

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**  
**Minutes of October 29, 2015 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

**1. Preliminary Matters**

**A. Call to Order**

Ms. Dockery called the meeting to order at 9:05 a.m.

**B. Roll Call**

Ms. Miller called the roll.

**C. Excused and unexcused absences**

Alfred Vidaurri (Excused)

Bert Mijares (Excused)

William (Davey) Edwards -- Public Member (no longer on Board)

**Present**

Debra Dockery

Paula Ann Miller

Charles H. (Chuck) Anastos

Sonya Odell

Michael (Chad) Davis

Chase Bearden

Vice-Chair

Secretary-Treasurer -- Public Member

Architect Member

Registered Interior Design Member

Landscape Architect Member

Public Member (arrived 9:20 a.m.)

**TBAE Staff Present**

Julie Hildebrand

Lance Brenton

Glenn Garry

Glenda Best

Christine Brister

Mike Alvarado

Kenneth Liles

Jack Stamps

Dale Dornfeld

Steve Rodriguez

Katherine Crain

Julio Martinez

Executive Director

General Counsel

Communications Manager

Director of Operations

Staff Services Officer

Registration Manager

Finance Manager

Managing Investigator

IT Manager

License & Permit Specialist

Legal Assistant

Network Specialist

**D. Determination of a quorum**

A quorum was present.

**E. Recognition of guests**

Ms. Dockery recognized the following guests: DeAnn Walker, Governor's Office, Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects (arrived at 9:27 a.m.), and Jeri Morey, Architect from Corpus Christi, Texas.

**F. Chair's Opening Remarks**

Ms. Dockery opened the meeting and thanked everyone for the introduction. She thanked staff for including the article in the newsletter regarding misappropriation of seals and stated that it was a well written article.

**G. Public Comment**

Jeri Morey, architect from Corpus Christi addressed the Board and stated that she had concerns about the items that NCARB was proposing to include in a five (5) year program and addressed specific issues that should be covered in the program.

2. **Approval of Board Meeting Minutes (Action)**

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO APPROVE THE AUGUST 24, 2015 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. **Executive Director Report (Information)**

A. **Summary of Executive Accomplishments (Information)**

Ms. Hildebrand directed the Board to her report on page 17 and stated that all policies have been reviewed and updated. The next item was the survey of employee engagement and it would be included as part of the agency's Strategic Plan. Furthermore, she had completed and submitted the agency's Annual Financial Report as well as the October newsletter. She reported that the individual registration website was complete and implemented and would eventually phase out the old database.

She mentioned that Mr. Brenton would be attending the Government Law & Liability Conference in San Marcos on December 8, 2015 and legislative updates from the conference would be incorporated into the board orientation.

B. **Operating Budget/Scholarship: Presentation on FY2015 year-end expenditures/revenue**

Ms. Hildebrand directed the Board to page 20 for the operating budget and page 21 for information on the scholarship fund. She reported that the agency awarded 48 scholarships in fiscal year 2015.

C. **Trend Analysis Presentation on Agency Performance and Operations**

Ms. Hildebrand stated that the trend analysis was outlined on page 22 for the Board's review and the public. It would be provided to the Governor's office and the Legislature as part of the agency's required annual report. She informed the Board that there had been an increase for active architects during the last 6 years while inactive architects and RIDs had decreased. The decrease in RIDs was due to the mandatory testing requirement which was a statutory issue rather than an industry issue as noted by Mr. Davis. Ms. Odell stated that students specializing in interior design in schools were not decreasing. Ms. Hildebrand pointed out that landscape architects had a 3.7% increase and new registrants by examination or reciprocals have increased for architects and landscape architects since 2009. Furthermore, she reported that the agency only takes four (4) days to issue a license as opposed to ten (10) which is the norm for most agencies. Firm registration had increased for the last three (3) years, but decreased in 2013 because of database cleanup.

The next topic was agency administrative information and she informed the Board that the agency's revenues were much higher than expenditures. Additionally, the fund balance had stayed healthy since 2009 and increased in 2015. Also, salaries increased from 2013 to 2014 to shore up the retirement fund.

D. **Strategic Plan Timeline**

Ms. Hildebrand presented an outline to the Board and stated that the workshop listed was a Board workshop. She stated that Mr. Garry would be reaching out to TBAE's stakeholders for the environmental scan and the agency would send a questionnaire to the Board members. The next section would be done in

conjunction with the Board meeting in February. The Board discussed the outline and decided to hire a moderator for the workshop and dedicate an entire day to the process. Ms. Hildebrand provided further details of the workshop to the Board members.

**Report on Conferences and Meetings (Information)**

**A. 2015 CLARB Annual Meeting – Sep 17-19**

Ms. Hildebrand and Mr. Davis attended the meeting in New Orleans and gave a report regarding the future of licensure and the LARE exam.

**B. 2015 LRGV-AIA BBC Conference – Sep 24-26**

Ms. Hildebrand and Mr. Stamps attended the conference and gave a presentation.

**Report on Upcoming Conferences and Meetings**

**A. TxA 76<sup>th</sup> Annual Convention & Design Expo – Nov 5-7**

Ms. Hildebrand, Mr. Stamps and Mr. Garry will attend the conference and make a presentation.

**B. 2015 Annual CIDQ Council of Delegates Meeting – Nov 13-14**

Ms. Hildebrand and Ms. Odell will attend the conference in Atlanta.

**The Board took a break at 10:13 a.m. and reconvened at 10:30 a.m.**

**4. Draft Amendments for Proposal**

Mr. Brenton stated that the following items have been reviewed and approved by the Rules Committee. Therefore, the draft amendments for proposal were for approval to submit to the Texas Register for public comment. Furthermore, he stated that the rules were all statutorily required or not controversial.

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

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

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

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

**C. Relating to Eligibility to Petition for Rulemaking, Board Rule 7.7**

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

FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

- D. Relating to Consideration of Foreign Landscape Architecture Degrees, Rule 3.21 and 3.191

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

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

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

**Draft Rule for Proposal (Action)**

Relating to Employee Training, Draft Rule 7.15

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE PROPOSED NEW RULE 22 TEX. ADMIN. CODE §7.15 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

**5. Enforcement Cases**

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

**A. Registrant Case:**

**Luhn, Graham B. (#147-14A)**

Ms. Dockery recused herself and Ms. Miller directed the Board to hear the case against the Respondent. Mr. Brenton stated that based upon the investigation, Respondent violated Board Rule 1.104(d) by failing to take appropriate steps in modifying sealed documents and a \$2,000 administrative penalty was recommended. A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT STAFF'S RECOMMENDATION OF A \$2,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY, with Ms. Dockery in abstention.

- C. At this time, because Ms. Dockery had also recused herself from consideration of the disciplinary case involving John James Speegle (#071-15A), the Board transitioned to this matter on the agenda. Mr. Brenton explained that the case involved a continuing education violation, and stated that staff's recommendation was to accept the proposed administrative penalty of \$700. A MOTION WAS MADE AND SECONDED (Bearden/Anastos) TO ACCEPT STAFF'S RECOMMENDATION OF A \$700 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY, with Ms. Dockery in abstention.

**B. TDLR Case:**

**Long, Phillip Barry (#091-15A)**

Mr. Brenton summarized the facts of the case and stated that an administrative penalty of \$2,000 was recommended. A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO ACCEPT STAFF'S RECOMMENDATION OF A \$2,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

**Powell, Donald Rex (#097-15A)**

Mr. Brenton presented the case and read the highlights of the summary and stated that an administrative penalty of \$1,000 was recommended. A MOTION WAS MADE AND SECONDED (Bearden/Davis) TO ACCEPT STAFF'S RECOMMENDATION OF A \$1,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

**C. Continuing Education Cases**

Mr. Brenton stated that the Board would hear the next 15 cases and vote on them together as a whole.

**Ahearne, Patrick M. (#146-15A)**

**Blaney, Forrest A. (#081-15L)**

**Costigan, Kimberly Mawson (#136-15I)**

**Dobrowski, Daniel Lee (#112-15A)**

**Hau, Chi-Sing Kenneth (#140-15A)**

**Hsieh, Jiahuar (#137-15A)**

**Moebes, John (#135-15A)**

**Negrete, Jose Alfredo (#132-15A)**

**Nelson, Clayton (#111-15A)**

**Percival, Carla A. (#134-15A)**

**Sumrall, Darren (#110-15A)**

**Waters, Hillary Merritt (#145-15I)**

**Williams, Gary Dale (#113-15A)**

**Wright, Richard Wilson (#133-15A)**

**Yang, Kristy Kay (#139-15I)**

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ADOPT STAFF'S RECOMMENDATION AND PENALTIES TO APPROVE ALL OF THE CASES LISTED ON THE AGENDA WITH THE EXCEPTION OF THE JOHN JAMES SPEEGLE CASE AS THAT ONE HAD BEEN HEARD PREVIOUSLY IN THE MEETING. THE MOTION PASSED UNANIMOUSLY.

**6. Request for Comments: Modifications to the NCARB Education Standard (Action)**

Ms. Hildebrand reported on NCARB's plan to review modifications to its education standard and stated that NCARB would like member boards to give comments. She said NAAB determines the conditions for accreditation and they review them periodically. Subsequently, NCARB reviews their education standards as a result of NAAB's determination for accreditation. Their education committee reviewed their changes to NAAB and has made changes to the NCARB Board of Directors. She indicated that the proposed changes begin on page 114 and the redlined version of the changes is on page 118. Additionally, there is a chart that compares everything on page 130. Ms. Dockery clarified that this does not govern the accredited universities in Texas which Ms. Hildebrand acknowledged in the affirmative. Mr. Anastos added that he believed the areas Ms. Morey mentioned were valid. Ms. Dockery suggested that the Board approach Chair Vidaurri with concerns voiced in the meeting. Ms. Hildebrand indicated that the agency would research the topics and find out how to address those issues.

7. **Upcoming Board Meeting (Information)**  
Thursday, February 25, 2016

8. **Vice-Chair's Closing Remarks**

Ms. Dockery thanked the Board members for keeping the meeting short and stated that she enjoyed working with each of them as a cohesive board.

9. **Adjournment**

A MOTION WAS MADE AND SECONDED (Odell/Miller) TO ADJOURN THE MEETING AT 11:30 A.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:



DEBRA J. DOCKERY, AIA

Vice-Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS