. Ms. Dockery stated the Board should meet quarterly and should not deviate from that schedule, noting that doing so adheres to the expectations of the stakeholders. Mr. Mijares agreed. He observed that he served on another Board which met monthly even through legislative sessions. He also favored the Board having regular work sessions like the one the Board held 2 years ago to cover protocol, travel procedures, ethics and other procedures and operations. He noted regular meetings of that nature would be beneficial.

Mr. Anastos noted that the reason the Board stopped meeting during legislative sessions was because the Executive Director and agency staff had to cover tasks and other responsibilities driven by the Legislature. The Executive Director had to leave Board meetings to attend legislative committee hearings. He suggested that the Board re-establish a legislative committee to provide greater direction and support to the agency before the Legislature.

Mr. Bearden also noted that it is unclear what the Board would do if agency staff were summoned to the Capitol on a day when the Board had a meeting posted. Mr. Bearden expressed support for greater Board involvement in representing and supporting the agency before the Legislature, including providing testimony at legislative committee hearings.

Mr. Edwards noted that the Texas Board of Professional Land Surveying has a legislative needs liaison which monitors the Capitol during legislative sessions. He also noted that Board has committees which include people who are not on the Board. The General Counsel stated he has explored that possibility and unlike other Boards, TBAE does not have authority to appoint non-members to a Board committee.
The Board concluded two items that should be placed on the "parking lot" arising from the blue sky discussion are: quarterly Board meetings and re-establishing a Legislative Committee.

b. Enforcement Personnel and Resources
Ms. Dockery expressed concern about whether the agency has adequate legal and enforcement personnel. She noted the agency received cases referred from an architect working for the City of Austin, not other municipalities, and expressed concern about whether the agency has adequate investigative and legal personnel to proactively pursue cases involving unlawful conduct instead of taking a less proactive role of receiving complaints and information from outside sources.

c. Rotating Board Meetings
The Chair proposed as a topic of discussion whether it would be beneficial for the Board to meet in other cities instead of having all its meetings in Austin. The Chair noted that boards in other states conduct meetings on a rotating basis and hold each meeting in a different location. Mr. Edwards stated the Board of Professional Land Surveying holds a meeting at the professional association's state convention and the association helps to alleviate some of the cost of conducting a remote meeting. Licensees who attend the meeting get continuing education credit. It was noted that TBAE registrants get one continuing education hour of credit for attending a full TBAE meeting.

d. Welfare
Mr. Davis stated he and the Executive Director attended the CLARB meeting in the fall where they learned CLARB is seeking jurisdictions to champion the CLARB study and report on the meaning and substance of the concept of welfare as a purpose for regulation of a profession in order to protect the public health, safety and welfare. He suggested the Board may consider greater efforts to implement the results of that study. The General Counsel stated the agency relied heavily upon that study when it revised the continuing education rules regarding acceptable subjects for continuing education credit. Mr. Davis suggested there may be other ways to implement the welfare study.

e. Regulatory Changes in light of Practice and Technological Changes
The Chair asked if the Board should consider revisions to the sealing rules in light of advancements in technology and the changing methods of design development. The Chair cited as an example the issue of affixing architectural seals to BIM Models. Ms. Dockery stated that is a current issue and not a future issue. Mr. Mijares noted check sets are largely no longer used and the BIM Model is updated constantly, marked "not for construction, permit or regulatory approval" and sealed only when complete—a different process than was generally used when sealing rules were adopted.
f. Prospective Upcoming Legislative Developments
Mr. Edwards noted recent "Good Samaritan" legislation in Oklahoma which provides errors and omissions indemnity to architects and engineers who provide pro bono services on projects under certain circumstances, such as rebuilding after a natural disaster. He also stated other states have adopted accelerated reciprocity provisions for out-of-state architects and engineers in emergency situations, such as rebuilding after a disaster.

g. Additional or Supplemental Certification
Mr. Davis raised the issue of local governments requiring certain certifications in addition to the state license on certain projects. He asked Mr. Mijares for his input because of requirements in El Paso. Mr. Mijares stated there had been an issue in El Paso regarding asbestos abatement and a mandatory certification that all data sheets were reviewed and no asbestos was involved in the project. The issuance of a certified revision letter was required under certain circumstances.

h. Project Management and Overlapping Practices
Mr. Mijares stated project management is a matter the Board should monitor and consider generally as a "blue sky" topic. He noted there are millions of dollars spent on project management yet project managers are not regulated. It is not unusual for them to approve pay requests without architects and engineers signing off on the pay request. There is no assurance the work is in accordance with architectural and engineering design documents before the project manager approves payments. Ms. Dockery reported that there have been efforts in the Legislature to regulate project managers, as well as roofing consultants. The architects had an interest in the roofing consultant bill because that practice overlaps the practice of architecture. Neither bill became law. She noted the Board should be aware of groups seeking legislation for licensure which might overlap the professions regulated by the Board.

i. Internship and Encouraging Licensure
Ms. Dockery stated she keeps urging the interns in her office to become licensed as soon as possible. She also observed that the convocation ceremony at the Texas Society of Architects convention was very nice and might help encourage interns to obtain licensure. She suggested that the Board consider offering something to incentivize interns to become licensed.

j. Mobile Apps and Social Media
The Chair noted that the agency has a Web site which gives the Board an Internet presence. However, more people are accessing the Internet via smart phones and other mobile devices. Younger people such as interns are especially more likely to rely upon mobile devices to access the agency's Web site through the Internet. He proposed making the Web site "mobile
friendly” so registrants can easily renew registration and conduct other business with the agency via a mobile device.

The Chair also suggested as a “blue sky” proposal that the agency consider expanding its presence to social media so more people will have access to agency information and communications. The agency might create a Twitter account and a Facebook account and gain a presence on other social media.

k. Electronic Media for Board Meetings
Ms. Odell and Mr. Mijares observed that TBAE is the only Board on which they have served which provides all meeting information and materials on paper. Mr. Anastos stated materials are provided on paper because the majority of the Board prefers it that way. It was noted that the agency already posts Board meeting notebooks on its Web site in a PDF format.

Mr. Mijares stated during his membership on other Boards, he has used Annotated PDF and Board Pack which provide the materials electronically and allow members to write notes in the documents.

The Board generally discussed receiving the materials for the next meeting electronically. The Board also considered having the materials sent electronically and in a paper media. Mr. Edwards suggested that hard copy versions of the notebook should be available at the meeting, in case one or more Board members forget to bring a laptop or tablet. Ms. Dockery asked to continue to receive a hard copy of her notebook due to technical difficulties in receiving email communications from the agency.

The Board directed agency staff to present options at the next Board meeting on different software programs and apps for distributing materials for meetings.

l. Further “Blue Sky” Discussions
Mr. Mijares suggested that the Board include blue sky discussion on the agenda for future Board meetings. Mr. Edwards asked what would become of the topics raised during the discussion. The Chair stated that all topics should be listed in the meeting minutes so that the Board may revisit them at future meetings and determine whether resources should be assigned to any of the topics, whether any topic should be delegated to a committee for further study or action, or whether an item warrants any further action.

9. Recent Texas Society of Architects (“TxA”) Report on Architectural Licensure and NCARB Efforts to Expedite Examination and Internship Requirements
The Chair reported that last summer he had been invited to attend a meeting at the offices of TxA which included President of NCARB, a senior architect and advisor to the CEO of NCARB, the President of TxA and the Executive Vice
President of TxA. As background and context for the meeting, the Chair reported that TxA is a member of a large state round table in AIA, along with New York, California, Florida, Pennsylvania, New Jersey and Michigan. In 2012 the Roundtable met and apparently focused on the path to licensure and the difficulties, cost, time and displeasure with the process and a general sense that the problems with licensure arise from NCARB. In 2013 the Roundtable met again to consider recommended solutions. Texas stepped forward and assumed a leadership position and drafted a white paper titled *The Path to Architectural Licensure*. NCARB sent representatives to Texas to meet with TxA to discuss the issues raised in the paper. The Chair attended the meeting regarding those concerns.

The Chair noted that NCARB representatives listened to the concerns raised regarding the licensure process and replied by reporting that NCARB had assembled a special task force to consider additional paths to licensure. The task force included representatives from other collateral organizations, including NAAB, educators, interns and recently licensed architects, and member board representatives. NCARB reported that work was underway to find efficiencies and streamline the process to gain licensure. The Chair also noted NCARB stated it will take some time and patience to find solutions but the concerns raised in the white paper are being addressed. NCARB reported its goal is to have a final report by the end of 2014.

The Chair reported that the TxA representatives stated the education component is fine and should not be changed. The concerns expressed have to do with the Intern Development Program ("IDP") and the Architectural Registration Examination. The Chair reported TxA representatives stated it should take no longer than 6 months to implement solutions.

The Chair noted that *The Path to Licensure* was published on the TxA Web site and some of the Board members may have seen it. He stated his understanding was the Board of TxA had endorsed it. The paper is being circulated to the Boards of the AIA Chapters of the other large states for endorsement. The Chair stated that to his knowledge no other state had done so.

Ms. Dockery reported that an AIA committee had endorsed the concept of AIA creating a licensing process to give states an alternative to IDP and the ARE administered by NCARB. Mr. Anastos noted that AIA is a professional society which is not an appropriate party to set licensing standards.

The Chair stated he has received a briefing from the NCARB task force which is studying the path to licensure. The current path is linear – generally there are a set of steps which must be taken sequentially. Some steps may overlap to some extent allowing parts of the steps to occur concurrently. The task force is examining that process, among others to determine whether examination may start in school. The Chair reported that the goal being considered is whether
licensure should occur upon graduation from an NAAB accredited school. He noted that is when licensure is granted in other countries such as the Philippines and Mexico. The Chair stated the criteria for goals for an alternate or additional path to licensure are: 1) the proposed path cannot be more expensive than the current process; 2) it cannot take longer than the current path; and 3) the licensure certificate must be universally accepted in all jurisdictions.

The Chair reported the NCARB Task Force will meet again in March. At that meeting, the Task Force is inviting schools of architecture for discussions on IDP. The Task force will be hearing from the Rice School of Architecture, and from Cincinnati and Drexler. Students in the Drexler model alternate school and work every other year. The Chair also reported that within a year NCARB will issue an RFP to universities to develop improved IDP programs and measures to expedite the internship process, which might include allowing access to the examination before the conclusion of IDP. Currently 46 states allow interns to begin sitting for the examination in this way, and six states do not.

Mr. Mijares asked if NCARB is considering whether the IDP program should be eliminated. The Chair responded that is not being considered. The Board members related their experiences as interns. The Chair noted the current NCARB President is the first to have fulfilled the IDP requirement.

Mr. Anastos stated some students would become licensed even if the requirements were twice as difficult. He asked what is to be done about students who are not that committed and do not have that drive. He stated this is probably a question for all jurisdictions and all professions. The Chair responded that the position that has been stated is passing the examination after getting a degree reflects all the knowledge and competence you need. The examination is the gold standard. He reported NCARB is revisiting IDP and is also considering a broadly experienced intern program to consider work experience that is not currently credited through the IDP process. Mr. Mijares stated that was the way experience used to be considered and a lot of good architects did not complete the IDP program. Ms. Dockery expressed some concern about people who are 22-23 years old, fully licensed and setting out to practice architecture outside of the internship process.

The Chair stated that the median time to complete the examination since the computerized exam was adopted in 1997 is 1.8 years. Since 2012, 40% of applicants for an NCARB record are women. The median time to complete IDP went from 5.3 years in 2012 to 4.8 years today. The Chair also reported an additional path for licensure in 6 years instead of 13 from start of education through licensure. He noted it is an ambitious program that will be very rigorous.

Mr. Anastos inquired about the sudden interest in scrutinizing internship and examination and licensure. Since NCARB was working on this before TxA issued the white paper, there must be something else to cause all this interest. Ms.
Dockery explained there was a NCARB/AIA Intern survey in 2012 in which a significant percentage of interns reported they could not fulfill a specified category in IDP and had to quit working for one firm and go to a different firm for that particular experience. There generally were complaints about NCARB in that timeframe regarding a lack of transparency, an unsustainable licensure model and costs.

Ms. Dockery reported on the NCARB task force working on the development of the Architectural Registration Examination 5.0 which will be administered beginning in 2016. The examination will be six parts, more aligned with practice and there will be two new parts on practice management and project management. Mr. Anastos asked if IDP will be geared to stay abreast of the subjects covered through education and examination. Ms. Dockery stated that the committee includes six educators to ensure relevance of examination and education to practice.

The Chair outlined the process for determining the substance of the examination. Every six to seven years NCARB conducts a practice analysis to determine what subjects and tasks take place in the course of practice. This informs the decision on what should be taught in architectural programs, what experience should be covered in IDP and covered in the examination. NCARB received 7,800 responses out of 15,000 surveys sent out. The Chair reported he was part of the group that analyzed and compiled the data reported from the 7,800 responses. From this data, NCARB tries to create a defensible document articulating what students, interns, and practitioners should know. NCARB retains PhDs in psychometrics to develop an examination that is valid in testing for relevant information in a manner which accurately demonstrates that knowledge. So when there is criticism of the examination and experience requirements it is really ultimately criticism of the practitioners who establish the content of the examination initially through the practice analysis.

The Chair also provided an update on the following developments from NCARB:
   A new App for reporting IDP;
   A new App for scheduling sections of the ARE;
   NCARB is now offered abroad in London and Abu Dhabi; and
   Thirty-four boards have agreed to the U.S./Canadian reciprocal recognition agreement.

Mr. Mijares asked Ms. Dockery if the Committee is considering elimination of the design part. Ms. Dockery answered that it is not but the examination will include new types of questions requiring more analysis. The questions require an identification of code problem and solutions. A vignette is no longer in each part. She stated it will be an improvement over vignettes.

The Chair noted that the pilot program NCARB is seeking to establish for an additional path to licensure will raise issues for member boards, including TBAE.
Many states accept the blue cover without looking behind it to ensure compliance with certain specific requirements. Texas looks behind the blue cover.

Ms. Dockery indicated one requirement the Board might consider is doing away with the requirement that a candidate allow 6 months to lapse between attempts to pass a part of the examination.

12. **Adjournment**

A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ADJOURN THE MEETING AT 4:53 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

ALFRED VIDAURRI, JR., AIA, NCARB, AICP
Chair, Texas Board of Architectural Examiners