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
      Secretary/Treasurer Sonya Odell called the roll.

Present
Alfred Vidaurre  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
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  Registration 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, James Perry, Executive Vice
   President/CEO for Texas Society of Architects, Nancy Fuller, Assistant
Attorney General of the Office of the Attorney General and Carolyn Hiza, a registered interior designer.

F. **Chair’s Opening Remarks**
The Chair welcomed everyone to the first Board meeting of the year. He acknowledged the newest board members and complimented them on their steep learning curve and ability to understand and engage in Board business after a very short time on the Board. The Chair stated that he has the general impression that the industry is changing with regard to the economy and people are busy again which will impact the Board in its business. He explained the concept of “Blue Sky” and moving forward with emerging trends and responsibilities so that an organization can be proactive and not reactive to foreseeable changes. He noted that he had recently given a leadership presentation about the concept of the “value proposition.” The value proposition focuses upon not about what we do, but why we do it. It is not a question of outcome or product but of the value derived from what the organization does. For his firm, the answer to the question why it does what it does is to provide clean water, safe roads, good buildings, and working systems to the communities and clients for whom it renders services. The Chair suggested transferring that concept to the Board to maintain an awareness of the purpose for what it does, and not just doing what it does.

G. **Public Comments**
The Chair opened the floor for public comment and recognized James Perry, Executive Vice President for the Texas Society of Architects (“TxA”).

Mr. Perry thanked the Board for giving him an opportunity to address the Board. He stated he was aware the Board had reviewed the *Path to Licensure* report by TxA. The report was prepared at the behest of the Large State Roundtable of the AIA. He said when TxA was drafting the report, he and his President and others met with Mr. Armstrong of NCARB to get information for the report. Mr. Armstrong noted that the membership of NCARB is made up of state architectural boards and the NCARB process is that of the state boards. Mr. Perry stated, with that in mind, TxA would like to charge the Board with representing Texas architects in discussions with NCARB. He liked the Chair’s comments on being proactive and that is what TxA would like in changing processes at NCARB. He stated that TxA favors an examination of the processes that NCARB has set up, and whether those processes work for the State of Texas. He stated he knew NCARB had a committee working on revisions to the architectural registration examination which will reduce the number of examination sections. Mr. Perry expressed his hope that the Board will be active in making changes to the Intern Development Program, which he described as an expensive and bureaucratic process and for young
interns, a very onerous process. He stated TxA encourages the Board to review its policies on internship and use its influence over NCARB to help make the process easier but not less rigorous.

The Chair thanked Mr. Perry for his comments. The Chair noted no other member of the public had completed a card requesting to speak and asked if any other member of the public wished to address the Board. No one responded.

2. Approval of the August 22, 2013, Board Meeting Minutes
The Chair put the draft minutes of the last Board meeting before the Board. A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO APPROVE THE AUGUST 22, 2013, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY (Dockery abstained).

3. Executive Director Report – Presentation of Budget
A. Operating Budget – Presentation of FY2013 end-of-year expenditures/revenue
The Chair stated that the Executive Director is not present and has an excused absence from the meeting. Therefore, agency managers will make the presentation of the Executive Director’s report as a team. The Executive Administrative Manager introduced the team to the Board: Communications Manager, Glenn Garry; Registration Manager, Mary Helmcamp; Finance Manager, Ken Liles and Staff Services Officer, Christine Brister; and IT Manager, Dale Dornfeld.

The Finance Manager outlined details of the Fiscal Year 2013 budget. He stated that the agency closed 2013 with a $17,430 deficit. He noted that when the Board adopted the budget it granted the agency authority to access the fund balance for up to $166,000 so the deficit was not unanticipated and it is much lower than was originally anticipated and budgeted. He reported that revenues were strong last year which accounts for the lower than anticipated deficit. He also outlined certain expenditure line items that exceeded budgeted amounts. For example, the expenditures for the line item “professional services and fees” exceeded the $35,000 budgeted amount by roughly $2,000 because of the cost of one enforcement case. In addition fees charged for receiving electronic payments were marginally higher than the budgeted amount. The Finance Manager noted the fees charged for online payments are very difficult to accurately predict as it is a very dynamic process, causing the total amount of the fees paid to fluctuate. The actual amount of the total fees paid was $1,500 more the $108,800 budgeted.

Mr. Anastos asked about the $166,000 draw on the fund balance that was approved by the Board last August. He noted that the reason the agency did not need the entire draw was not because of strong revenue but
because the agency did not expend as much as budgeted. Mr. Liles amended his earlier comment and stated that was correct. The agency expended $200,000 less than budgeted.

The Chair noted that the 2013 budget included IT upgrades and the agency expended roughly $12,000 less than budgeted. The Chair asked if all budgeted upgrades were completed. The IT Manager stated the agency deferred contracting for cloud services because it learned it could realize significant savings by contracting with the Department of Information Services' vendor for cloud access and DIR would not bring the agency online until the following fiscal year. The deferral saved the agency $5,000. The agency deferred IT training which saved $4,500, the agency saved $1,000 on the purchase of desktop computers, and postponed purchasing an air conditioner for the server room. These factors accounted for the agency expending less than budgeted on IT upgrades.

The Chair asked about the lower expenditures on the line item "office rental and equipment leases". The Finance Manager stated that the agency budgets its rental payment based upon the payment made for the preceding fiscal year. The Facilities Commission looks backward and invoices for rent after the close of the fiscal year. Rent is now lower than it was in 2012 so the budgeted amount is greater than the amount actually paid. Additionally, he said that he does not know what the next cycle will be and whether the rent paid in 2013 will be accurate compared to the rent for 2014.

Mr. Edwards stated that he noticed most items are very close to the budgeted amount and several expenditure line items were under budget. He thanked staff for keeping costs down.

The Chair asked if there are any FTE positions which are not filled. The Finance Manager stated he was not aware of any. He said historically the agency staff count has been higher and it is currently trending lower.

The Finance Manager drew the Board’s attention to the page in the Board materials titled "Fiscal Year 2013 Budget Scholarship Fund." He stated that the agency distributed 51 scholarships in 2013 and ended the year with a balance of almost $140,000.

The Finance Manager then addressed the Fiscal Year 2014 Budget. He noted that the Board had challenges in creating this budget because the Legislature made some changes to the Registered Interior Design law requiring untested registered interior designers to pass the NCIDQ examination in order to remain registered after September 1, 2017. In developing the budget it was reasonable to assume some registered interior designers would decline to continue to maintain registration but it
is difficult to determine how many would surrender registration each year. He said the agency maintained a good, constant revenue stream from September through December. During that period the agency collected 35% of the projected total revenue for the year. He said that there doesn't appear to be an appreciable drop in revenue but he is watching it carefully.

The Finance Manager explained that budgeted business registration revenue projections were based upon 12 months of collections. The business registration fee has been collected only for a 9-month period so revenues are short of the $67,000 revenue projection. He explained that it will probably come in around $50,000. The shortfall will not be enough to really hurt agency operations.

The budget projects the agency will collect $75,000 in late payment penalties. The Finance Manager noted that the agency has collected over 50% of that amount in the first 4 months of the Fiscal Year. He noted this is much more than was anticipated because one of the recent legislative changes was to reduce the amount the penalty is based upon which lowered each assessed penalty by two-thirds. The Finance Manager stated, in light of that change, it is puzzling that the amount of revenue from late penalties is as high as it is. The Chair asked the amount of most late penalties after the legislative change. The Finance Manager stated the penalty for renewing registration sooner than 90 days after expiration is now $52.50. It was $152.50.

Mr. Anastos asked if a registrant still must renew before the end of the registrant’s birth month. The Registration Manager confirmed that is correct. Mr. Anastos asked if the amount of the late penalty still increases over time if not paid. The Registration Manager confirmed that the late penalty increases by another $52.50 after 90 days. Mr. Anastos asked if the same late fee model applies to registered businesses. The Registration Manager confirmed that it does.

The Chair asked if there is information about the number of people who are renewing late. The Finance Manager stated the agency can research to determine that. The Chair noted that the volume of people who are late must be skyrocketing if the amount of the late penalty decreased but the total amount collected remains at or near the amount it was before the change to the statute. The Finance Manager said in the past the agency typically collected approximately $200,000 per year in late fees and it appears the agency might collect that amount again. Mr. Bearden asked if the public is aware that the late fees were reduced by the Legislature. The Finance Manager noted that it appears people apparently are well aware of the reduction in late penalties. The Communications Manager
also confirmed that it had been the subject of an article in the agency newsletter.

The Chair asked the number of late registrants be reported as part of this report. The Chair noted registrants are not allowed to practice with a delinquent registration. He suggested that the agency should include a reminder in outreach and communication efforts about prohibitions upon practice and sealing documents during any period of delinquent registration.

Ms. Dockery noted the agency no longer receives enforcement penalties. She asked if the agency still collects them. The Finance Manager stated that the agency collects administrative penalties and transfers them to the Comptroller. He said revenue derived from administrative penalties show up in the agency's Safekeeping Trust account as revenue and then the agency transfers the funds out. Since that revenue is not available for agency expenditure, it is not included in the budget and does not appear in the budget materials before the Board. Ms. Dockery stated she understood that the agency does not keep them but she believes the agency should account for them.

Mr. Anastos agreed penalties should appear in budget documents. Administrative penalties are collected by the agency and paid to the Comptroller. The corresponding amounts should be reported to the Board. The Chair expressed concern about the results of future audits if these amounts are not reported to the Board. Ms. Miller also stated they should be reported. The Finance Manager stated he would be happy to include information regarding administrative penalty revenue collections and transfers to the Comptroller in all future budget reports to the Board. He noted he would provide it on a separate sheet so it does not confuse matters regarding the budget as it was previously approved.

Ms. Dockery asked about the postage cost. The agency has already spent 70% of the amount budgeted for postage in the first third of the year. The Finance Manager explained that the agency had incurred $8,000 in postage costs for mailing postcards informing registrants of the new law requiring them to submit fingerprints. He noted that the agency has expended a lot of the amount it budgeted for postage for the same reason. Ms. Dockery observed that the Board had discussed using electronic notebooks during its meeting on the previous day. She suggested that might help recover some of the cost of printing and postage.

Mr. Edwards noted there is really no way to budget enforcement penalties in its budget because it is not available for agency expenditure. The Finance Manager agreed it is problematic to include projections for administrative penalties and showing the transfer of those moneys as an
expenditure line item in the budget. The transfer of enforcement penalties is not really expenditures of them. The Chair clarified that the Finance Manager should prepare a document showing the total amount of administrative penalties collected, deposited into, and transferred out of the Safekeeping Trust account but not to make it a part of the agency's operating budget. The Chair observed it would be a report similar to the report currently provided to the Board on payments from and balances in the scholarship fund.

Mr. Edwards asked if the $41,000 for IT upgrades and servers accounts for the amount deferred from 2013 because of the delay in transferring to cloud computing. The IT Manager stated part of the savings is because of missed training. The IT Manager reported the agency is transitioning to Microsoft Office 365 cloud program and the agency has started paying for that in December. The contract for Office 365 through DIR is cheaper than budgeted. The IT Manager reported that most of the $41,000 is for the replacement of servers. The plan is to replace half of that equipment in 2014 and the other half in 2015.

The Finance Manager noted that the 2014 Budget document shows almost $169,000 paid on the $510,000 paid annually to the General Revenue fund. That amount has not actually been paid. The amount is amortized over the year to avoid the misleading appearance of a $510,000 surplus until it is paid at the end of the year. He reported that the agency's rental payment is similarly shown as one-third paid but the rent payment is not made until the end of the year. Even after pretending we paid one-third of those expenses we show a surplus of $52,000. After one quarter plus a month, the agency's income is very healthy. Part of that is from late fees and part of it might be the result of a better economy.

The Finance Manager noted the agency is approving 26 scholarships, leaving a balance of $139,000. Mr. Davis asks if that balance accrues interest. The Finance Manager reported the fund is kept in the Safekeeping Trust and it earns one-tenth of 1 percent of interest. It earns about $1 or $2 per year. Ms. Dockery asked if there is a limit on the number of scholarships granted. The Finance Manager stated there is no limit.

There were a series of graphs in the Board meeting materials portraying financial, registration, and enforcement trends. The Finance Manager outlined a graph titled “Revenues, Expenditures, Fund Balance by Fiscal Year.” He noted the graph is largely self-explanatory and noted there was a time when the agency’s revenue far exceeded its expenditures which is not currently the case.
The Finance Manager also outlined a series of graphs portraying the actual balance in the Architectural Registration Examination Financial Assistance Fund and projections of the balance under different scenarios in which a surcharge of different amounts might be assessed. The Finance Manager noted that currently, with no surcharge, it is projected that the Fund will be completely depleted around 2020. The next graph shows projected depletion rates if a surcharge of $.50, $1.00, $2.00, and $3.00 were assessed upon each renewal of architectural registration. The Finance Manager reported that it is projected a surcharge of $2.39 would sustain the Fund indefinitely.

Mr. Anastos requested that the Architectural Registration Examination Financial Assistance Fund and a possible surcharge be placed on the agenda for the Board’s next meeting.

The Finance Manager described the next graph portraying the scholarship fund balance by fiscal year and numbers of scholarships issued in each year from 2009-2013.

B. Trend Analysis Presentation:
The Chair recognized the Communications Manager to outline the next set of graphs, relating to enforcement penalties, registration matters and agency communications. The Communications Manager stated that the graph titled "Penalties Assessed and Collected by Fiscal Year" shows a data set three ways: amount assessed, amount collected, and percentage collected. The Investigations Manager explained to the Board that in 2009 the Board assessed an administrative penalty of $200,000 and assessed a $300,000 administrative penalty in 2010. The agency referred both cases to the Office of the Attorney General for collection. The Respondents failed to pay any part of the penalties in both cases which resulted in the percentage collected to be lower for each of those years. He also explained that in 2012 the Board imposed a $100,000 administrative penalty against an out-of-state non-registrant which was not collected. Ms. Dockery asked how aggressive the Attorney General is about collecting administrative penalties. The General Counsel reported that the Office of the Attorney General has done well in collecting administrative penalties but by rule it will not pursue collections from anyone located in another jurisdiction.

The Chair recognized Mr. Lancaster of TxA who asked if the agency is permitted to retain an administrative penalty assessed before the Legislature adopted the requirement that administrative penalties are to be deposited in the General Revenue Fund. The Finance Manager stated the law requires all administrative penalties collected after September 1, 2013, must be deposited in the General Revenue Fund. The agency may not
keep enforcement penalties after September 1, 2013, regardless of when the penalty was assessed.

The Communications Manager outlined the following graph relating to the average time to resolve a complaint. He noted that the average time went up in 2012 when the agency was undergoing Sunset review and agency personnel was required to devote time to responding to requests for data as part of that review. The Communications Manager outlined the next graph regarding the number of full-time equivalents in the agency from Fiscal Year 2009 to Fiscal Year 2012. He noted the difference between full-time equivalent and the number of people. The term "full-time equivalent" is a measure of time for which a salary was paid. It assumes 8 hours per day is the equivalent of a full-time employee. The next graph portrays the agency's total staff salary paid in each year from Fiscal Year 2009 through 2012. The Communications Manager noted the graph shows that the staff salaries total has trended downward by 5.2% over that time period.

The next graph shows the number of "affected RIDs" who have signed up to take the NCIDQ examination. The term "affected RID" refers to registered interior designers who have not passed a design examination and, under the Sunset bill, must pass a design examination in order to remain registered after September 1, 2017. The graph shows 46 out of roughly 1,800 have signed up for the NCIDQ examination. The Communications Manager stated the agency reached out to all of the roughly 1,800 via email to inform them they must pass the examination to maintain registration. The number who signed up is roughly 2.6 percent. The Chair asked when the numbers were compiled. The Communications Manager stated the email was sent in June of last year and the numbers compiled around February 1, 2014. Mr. Anastos noted this 1,800 represents a specific age group and it is unlikely more than a very small percentage of these registered interior designers are likely to sit for the examination. The agency should plan for that. Ms. Dockery asked whether the 1800 includes architects who are registered interior designers who have not passed the NCIDQ. The Communications Manager answered in the negative. Architects who have passed the architectural registration examination may maintain registered interior design status without passing any other design examinations.

The next graph, titled "RID attrition since HB 1717" shows that the number of registered interior designers have gone down by roughly 100 since June 2013. Mr. Davis asked when the deadline for registered interior designers is in order to maintain registration. The Communications Manager stated it is September 1, 2017, so the numbers might drop suddenly on or before that date.
The Communications Manager outlined a graph titled "Open Exam Candidates by Profession by Fiscal Year." He explained the bar graph shows the number of candidates who are eligible to sit for the examination and have paid the record maintenance fee. The Registration Manager explained that a candidate may sit for the examination without paying the record maintenance fee but in order to receive the examination results, the candidate must pay the fee. The graph may underestimate the number of exam candidates by the number who are sitting for the examination but who have not paid the $25 record maintenance fee. Mr. Anastos asked if something happened in 2010. The number of architectural examination candidates seemed to increase that year and stay above the number form 2009. The Registration Manager stated that in 2010 NCARB transitioned to a new examination. Candidates would normally try to complete the examination before the transition to avoid having to retest on previously passed sections or postpone sitting for the examination until after the transition. The numbers might show a lower number in 2009 followed by a return to normal numbers in 2010 and thereafter.

The Communications Manager outlined three graphs showing, by fiscal year, the numbers of new registered interior designers, new landscape architects and new architects, respectively, for fiscal years 2009 – 2013. The graphs show the numbers who gained initial licensure by examination and by reciprocity for each profession during each fiscal year. He noted that there is a 53% drop in newly registered interior designers over the 2009-2013 period. For all three professions in the aggregate, there has been a net gain of 98 over the 5-year period. Mr. Anastos asked how these trends compare to other states. The Communications Manager stated the agency is not aware of nationwide registration trends but agency staff will research it and try to find the answer. The Communications Manager also noted that the percentage of registrants who reside in-state has consistently remained at 93% for registered interior designers, 74% for landscape architects, and 65% for architects.

The last graph shows the number of presentations and impressions made by the agency in its outreach efforts from Fiscal Year 2009 through Fiscal Year 2012. Ms. Dockery asked about the meaning of the term "impression" on this graph. The Communications Manager stated it refers to the number of people who received information at a presentation. The graph shows a spike in 2010 which is when 500 people attended a presentation at the TxA convention.

The Board took a break at 10:28 a.m. and reconvened at 10:45 a.m.

D. **Survey of Employee Engagement 2013**
The Staff Services Officer presented the Survey of Employee Engagement report for 2013. She outlined the executive summary of the report in the
Board meeting materials. The survey is an employment assessment tool which is conducted every 2 years, usually at the end of each legislative session year. It is not required but highly encouraged. The Staff Services Officer reported that the survey results are shared with the State Auditor's Office which reports it to the Legislature prior to session. She stated that the agency's overall score for the survey was 424 which is a great improvement over the score of 382 received in 2011. Scores normally range from 325 to 375 for other agencies. The scores go up to 500 so we were very pleased with a score of 424.

The Staff Services Officer stated that employee participation on the survey is voluntary and anonymous. The survey was completed by 95% of agency staff, which is considered a high response rate and an indicator that employees have an investment in the organization. The Staff Services Officer outlined the construct analysis which highlights the three highest scoring categories and the three lowest scoring categories. Highest score was supervision, meaning staff is pleased with leadership. Next highest is external communication and then physical environment, referring to office environment. Pay scored the lowest at 378 followed by internal communication which came in at 406 and quality at 417. Quality refers to efforts on improvement principles such as customer service and other improvements, the assessment of needs and efforts to address those needs. The Staff Services Officer noted that even though these three constructs received the lowest scores, they are still very high scores. She stated that 375 and above are generally considered an area of strength. In fact, TBAE's score increased by 92 points this year. Mr. Anastos asked if it is typical for pay to be the lowest score with other agencies. The Staff Services Officer responded that it is.

The Chair noted that the construct analysis might also show the effects of the economy. Staff scores may be higher in times when unemployment is higher and staff is satisfied to have a job.

Mr. Bearden asked typically what time of year is the survey conducted. She answered usually late in the year. This survey was conducted in December.

The Chair noted the high response rate from an internal survey. He asked if the agency sends an external survey to the registrants. The Communications Manager said that the agency sends a survey out every 2 years to all registrants, building officials, school district officials, and general public, totaling more than 20,000 surveys. The Chair asked the percentage response rate. The response rate is typically 10-15%, compared to the 95% rate for the employee survey.
C. Outreach Program Update
The Director of Registration gave a presentation regarding outreach by the agency. She stated that the agency gave a presentation at the TxA convention in Fort Worth and at the AIA chapter of the Lower Rio Grande Valley. The registration department made presentations at Texas State University, UT Austin, UT San Antonio and is scheduled to participate in a panel discussion with architecture students in Ft. Worth during the week following the Board meeting. In addition, the registration department is scheduled to make presentations to students at Sam Houston State, Prairie View, interior design conference in Dallas, IIDA student conference in Houston, Texas A&M and Art Institute in Austin.

Mr. Anastos stated that he would like the agency to make presentations to building officials and city managers at the same time and place. He suggested that the agency should send one or two people to each of the 10 largest cities in Texas because he believes there are still building officials not current on HB2284 and on other things, regarding roles of architects and engineers. The Managing Investigator responded to Mr. Anastos by stating that he had personally made presentations to the City of Dallas and BOAT and would be making another presentation in August. The Chair noted the Texas Municipal League has a large event which rotates among different cities. This year it is in Houston. Mr. Anastos agreed that the agency should present there to take the message above the building official level. Mr. Davis inquired as to whether the agency would be attending the ASLA Convention. The Communications Manager replied in the affirmative. The Chair suggested that the agency upgrade the transportable board that the agency takes to conventions for exhibit purposes. He stated it is something the Board should consider when it next considers its budget.

The Chair thanked staff on their presentations on behalf of the Executive Director’s Report. He stated he appreciated the graphs and the Board next should hone in on which is necessary.

Report on Conferences and Meetings
A. 2013 CLARB Board of Directors/Annual Meetings – Sep 26-28
Mr. Davis reported on the 2013 CLARB Annual meeting. He stated he attended the meeting with the Executive Director. It was his first meeting, very informative, and he looks forward to becoming more active in the future.

B. 2013 LRGV-AIA Building Communities Conference – Sep 26-27
The Managing Investigator stated that he attended the Lower Grand Valley Conference and made a presentation on fingerprinting and late penalties which was well received by the audience.

C. Texas Association of School Administrators/Texas Association of School Boards Conference 2013 – Sep 17-28
General Counsel and Communications Manager attended the School Administrators Conference. The General Counsel noted it was a very large conference and the agency booth received a fair amount of foot traffic, considering it was not an architectural event. The Communications Manager echoed the General Counsel's comments. He added that the agency will attend the next conference and will apply to make a presentation regarding the Professional Services Procurement Act.

D. **TxA 2013 Convention and Design Expo – Nov 7-9**
A number of Board members attended the TxA convention in Fort Worth. Ms. Dockery commented on an elegant and moving convocation for new architects by TxA and presented by the Chair, and TxA President Larry Speck. She mentioned also that Ms. Elizabeth Chu-Richter gave a presentation. Mr. Mijares thought that the keynote speakers were great and relevant topics were presented at this convention, particularly regarding the second topic on health issues. In addition, the location was great and it was a good overall experience. Mr. Anastos reiterated the Board’s sentiment about the convention. He stated the programs were outstanding. He stated the staff made a great presentation but were met with a little hostility at first on the fingerprinting issue. He stated the Board is finally overcoming the perception that the Board is responsible for the fingerprinting requirements. The Chair asked Mr. Lancaster to convey to the TxA Board TBAE’s gratitude for the exhibit space, the presentation opportunity, and the opportunity to participate in the convocation.

E. **NCIDQ 2013 Council of Delegates Meeting – Nov 8-9**
Ms. Odell reported that she and the Executive Director attended. She reported that the improving economy is providing opportunities for interns to obtain mandatory experience. All jurisdictions report a lot of people are not taking the examination.

Mr. Edwards reported that he and Mr. Davis attended the Attorney General Law and Liability Conference held in Austin in early November 2013.

4. **Update on NCARB Spring-Regional Meetings and Annual Meeting (Information)**
The Chair stated that this spring meeting in San Antonio is a pilot program for NCARB and that Texas is in the largest of the six regions in the nation. At this meeting, all six regions will meet for the first time in history, but the regions will set the agenda. This meeting is an economic driver to see how this will work in the future. He explained that Texas is not the host region even though the meeting will be held in Texas. The host region is region 4 which is in Ohio. Region 4 chose to move the meeting to the southern part of the country. More of these regional meetings will start to take place in the southern part of the country because of the climate. The spring meeting will be in the south and the annual meeting in June will be held in the north part of the country. This year the annual meeting will be held in Philadelphia. He mentioned that Ms. Dockery has done an
excellent job of organizing the tours for the spring meeting in San Antonio. He thanked Ms. Dockery for this service, as well as the AIA Chapter in San Antonio for its leadership.

The Chair stated that on March 22, 2014, there will be an Educator's Conference in Raleigh, North Carolina on the campus of North Carolina State University. The Chair will be attending and he will speak at the meeting. They invite educators to this meeting to have a collaborative meeting. The invitation is extended to all schools of architecture in Region Three, usually the dean or someone high in academic oversight in the architectural schools attend the conference.

The Chair directed the Board to turn to the enforcement section of their notebooks.

7. Enforcement Cases (Action)
   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 (Anastos/Edwards) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDED ADMINISTRATIVE PENALTIES IN THE PROPOSED AGREED SETTLEMENTS OF THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:
   Appel, Jennifer (#196-13L)
   Armstrong, Ted (#009-14A)
   Bache, Debra Lee (#195-13I)
   Batho, Robert T. (#174-13A)
   Blonski, Arcadio (#198-13A)
   Boggio, Michael A. (#002-14A)
   Eckols, Donald A. (#061-14A)
   Evans, Evan U. (#201-13A)
   Henderson, Mark W. (#006-14A)
   Hiza, Carolyn F. (#003-14I)
   Kniffen, Anne E. (#008-14I)
   Lam, Nai (#212-13I)
   Langford, Steven W. (#169-13I)
   McIntyre, Timothy A. (#010-14A)
   McMillan, Ben S. (#194-13A)
   Mendoza, Gary A. (#093-13A)
   Monsanto, Hugo (#197-13A)
   Montgomery, Robert E. (#062-14I)
   Moore, Sherry R. (#211-13I)
Mullican, Gerri P. (#056-14I)
Oberholzer, Mark A. (#004-14A)
Rickard, Susan E. (#005-14I)
Robert, John E. (#051-14A)
Robertson, Stan A. (#055-14A)
Scoggins, William Curtis (#213-13L)
Sorenson, Mark E. (#046-14A)
Wellman, Parke R. (#191-13A)
Yeatts, Gordon N. (#110-13A)
Young, C. Cal (#200-13A)
Young, Erron A. (#214-13A)
THE MOTION PASSED UNANIMOUSLY.

The following continuing education cases were heard separately because certain board members recusing themselves due to an actual or potential perceived conflict of interest with the Respondent in each case:

Huerta, Javier (#007-14A)
A MOTION WAS MADE AND SECONDED (Dockery/Mijares) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR’S PROPOSED SETTLEMENT INVOLVING JAVIER HUERTA IN CASE NO. 007-14A. THE MOTION PASSED UNANIMOUSLY (ANASTOS RECUSED AND ABSTAINED FROM VOTING).

Swanteson, Catherine L. (#204-13I)
A MOTION WAS MADE AND SECONDED (Mijares/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR’S PROPOSED SETTLEMENT INVOLVING CATHERINE L. SWANTESON IN CASE NO. 204-13I. THE MOTION PASSED UNANIMOUSLY (ODELL RECUSED AND ABSTAINED FROM VOTING).

Vernooy, David A. (#166-13A)
A MOTION WAS MADE AND SECONDED (Davis/Bearden) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR’S PROPOSED SETTLEMENT INVOLVING DAVID A. VERNOOY IN CASE NO. 166-13A. THE MOTION PASSED UNANIMOUSLY (MIJARES AND ANASTOS RECUSED AND ABSTAINED FROM VOTING).

Review and possibly adopt ED’s recommendation in 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:

Garrison, Michael (#168-13N)
This case involves a registered architect who was revoked in 1989 for failure to pay renewal fees. Mr. Garrison prepared plan sheets for a house and presented them to the City for permit approval. The Executive
Director reviewed the findings of fact and recommended a $6,000 penalty which represents a penalty of $3,000.00 per sheet. The Chair asked if the "McMansion ordinance" requires an architectural seal. The General Counsel stated it does and requested input from the Managing Investigator who confirmed that it does. Mr. Lancaster of TXA provided further detail on the application of the ordinance. Ms. Dockery asked if the recommended administrative penalty is within the matrix. General Counsel confirmed that it is. Mr. Edwards asked about the number of sheets to which Respondent affixed his non-compliant seal. A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 168-13N INVOLVING MICHAEL GARRISON. THE MOTION PASSED UNANIMOUSLY.

Jetton, Sheila (#219-12N)
This case involves a non-registrant who prepared four sheets of plans for a church, but was unaware that she was restricted from preparing plans on a church. She had been advised by an architect that she may lawfully prepare architectural plans for a commercial building up to 20,000 square feet which led her to believe she could prepare architectural plans for a smaller church. In addition, there were other mitigating circumstances for the Executive Director's recommendation. The Chair asked if there were any evidence she had used an architectural title. General Counsel stated she had not and the agency had investigated that issue. Mr. Mijares asked about wind loading and whether the plans complied with those standards and if construction went forward. General Counsel stated Respondent employed an architect when she learned one was necessary and the architect completed the design. Construction did move forward but likely complied with building codes. A building official turned her into the Board. A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 219-12N INVOLVING SHEILA JETTON. THE MOTION PASSED UNANIMOUSLY.

Pappageorge, George (#120-13A)
This case involves an architect who sealed a project while his license was on inactive status. His secretary changed his status to inactive and forgot to change it back prior to him working on the project. Ms. Dockery noted Respondent reported himself. The Managing Investigator confirmed he did. The investigation showed he was not aware his registration was still on inactive status and he brought it to the attention of the agency when he learned it was. A MOTION WAS MADE AND SECONDED (Davis/Mijares) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 120-13A INVOLVING GEORGE PAPPAGEORGE. THE MOTION PASSED UNANIMOUSLY.
Taniguchi, Evan (#176-13A)
This case is a companion case to the case involving Michael Garrison. The City of Austin would not accept Mr. Garrison's plans for permitting so Mr. Garrison approached Mr. Taniguchi to revise the plans. Mr. Taniguchi converted the plans to CAD and added information necessary to comply with the "McMansion" Ordinance. He neglected to note on the plan which parts were his work. The Executive Director recommended a small administrative penalty because it is a minor, technical violation and neither the client nor the City was misled or harmed by Respondent's conduct.
A MOTION WAS MADE AND SECONDED (Mijares/Bearden) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 176-13A INVOLVING EVAN TANIGUCHI.
The Chair recognized Mr. Anastos. Mr. Anastos stated he was troubled by this case. He noted that it is common for a principal of a firm to affix his architectural seal to architectural plans prepared by architects on his staff. Mr. Anastos asked why this is not permitted in this case. The Managing Investigator stated it has to do with a failure to exercise supervision and control. Mr. Anastos stated clients bring plans to architects and ask that they be drawn to scale with information added to comply with building codes. The non-registrants' plans have no value and are not architectural plans until an architect revises them. He stated he sees no violation here. General Counsel stated that is a policy decision the Board may make but the rules prohibit architects from sealing architectural plans unless they are prepared by or under the supervision and control of the architect. Ms. Dockery noted that the affixation of the architect's seal, without more, created the incorrect impression that the entire sheet was prepared by the architect. She stated the false impression is the violation. Mr. Anastos asked a hypothetical question. If an architect studies plans and adds calculations and other information, is that enough engagement to withstand the supervision and control requirement? The Managing Investigator stated it does not because that level of engagement, after the fact, does not involve the frequent and continuous communication during design development. Mr. Edwards outlined the facts: the city rejected the plans because they bore Mr. Garrison's non-compliant architectural seal. The Respondent reviewed and sealed them but they were rejected because they were the same plans previously filed with a different architect's seal. Mr. Edwards stated the Respondent took responsibility for the work after he studied them and sealed them. Mr. Edwards agreed with Mr. Anastos in that he does not understand the violation. Mr. Mijares pointed out that the violation is Respondent's failure to identify specifically what he added to the plan sheets. The General Counsel read the disclaimer the Respondent printed on the plan sheets. Respondent's disclaimer made it clear these were the architectural plans previously prepared by Mr. Garrison. The only violation is the failure to make it clear what portion of the plan sheet the Respondent prepared. Mr. Davis asked
about the minimal sanction available to the Board. Mr. Edwards noted somebody had to seal the rest of the document to comply with the ordinance. If Respondent had complied with the rule, the plan sheet would not comply with the ordinance. He asked what could be done to comply with the rule and the ordinance. The General Counsel stated under the Board’s rule, assuming the city required an architectural seal on the entire document, an architect would have to be retained to prepare the plans from the beginning. Mr. Edwards expressed concern about the application of this rule. Apparently, the rule prohibits using pre-existing plans to design a remodel to a pre-existing building. Mr. Mijares noted that would be permissible so long as the changes are clouded so it is clear what the architect designed and the extent to which the architectural seal applied. Mr. Edwards stated he remains unsure about the application of the rule.

THE CHAIR PUT THE MOTION BEFORE THE BOARD FOR A VOTE. THE MOTION PASSED 5-2. (Anastos and Davis opposed. Edwards abstained.)

Taylor, John (#127-11N)
The General Counsel noted Respondent owned a design firm which advertised architectural services at a time when there was no architect to practice on behalf of the firm. The proposed agreed order included the Executive Director’s recommendation for the imposition of an administrative penalty of $10,000.

A MOTION WAS MADE AND SECONDLED (Dockery/Anastos) TO APPROVE THE EXECUTIVE DIRECTOR’S RECOMMENDATION IN CASE NUMBER 127-11N INVOLVING JOHN TAYLOR. THE MOTION PASSED UNANIMOUSLY.

The Board took a break for lunch at 12:12 p.m. and reconvened at 1:03 p.m.

5. The Board convened in closed session at 1:04 p.m. pursuant to Section 551.071, Government Code, to confer with legal counsel regarding pending litigation and prospective settlement involving TBAE v. Powell, Nigagioni, and Hernandez on behalf of PBK Architects and Gignac on behalf of Gignac & Associates.

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

The Board completed its closed session at 1:58 p.m. and reconvened in open session at 1:59p.m.

A. Proposed Rules for Adoption
The Chair recognized General Counsel to describe rules before the Board for proposal and adoption. The first set of rules is before the Board for adoption.

Rules 1.149/3.149/5.158 -- Revising criminal history background check procedures to implement recent legislation requiring the submission of fingerprints. The amendments eliminate the self-reporting requirement upon conviction.

Mr. Edwards asked if it is permissible to adopt these since it will be retroactive to January 1, 2014. He asked if it would pose a problem to enforce them even though the statute took effect on that date. The General Counsel stated that this could pose a problem but it is important to note that there is no enforcement action to take on these rules in that they make the submission of fingerprints a precondition to renewing registration. If a person failed to comply with the fingerprint requirement, there is no sanction other than not renewing registration. For the most part, the rule outlines the procedure to be followed if a criminal history is disclosed as a result of the fingerprinting. It is unlikely that the effective date would affect any disciplinary action arising from the underlying criminal conduct.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO ADOPT RULES 1.149/3.149/5.158 AS PROPOSED. THE MOTION PASSED UNANIMOUSLY.

B. Draft Rules for Proposal

Rule 1.28/3.28/5.38 -- Prohibiting the issuance of an architectural, landscape architectural, or registered interior design certificate of registration to applicants whom the Board has received notice are in arrears in child support obligations. The General Counsel stated that the agency had been contacted by the Office of the Attorney General which stated that licensure is to be withheld from child support obligors who are in arrears. The rules currently prohibit renewal of registration but not initial registration. The rules as amended would prohibit initial registration when the Board receives notice that the applicant is in arrears on child support.

A MOTION WAS MADE AND SECONDED (Dockery/Edwards) TO PROPOSE AMENDMENTS TO RULES 1.28/3.28/5.38 FOR PUBLICATION IN THE TEXAS REGISTER FOR PUBLIC COMMENT. THE MOTION PASSED UNANIMOUSLY.

Rule 1.52 -- Requiring applicants to pass the Architectural Registration Examination in order to receive an award from the Architectural Registration Examination Financial Assistance Fund.

The General Counsel suggested that the Board may not need the rule. Agency research has suggested that nearly all scholarship recipients pass the examination within roughly 5 years. No motion was made to propose the rule. The draft rule was tabled for want of a motion.

Rule 1.192 -- Amending architectural internship requirements to allow credit after receiving a high school diploma or equivalent and to eliminate mandatory minimum hours per week and employment duration requirements.
amendment makes it easier to gain architectural experience for registration and brings the rule into conformity with NCARB internship requirements.

A MOTION WAS MADE AND SECONDED (Dockery/Davis) TO PROPOSE THE AMENDMENTS TO RULE 1.192 FOR PUBLICATION IN THE TEXAS REGISTER FOR PUBLIC COMMENT. THE MOTION PASSED UNANIMOUSLY.

Rule 1.66/3.66/5.76 — specifying continuing education requirements for registrants whose certificates of registration are reinstated after a period when they were revoked or surrendered

Rule 1.69/3.69/5.79 — specifying continuing education requirements for registrants during their first calendar year of registration

The General Counsel explained that the above referenced rules are a series of amendments to provide guidance on fulfilling continuing education requirements during the first year of registration or during the first year after reinstating registration. The registrant might not have a full calendar year to complete continuing education. The Chair asked how it works right now. The Registration Manager stated there is a complication arising from the new calendar year reporting period for continuing education. The Chair expressed concern about reciprocity impediments and whether we know the implications for other jurisdictions. The Registration Manager noted the rule still refers to the first registration period which is the period between initial registration and the end of the registrant’s birth month – which might be only a month. It would be difficult for a new registrant to complete a year’s worth of continuing education in a month.

Mr. Davis asked if this rule should be delegated to the Rules Committee. Mr. Mijares asked why the Rules Committee was not involved in preparing the draft rules. General Counsel stated the custom has been for staff to bring a draft rule before the Board and the Board will delegate it to the Rules Committee, if the Board believes it is necessary. Some rules are so simple the Board determines it does not require a Committee report.

A MOTION WAS MADE AND SECONDED (Edwards/Odel) TO DELEGATE RULE 1.66/3.66/5.76 AND 1.69/3.69/5.79 TO THE RULES COMMITTEE. THE MOTION PASSED UNANIMOUSLY.

The Chair put before the Board the protocol for referring matters to the Rules Committee. The question is whether all rules should be referred to the Committee before Board consideration. Ms. Dockery proposed that all future rules should be vetted by the Rules Committee before they are brought before the full Board. Mr. Anastos stated that since he had been on the Rules Committee, he felt it was difficult to do for just three members from the Board. He suggested it may take too long for Rules Committee to consider every rule. He also suggested all Committees should have four members to include a public member. Mr. Edwards asked the Board how the rules are generated. The Chair answered by stating that it could be any of the following: a legislative mandate; staff proposals; different organizations can petition to propose rules and NCARB changes trigger a need for a corresponding change to Board rules. They are often prepared by agency staff and presented to the Board. General Counsel
noted any member of the public can petition the Board for a new rule or amendment. He noted a lot of the rules come from staff to implement new legislation and coordination with NCARB changes. Mr. Bearden noted that some rules are merely “clean-up” rules which do not merit the time or travel expenses for a Committee meeting. In response to an inquiry from the Chair, the General Counsel noted that the laws on open meetings have made videoconferencing easier which would make convening a meeting more convenient and less costly. Mr. Mijares suggested that the Board continue to deliberate on rule drafts unless there is a controversial one that should be addressed by the Rules Committee. The Chair suggested the Board would continue to rely upon staff to determine whether a matter is controversial or detailed enough to require a Rules Committee meeting.

Mr. Anastos suggested that a public member be added to the Executive Director’s Performance Evaluation Goals and Procedures Committee. He also suggested each committee should include a public member. The Chair asked if any of the public members would like to serve on the Committee. Mr. Bearden volunteered and was appointed to the Committee. Mr. Anastos also suggested the development of communications protocols between agency staff and Board members. He proposed that the matter be added to the agenda for an upcoming meeting. Ms. Dockery asked the General Counsel about whether the Executive Director’s Evaluation Committee could meet via conference call or through video conferencing, rather than meeting in Austin. The General Counsel stated he would research the new amendments to the Open Meetings Act and would send it to the Board members. Mr. Davis asked whether that Committee, addressing personnel matters has to be a posted meeting. The General Counsel explained that there is precedent holding that the Open Meetings Act does not apply to advisory committees but whether an advisory committee is truly advisory often depends how the work of the committee is considered by the Board. If its report is rubber stamped, it is not advisory. The General Counsel stated he would research whether the Executive Director Evaluation Committee is an advisory committee.

8. **Board Election (Action)**

Board Vice-Chair and Secretary/Treasurer

MR. MIJARES MADE A MOTION TO NOMINATE MS. DOCKERY AS VICE-CHAIR. The Chair asked for other nominations. None were made. THE CHAIR PUT THE MOTION BEFORE THE BOARD FOR A VOTE. THE MOTION PASSED UNANIMOUSLY. The Chair congratulated Ms. Dockery upon becoming Vice-Chair.

The Chair thanked Mr. Bearden for his service as Vice-Chair, noting that he had represented his position extremely well.

The Board asked for nominations for Secretary/Treasurer. Ms. Odell suggested a public member should fill the position and suggested one of them should
volunteer. MS. MILLER VOLUNTEERED FOR NOMINATION FOR SECRETARY/TREASURER. THE CHAIR PUT THE NOMINATION BEFORE THE BOARD FOR A VOTE. THE MOTION PASSED UNANIMOUSLY.

The Chair congratulated Ms. Miller. The Chair thanked Ms. Odell for her service as Secretary/Treasurer.

Board Committee Assignments (Action)

Rules Committee
The Chair proposed the following Board members to serve on the Rules Committee: Ms. Odell, Mr. Davis, Mr. Anastos and Mr. Edwards. The Chair requested that Mr. Davis serve as the Chair on the Rules Committee. Mr. Davis agreed and was appointed.

Ms. Dockery pointed out that the Board had not appointed a Chair of the new Executive Director’s Review Committee. Ms. Dockery suggested that Ms. Odell serve as the Chair of the Committee. The Chair appointed Ms. Odell as Chair of the Executive Director Review Committee.

9. Review Speaker of the House, Joe Straus’ Recent Letter to Board Members (Information)
The Board briefly discussed a letter from the Speaker of the House regarding the new House Committee on transparency. The letter references issues at other agencies brought to light through legislative oversight. The Chair stated he thinks the purpose of the letter to reiterate conduct that was out of bounds and serve as a reminder to adhere to requirements and responsibilities as Board members. The Chair stated that all agencies received this letter as a result of the ongoing issues involving the University of Texas and its regents.

10. Upcoming Board Meeting & Board Schedule (Action)
The Board discussed the scheduled May 22, 2014, August 21, 2014, and October 30, 2014, meeting dates. The Board decided to change the meeting date in May to May 15, 2014, due to the fact that Ms. Miller had a conflict and would be unavailable for the meeting on May 22nd. The Board directed agency staff to determine if the Board meeting in May could be rescheduled to May 15th.
A MOTION WAS MADE AND SECONDED (Edwards/Anastos) TO APPROVE THE ABOVE-REFERENCED BOARD MEETING DATES FOR THE REMAINDER OF THE 2014 CALENDAR YEAR. THE MOTION PASSED UNANIMOUSLY.

11. 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.

12. Adjournment
BY UNANIMOUS CONSENT THE MEETING ADJOURNED AT 2:53 P.M.
Approved by the Board:

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