TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of May 22, 2018 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

1A. Call to Order
Ms. Dockery called the meeting to order at 9:00 a.m.

1B. Roll Call
Ms. Walker called the roll.

Present Board Members
Debra Dockery Chair, Architect Member
Michael (Chad) Davis Vice-Chair, Landscape Architect Member
Jennifer Walker Secretary-Treasurer, Architect Member
Chase Bearden Public Member
Robert (Bob) Wetmore Architect Member

1C. Excused and Unexcused absences
Charles (Chuck) Anastos Architect Member
Sonya Odell Registered Interior Design Member
Paula Ann Miller Secretary-Treasurer – Public Member

A MOTION WAS MADE AND SECONDED (Wetmore/Davis) TO APPROVE THE EXCUSED ABSENCE OF CHARLES (CHUCK) ANASTOS, SONYA ODELL AND PAULA ANN MILLER. THE MOTION PASSED UNANIMOUSLY.

1D. Determination of a Quorum
A quorum was present.

1E. Recognition of Guests
Ms. Dockery acknowledged the following guests and members of TBAE staff: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Glenda Best, Operations Manager; Christine Brister, Human Resources; Kenneth Liles, Finance Manager; Jack Stamps, Managing Investigator; Dale Dornfeld, IT Manager; Mike Alvarado, Registration Manager; Matthew Le, Web Developer, and Katherine Crain, Legal Assistant.

1F. Chair’s Opening Remarks
Ms. Dockery thanked the Board and welcomed the audience. She stated that she had just returned from an NCARB Subcommittee Meeting in Miami. She explained that service on this committee was a continuation of work on the ARE 5.0 that she had been participating in for the last five or six years. She stated that she started out on the Test Specification Task Force which decides what content should be on the Architect Registration Exam and then she volunteered for item writing for three years. She stated that the most recent subcommittee was the Forms and Assembly Subcommittee, which comprises the last group of people to see the exam
before it goes live at the test center. She explained that the subcommittee examines the test for quality assurance, overlapping questions, and format issues. Ms. Dockery noted that after previously acting as an item writer, it was nice to see some of her questions showing up on the exam. She said that it occurred to her just how important it was for architects throughout the nation to volunteer and decide the content and write the questions for the exam. The result was a collection of volunteers that were very passionate about making sure the exam was fair. It also became apparent to her that the committee needed broad representation from architects throughout the country because there are geographic differences in how everyone practices architecture, especially on the Practice Management exam. She stated that small changes to phrasing could make a real difference in increasing compatibility across regions and locations. She concluded her opening remarks by encouraging the Board and the professionals in their offices to get involved and volunteer for an NCARB, CLARB, or NCIDQ committee.

On another note, she thanked everyone for their support and condolences following the loss of her husband, Paul. She noted that resiliency is a buzz word with respect to buildings and the built environment. However, it is important in people as well, and this resiliency is only as good as the support we get from friends and colleagues. The support she has received has really helped her through a challenging time in her life.

1G. Public Comments
None.

2. Approval of Board Meeting Minutes
A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE THE FEBRUARY 1, 2018 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director’s Report

3A. Summary of Executive Accomplishments
Ms. Hildebrand presented and discussed the summary of executive accomplishments as described on page 14 of the Board materials. She began by noting that this year has seen the agency focus on two significant uses of time: completion of eternal audits and the transition to the statewide Centralized Accounting and Payroll/Personnel System (CAPPs).

Ms. Hildebrand stated that the agency had just finished the SORM risk management audit, which was perfect with no issues identified. This was in addition to the numerous audits the agency completed over the past year.

Ms. Hildebrand then discussed the transition to CAPPs and the hard work that Glenda, Christine, Ken, Jennifer, and Nelly have put into the project. She stated that the current work has focused on the time and labor
aspects of the system and that the full transition on finance will occur next year. On another note, she stated that our Investigator, Steve Ramirez, attended the TDLR Academy which was a good experience for him.

Other issues to highlight were the appointments for NCARB next year. Ms. Hildebrand stated that she will be on the Model Law Task Force. As a new member, she stated she was not sure what she would be doing for the Task Force, but was eager to be involved. Additionally, she had applied for the Member Board Executive Board Director at CLARB and the Committee on Nominations had recommended her appointment. The appointment would become effective September 2018. This position will require additional travel.

Looking toward future activities, Ms. Hildebrand stated that she had spent her first few years at the agency focused on core processes, including registration, enforcement, and customer satisfaction. Now that those areas are in good shape, she wants to focus on avoiding any wrenches in the well-oiled machine, and to that extent she would like to focus on risk assessment and management. As part of that, she will be attending the Information Security Forum with the IT Group at the end of the week, which is specifically tailored for governmental agencies.

Next, Ms. Hildebrand summarized the enforcement accomplishments as described on page 15 of the Board materials. She noted that the agency was still seeing high numbers from TDLR; however, the complaints were being processed timely.

Ms. Hildebrand then discussed the Registration Department accomplishments as summarized on page 16 of the Board materials. She noted that the agency was still seeing higher registration numbers than in the past. As such, revenue continues to grow. She believes the high numbers for renewals will continue as long as the economy continues to grow in Texas.

Ms. Hildebrand presented and discussed the budget summaries on pages 17 and 18. She explained that the second quarter numbers represent roughly 50% of the year. As a result of higher than expected revenues, she predicted that the agency would not need to draw from the reserve fund, especially since the summer months are typically the biggest months of revenue for the agency. Additionally, the agency has received more interest this year than in the past, but has spent more on professional fees and services because of the State Auditor’s audit. Overall, the expenses have come in at roughly expected levels.

Ms. Hildebrand provided a summary of the Report on Customer Service beginning on page 19 of the Board’s materials. She stated that the survey is done every other year with a report submitted in June in even
numbered years. Overall, the agency received a 96% approval rating. She said that the high percentage rating was reflective of our great staff and their good customer service.

Mr. Davis noted that on page 25, roughly 60% of respondents worked for firms of 10 professionals or less, and this information is important to keep in mind when we are discussing our agency with legislators, due to the importance of small business in Texas.

Ms. Hildebrand discussed and summarized the Survey of Employee Engagement beginning on page 35 of the Board's materials. She stated that this survey is done every other year as part of the Strategic Plan. According to the survey metrics, any score above 400 indicates a highly engaged workforce. For TBAE, the last survey resulted in a total score of 420. This year's score is 449, with 95% of employees scoring as either highly engaged or engaged. Ms. Hildebrand stated that this is reflective of a great staff and their commitment to the agency and the work they provide.

I. CLARB MBE Committee Meeting | Feb 12
II. NCARB 2018 Regional Summit & MBE Workshop | Mar 8-10
III. Educators Conference and R3 Training | Apr 6-7
IV. 2018 Texas ASLA Conference | Apr 18-20

Ms. Hildebrand provided a report on recent meeting. In February, she participated in the CLARB MBE Committee Meeting which was an organizational meeting for the NCARB annual meeting. Subsequently, she and Chuck Anastos attended the NCARB Regional Summit and MBE Workshop in March. During this meeting, she gave a presentation on disciplinary trends, and the committee reviewed the upcoming NCARB resolutions. Following that meeting, Mike Alvarado, Lance Brenton and she attended the Educators Conference and Region 3 Training in Orlando, Florida in April. This meeting focused on the NCARB Integrated Path to Architectural Licensure (IPAL) program, which is a program that we may encounter, because graduates from out-of-state IPAL programs could seek to become registered in Texas. She stated that UT San Antonio and Texas A&M Prairie View also attended the conference to learn more about IPAL. Finally, staff members Glenn Garry, Mike Alvarado, Jessica Ramirez and Jack Stamps attended the Texas ASLA Conference in Galveston. The agency had a booth at the conference and Mr. Stamps and Mr. Garry made a presentation which was well received.

I. NCARB 2018 Annual Business Meeting | Jun 28-30
II. METROCON18 | Aug 8-10

Ms. Hildebrand reported that Debra Dockery, Chase Bearden and herself will be attending the NCARB Annual Meeting in June. In addition, Glenn
Garry, Steve Ramirez, Jackie Blackmore and Jessica Ramirez will attend MetroCon18 in August.

4. Executive Director Annual Performance Evaluation Discussion

Ms. Dockery stated that the Board developed an evaluation form two years ago and she would suggest that the Board use that form and the same process again, unless there are objections.

She stated that the Board would review the Executive Director’s Annual Performance and vote on the evaluation at the August meeting.

5. General Counsel Report

Mr. Brenton presented and discussed the proposed rules for adoption as described on pages 41-52 of the Board materials. Mr. Brenton explained that no comments were received on the proposed rule, and recommended that the Board adopt the rules as proposed.

Proposed Rules for Adoption 22 Tex. Admin. Code §§ 1.5, Relating to Terms Defined Herein; 1.21, Relating to Registration by Examination; 1.22, Relating to Registration by Reciprocal Transfer; 1.41, Relating to Examination Requirements; and 1.123, Relating to Titles.

A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§ 1.5, 1.21, 1.22, 1.41 AND 1.123 FOR FINAL ADOPTION. THE MOTION PASSED UNANIMOUSLY.

6. Enforcement Cases

Review and possibly adopt Executive Director’s recommendation in the following enforcement cases:

A. SOAH Registrant Case

Reesby, Jerry Lynn (SOAH Docket No. 459-18-2234 and TBAE #409-17LI)

Mr. Brenton provided a summary of this matter as described on page 53 of the Board materials.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION, INCLUDING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ENTER THE ORDER OF THE BOARD ON PAGE 53 OF THE BOARD MATERIALS, WHICH REVOKES THE RESPONDENT’S REGISTRATION. THE MOTION PASSED UNANIMOUSLY.
B. Non-Registrant Cases:

**Arredondo, Gustavo (#227-17N)**

Mr. Brenton provided a summary of this matter as described on page 60 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Walker) TO ENTER AN ORDER WHICH IMPOSES THE EXECUTIVE DIRECTOR’S RECOMMENDED SANCTION AS DESCRIBED ON PAGES 60-61 OF THE BOARD MATERIALS, WHICH INCLUDES A CEASE AND DESIST ORDER AND A $5,000 ADMINISTRATIVE PENALTY.

Mr. Wetmore abstained from consideration of this matter.

Ms. Dockery stated that she did not know Mr. Arredondo or his company even though he was located in San Antonio, Texas.

THE MOTION PASSED UNANIMOUSLY, WITH MR. WETMORE ABSTAINING.

**Hamilton, John A. (#157-14N)**

Mr. Brenton explained that this matter was presented as a proposed agreed order, and that it was currently docketed at the State Office of Administrative Hearings, pending a decision by the Board regarding the settlement proposal that begins on page 63.

Mr. Brenton provided a summary of this matter as described on page 62 of the Board materials.

A MOTION WAS MADE AND SECONDED (Wetmore/Bearden) TO ENTER THE AMENDED AGREED ORDER ON PAGE 63 OF THE BOARD MATERIALS. The Chair moved that the Board enter Executive Session for private consultation and advice of agency counsel regarding pending or contemplated litigation under the authority of Government Code §551.071. The Board entered executive session at 10:05 a.m.

The Board reconvened in open session at 10:38 a.m. Ms. Dockery announced that there was no final action, decision or vote regarding any matter discussed during the Executive Session.

A VOTE WAS TAKEN ON THE PENDING MOTION TO ENTER THE AMENDED AGREED ORDER ON PAGE 63 OF THE BOARD MATERIALS. THE MOTION PASSED UNANIMOUSLY.

The Board took a break at 10:39 a.m. and reconvened in regular session at 10:52 a.m.
Nepveux, Leslie (#278-18N)
Mr. Brenton provided a summary of this matter as described on page 75 of the Board materials.

A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO ENTER THE AGREED ELIGIBILITY ORDER ON PAGES 76-81 OF THE BOARD MATERIALS, WHICH GRANTS THE RESPONDENT AN ARCHITECTURAL REGISTRATION AND IMPOSES A $3,000 ADMINISTRATIVE PENALTY.

C. Registrant Case
Wilson, James T. (#142-18A)
Mr. Brenton provided a summary of this matter as described on page 82 of the Board materials.

A MOTION WAS ENTER AND ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ADMINISTRATIVE PENALTY OF $1,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED MARCH 27, 2018.

D. Continuing Education
Mr. Brenton provided summaries of the cases involving continuing education violations as described on pages 83 through 96 of the Board materials.

Alexander, Edmond P. (#413-17A)
Blevins, Kenneth R. (#188-18A)
Bunch, Michael A. (#283-18I)
Coston, Kent E. (#039-18A)
deLeon, Melissa E. (#132-18I)
Forsythe, Robert E. (#128-18L)
Gournay, Christian S. (#286-18A)
Herbage, Robert L. (#273-18A)
Messer, Rodger W. (#285-18A)
Rodriguez, Joseph J. (#127-18I)
Sennet, Robert (#282-18A)
Sprott, Gari L. (#274-18I)
Wallace, Meredith A. (#123-18I)
Ward, Vickey L. (#190-18I)

A MOTION WAS MADE AND SECONDED (Walker/Wetmore) TO ADOPT STAFF’S RECOMMENDATION FOR ADMINISTRATIVE PENALTIES IN THE 14 CASES LISTED ABOVE. THE MOTION PASSED UNANIMOUSLY.

7. Approval of the Fiscal Year 2019-2023 Strategic Plan
Ms. Hildebrand discussed and summarized the Strategic Plan which was provided to the Board beginning on page 97 of the materials. Ms. Hildebrand explained that Governor Abbott has provided guidance that results in a much shorter and more concise strategic plan, compared with Governor Perry. She reviewed the plan with the Board and provided updates compared to the previous Strategic Plan.
8. Discuss the Proposed FY19 Operating Budget

Ms. Hildebrand presented the proposed FY19 budget to the Board on page 109 of the Board materials. She stated that revenue increases have been more than expected for FY18, but that she doesn’t want to rely on this growth continuing at such a high rate next year. For that reason, she has made a conservative estimate of total revenue for FY19 that is similar to what we have observed for FY18. With respect to expenditures, she has requested a 3% increase in payroll from FY18. Ms. Hildebrand further explained that the agency’s receptionist recently resigned. Her intention is to list that position as an executive assistant rather than an administrative assistant, and to have this person train under Glenda to work with the Board on travel arrangements, in addition to covering phone calls and receptionist duties. The increased salary for an executive assistant could be up to $10,000.

With respect to IT upgrades, Ms. Hildebrand stated that she and Mr. Dornfeld are considering two options, debating between a virtual data center or an upgrade to in-house equipment. They are still running numbers and getting bids on these two options. She stated that the final budget will be presented to the Board for approval at the August meeting.

A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO HAVE THE EXECUTIVE DIRECTOR CONTINUE TO WORK ON THE BUDGET.

Mr. Davis asked how the Board was dealing with disaster recovery whether it was on site or in the cloud. Ms. Hildebrand and Mr. Dornfeld explained that much of the data is on site, but the agency is looking at the option of having some information in the cloud, depending on the relative importance of the information. Ms. Hildebrand noted that having all information on the cloud would cost $36,000 per year in subscription fees. Ms. Hildebrand stated that she may bring two budgets before the Board in August, which contain different expenditures for IT upgrades, to allow the Board to decide between options on a cost-benefit basis.

Ms. Walker asked whether these options would be presented to a committee beforehand. Ms. Hildebrand responded that this was up to the Board, and that if the Board wants to have a budget committee meeting, that could be decided by the Board today.

Ms. Dockery asked where the Board was in relation to the Board’s targeted 8-month reserve fund balance. Ms. Hildebrand stated that the agency is currently at 11 months of reserve funds. Ms. Dockery noted that $36,000 in yearly subscription fees is a significant number for our budget,
but that it might be a useful example to point to in support of a reduction in the general revenue payment, as contained in the strategic plan.

THE MOTION PASSED UNANIMOUSLY.

Ms. Hildebrand presented the updated Reserve Fund Balance policy to the Board and explained the changes.

9. Resolutions to be Acted Upon at the 2018 NCARB Annual Business Meeting

Ms. Hildebrand directed the Board to the NCARB resolutions beginning on page 112 of the Board materials. She provided an overview of the resolutions and stated that the Chair would vote on behalf of the Board.

A MOTION WAS MADE AND SECONDED (Wetmore/Bearden) TO DELEGATE THE AUTHORITY TO VOTE UPON RESOLUTIONS AT THE 2018 NCARB ANNUAL MEETING TO DEBRA DOCKERY. THE MOTION PASSED UNANIMOUSLY.

10. Upcoming Board Meetings

August 21, 2018
November 15, 2018

11. Chair’s Closing Remarks

Ms. Dockery thanked the Executive Director and staff on the work that had been done in preparation for the meeting.

12. Adjournment

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADJOURN THE MEETING AT 11:40 A.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

DEBRA J. DOCKERY, FAIA
Chair, Texas Board of Architectural Examiners