

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of August 16, 2016 Rules Committee Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower II, Conference Room 350-L
Austin, TX 78701

AGENDA ITEMS

DESCRIPTIONS

1. Call to Order

Mr. Anastos called the meeting of the Rules Committee to order at 1:30 p.m.

2. Roll Call

Mr. Anastos called the roll and declared a quorum of the Committee was present.

Present Committee Members:

Charles (Chuck) Anastos, Chair

Michael (Chad) Davis

Sonya Odell

Jennifer Walker

TBAE Staff Present:

Julie Hildebrand, Executive Director

Lance Brenton, General Counsel

Jack Stamps, Managing Investigator

Mike Alvarado, Registration Manager

Katherine Crain, Legal Assistant

Public Members Present:

David Lancaster, Texas Society of Architects

Marilyn Roberts, Texas Association for Interior Designers

**Excused and Unexcused
absences**

None.

3. Public Comment

None.

**4. Approval of minutes
of the May 25, 2016
meeting of the Rules
Committee**

A MOTION WAS MADE AND SECONDED (Odell/Davis) TO APPROVE THE MINUTES FROM THE MAY 25, 2016 RULES COMMITTEE MEETING. THE MOTION PASSED UNANIMOUSLY.

**5. Draft Rule for
Proposal –
Amendments to Rule
7.10, relating to
approval of surcharge
to fund the Architect
Registration
Examination Financial
Assistance Fund and**

Mr. Brenton presented information on the proposed rules as described on page 5 of the Committee's materials. He explained that the rule had two components: (1) implementing the May Board meeting charge of \$3 to the scholarship fund and (2) to amend the rule to reflect changes in fees made by Texas.gov. Mr. Brenton presented Staff's recommendation for the Committee to approve draft amendments for publication in the Texas Register.

**changes to online
payment fees charged
by texas.gov**

Mr. Anastos gave support to this rule change and stated that this was the best option available to the Board.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO RECOMMEND APPROVAL OF DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §7.10 FOR PUBLICATION AND PROPOSAL IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS FOR THE TEXAS REGISTER.

Mr. Davis enquired whether the Board might consider retaining 15% of funds collected toward the scholarship, as authorized under the Board's enabling legislation, in light of decreasing fund balances.

Ms. Hildebrand stated that staff would look into what costs could be traced to administration of the scholarship program.

THE MOTION PASSED UNANIMOUSLY.

**6. Draft Rule for
Proposal –
Amendments to Rules
5.31 and 5.51, relating
to qualification for
interior design
registration by
architects who pass the
Architect Registration
Examination**

Mr. Brenton presented information on the proposed rule as described on page 18 of the Committee's materials.

A MOTION WAS MADE AND SECONDED (Walker/Davis) TO RECOMMEND APPROVAL OF DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §5.31 AND 5.51 FOR PROPOSAL AND PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

**7.
Discussion Item –
Relating to Compliance
with the Professional
Services Procurement
Act by Landscape
Architects**

Mr. Brenton directed the Committee to the materials on page 60 of the notebook. He provided the Committee with proposed language for Draft Rule 3.147 – Professional Services Procurement Act as follows:

"If a Landscape Architect seeks to provide professional services to a governmental entity that is prohibited by the Professional Services Procurement Act, Subchapter A, Chapter 2254, Government Code, from making a selection or awarding a contract on the basis of competitive bids, the landscape architect must provide the governmental entity with sufficient information to demonstrate the landscape architects' competence and qualifications to perform the services. A landscape architect is not prohibited from providing the entity with information regarding costs of services or fees in addition to information regarding competence and qualifications."

The Committee discussed the item at length and whether there was a need for the Committee to request a ruling from the Office of Attorney General

prior to passing a rule. It was decided amongst the members to direct the topic back to staff for further research and possibly draft a request for a ruling from the Office of Attorney General and bring the draft to the Committee for its review.

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO DIRECT STAFF TO RESEARCH THIS TOPIC IN MORE DEPTH AND BRING IT BACK TO THE COMMITTEE FOR CONSIDERATION. THE MOTION PASSED UNANIMOUSLY.

8. Consideration of General Counsel's Recommendation Regarding Rule Review for Chapters 1 and 3 of the Board's Rules.

Mr. Brenton presented information to the Committee as described on page 68 of the materials. He explained to the Committee that each agency is required to review their rules every four (4) years to determine whether the rules should continue to exist or be repealed. The last time that TBAE reviewed its rules was 2012. Furthermore, he stated that he did not receive any comments from the public from the publication of the proposed rules.

a. Revise Rules 1.5 and 3.5 relating to definitions of "actual signature," "authorship" (repeal, "Architectural Barriers Act, and "E-mail Directory" (repeal).

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO RECOMMEND APPROVAL OF THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.5, 3.5, 1.24, 3.24, AND 1.148 FOR PUBLICATION AND PROPOSAL IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

b. Revise Rule 1.5 relating to definition of "EPH" and "Architect's Registration Law."

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO READOPT ALL OTHER RULES IN 22 TEX. ADMIN. CODE CHAPTERS 1 and 3, AS AUTHORIZED UNDER TEXAS GOVERNMENT CODE §2001.039(c).

c. Revise Rule 3.5 relating to definition of "Landscape Architect's Registration Law."

d. Repeal Rules 1.24 and 3.24 relating to Fees.

e. Revise Rule 1.148 to replace obsolete reference to Section 10 of the Act."

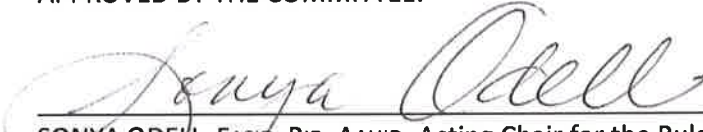
f. Propose for readoption all other

rules in 22 Tex. Admin.
Code Chapters 1 and 3

9. Adjourn

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADJOURN THE MEETING AT 3:00 P.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE COMMITTEE:



SONYA ODELL, FASID, RID, AAHID, Acting Chair for the Rules Committee
TEXAS BOARD OF ARCHITECTURAL EXAMINERS