TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of October 17, 2012 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
      Chair Alfred Vidaurri called the meeting of the Texas Board of
      Architectural Examiners to order at 9:00 a.m.
   B. Roll Call
      Secretary/Treasurer Chase Bearden called the roll.

Present
Alfred Vidaurri, Jr.        Chair
Charles H. (Chuck) Anastos Vice-Chair
Chase Bearden              Secretary/Treasurer
Bert Mijares, Jr.          Member
Brandon Pinson             Member
Diane Steinbrueck          Member (showed @ 9:15 a.m.)
Debra Dockery              Member
Sonya Odell                Member
Paula Ann Miller           Member

TBAE Staff Present
Cathy L. Hendricks         Executive Director
Scott Gibson                General Counsel
Glenda Best                 Executive Administration Manager
Katherine Crain             Legal Assistant
Glenn Garry                 Communications Manager
Mary Helmcamp               Registration Manager
Ken Liles                   Finance Manager
Julio Martinez              Network Specialist
Michael Shirk               Managing Litigator
Jack Stamps                 Managing Investigator

C. Excused and unexcused absences
   None

D. Determination of a quorum
   A quorum was present.

E. Recognition of Guests
   Guests were as follows: Michael Armstrong, CEO of NCARB, Katherine
   Hillegas, CAE, Director, Council Relations, NCARB, Donna Vining, Executive
   Director for Texas Association for Interior Design, and Jeri Morey, Architect from
   Corpus Christi, David Lancaster, Texas Society of Architects.
F. Chair's Opening Remarks
The Chair thanked everyone including Board members and the audience for attending the Board meeting. He thanked Mr. Armstrong for attending the meeting, noted TBAE had never had officials from NCARB before today and stated the Board's appreciation for his attendance. He said that he was honored to serve on the Board and there are a lot of things to reflect on. The agenda is going to require some deep thinking and take action on some important ideas. He said that he was reading a book titled “Made to Stick”. It is about the reasons some ideas stick while others do not. According to the book, the ideas that stick have certain characteristics: they are simple and profound, substantive and concrete, creditable and supported by fact, and ideas that stick have provoke an emotional response. The Chair expressed his hope that the Board produce some “sticky” ideas by the end of the day.

G. Public Comment
None

2. Approval of Minutes (Action)
A. August 23, 2012 Board Meeting
A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE AUGUST 23, 2012, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director Report (Information)
A. Operating Budget – Presentation on FY 2012 end-of-year actual expenditures/revenue

The Executive Director outlined the expenditures and revenues for Fiscal Year 2012 and called upon Ken Liles, the agency Finance Manager, to answer any specific questions. The Chair asked about revenues collected as “other fees” in the budget. The agency collected 355% of the projected amount in that category. The Executive Director attributed the variance to a greater number of public information requests. Finance Manager noted it is practically impossible to accurately project that amount. Too many variables come into play in projecting the amount collected as other fees. The amount generally is not very great so any variation from the budgeted amount creates percentage changes. Mr. Anastos asked if, in future, agency staff could prepare a separate sheet explaining variances when there is a variance of 150% from the budgeted amount. The Executive Director said that will become part of the budget presentation.

The Chair noted that the budgeted amount for fees paid for providing electronic payment services to the agency’s registrants was $98,000 and the actual cost was $108,000. The Chair asked why the projection was off by that amount. Finance Manager indicated that the agency had projected a downturn in online renewals due to economic conditions. However, that projection was not correct and the agency will be cognizant that registrants tend to favor online renewal regardless of adverse economic conditions. The agency will be cognizant of that when preparing future budgets.
Mr. Anastos noted that the agency has collected 97% of projected revenue for the year and that the agency had a very small surplus of $394.84 at the end of the year. Finance Manager noted the agency paid for a new accounting program from the agency operating budget. If not for that purchase, the surplus would be higher by roughly $42,000.

The Board discussed agency expenditures for IT upgrades and the SWCAP. The Finance Manager explained that SWCAP represented services provided by oversight agencies and other agencies which provide services to state agencies. Finance Manager explained the total amount is calculated and that amount is divided among the state agencies. Last year the amount charged to the agency was significantly higher.

The Executive Director explained the amounts paid out as scholarships during Fiscal Year 2012.

The Board noted the amount paid by the agency into General Revenue. The Executive Director noted the amount paid under the Self-Directed Semi-Independent pilot program has not changed since 2003. There was discussion about the manner in which the legislature determined the agency should pay that amount. Ms. Steinbrueck noted it was based upon the amount of revenue in excess of expenditures collected by the agency in the year the pilot program was started. The Executive Director reported that roughly 60% of agency revenue are deposited into the General Revenue Fund. The Chair determined roughly $25 of each registrant’s renewal fee goes to pay the $510,000 amount payable to the General Revenue Fund under the Self-Directed Semi-Independent program.

Mr. Anastos asked if the agency is analyzing the effect of losing roughly a third of the Board’s registrants, as recommended by the Sunset Commission without reducing the $510,000 paid to the General Revenue Fund. Finance Manager reported that the agency is doing that analysis. He said it has not been completed yet but according to the Sunset Commission, the recommendation will cost the agency roughly $660,000. He reported that there is no way to absorb the costs without going to the other registrants through increased fees. Even if the payment to General Revenue goes to zero, it appears that the agency would still be short by roughly $150,000. Ms. Steinbrueck stated that the Board might consider whether it should remain self-directed and semi-independent. She opined that though she favors the program, it might be that it works only for agencies of a certain size and if TBAE is to be reduced as recommended by the Sunset Commission staff report, it might consider whether it should remain in the SDSI program.

Trend Analysis Presentation:
The Executive Director explained the charts on trending contained in the notebook. She stated that there was a decline in registrants in 2001 and there was an office renovation in 2008; therefore, we had lower fund balance numbers for those calendar years. There were questions regarding how many dual licensees the agency current has. The General Counsel stated that there were about 2300 dual licensed architects/interior designers.
The Board discussed the trends in the numbers of architects, landscape architects and registered interior designers. The Executive Director noted that the economic downturn caused a number of architects who were also licensed as registered interior designers to drop the interior design registration. The experience requirements are also hard to meet when it is difficult to get a job in the required practice areas.

Operating Budget/Scholarship
The scholarship fund balance is going down and the amount of scholarships offered is going up. The Executive Director explained the creation of the fund to benefit architectural candidates who have trouble covering the cost of the Architectural Registration Examination. It is based upon need and awarded after the examination is passed. The Executive Director stated she would like the law amended to allow for awards up to the full cost of the examination and to expand it to landscape architects and registered interior designers

Enforcement

The Board reviewed the trends in enforcement case loads. It was noted that the Sunset staff recommended in 2002 that the agency take a year to inform registrants of new requirements before enforcing. The result is lower case loads as the agency shifted emphasis to outreach from enforcement.

Communications

The Board reviewed the charts reflecting the trends in agency communications efforts. The Chair asked about the number of impressions by quarter and the overlay for the session years. He inquired if there is an effect caused by the legislative session that spikes the number of impressions. The Communications Manager stated he had analyzed this question and concluded there is not a correlation between the number of impressions in session and interim years. He noted the communications program is has to do with relationships the agency has with TSA, BOAT, ASLA and other organizations. The spikes in quarterly impressions seem to reflect quarters in which we happen to have a lot of people attend one presentation.

The Chair stated that the Board should consider whether the agency's communication efforts should have a strategy going forward, with targets or goals on the number of presentations made and the number of impressions made. He stated the Board should have a more coordinated communications strategy. The Executive Director noted the upcoming communications effort will be dominated by news and reports from the legislative session.

Outreach Program Update

The Executive Director directed the Board members to the section on TBAE's Outreach Program. She stated that the Outreach Program has involved UT on 4 occasions, TCU, UT Arlington, UT San Antonio on two occasions and the Dallas Design Center. Furthermore, she said that other schools scheduled on the horizon are Texas Tech, Abilene Christian, Rice University, the University of Houston. There are three professions; therefore, they spoke to all three at the University of Texas. She stated that personnel try to go to every school every other year.
In addition, personnel attended TSA, ASLA, and Metro Con every year and have booths at all of those conferences. She said that Sunset staff was impressed with the amount of agency outreach but thought it might have gone overboard.

The Board took a break at 10:18 a.m. and reconvened at 10:35 a.m.

Report on conferences and meetings (Information)

A. 2012 CLARB Board of Directors/Annual Meetings – Sep 5-8
Board member Sonya Odell reported on this meeting. She stated that besides herself, Ms. Steinbrueck and the Executive Director attended the meeting in San Francisco. As a new member from a different design profession, she attended a lot of orientation meetings and learned about CLARB’s initiatives and functions. She thought it was very beneficial. The Executive Director reported that CLARB was looking to the architectural profession regarding continuing education requirements and sought examples from NCARB’s efforts on standardizing continuing education standards. She also reported on efforts by ASLA to encourage its members to use the term “Professional Landscape Architect” or “PLA”.

Ms. Steinbrueck stated that the “PLA” issue is a solution looking for a problem. ASLA does not require licensure as a prerequisite for professional member status. This has created conflicts with title acts. The “PLA” appellation was created to address the problem but a better solution would be to require licensure to use professional titles.

Ms. Steinbrueck also reported on a controversy about efforts to get two certification programs in California accredited by the Landscape Architects Accreditation Board. She cited materials in the notebook regarding the positions taken by other jurisdictions which oppose the move and indicate certificate-holders from those programs will not qualify for reciprocal registration.

Ms. Steinbrueck also noted that a review by ASLA of examination preparation courses revealed misstatements about the qualifications of an individual who was providing one of the preparation courses. She indicated that the Board may consider creating a vetting process for those who provide exam prep courses to ensure they understand the substance of the LARE.

B. HB2284 Taskforce Meeting (TBAE/TBPE) – Sep 25
Board member Chuck Anastos reported on this meeting. He stated that the Committee narrowed its discussion to four issues: (1) Design of Mixed-Use Projects; (2) Simple Foundations; (3) Criteria for architects designing surface drainage; and (4) Roofing Design. Debra Dockery stated that she suggested that the Committee refer to the IBC definition of “ancillary use” regarding Mixed-Use Projects. Mr. Anastos requested input, especially from Ms. Steinbrueck and the professional societies in addressing these issues. Ms. Steinbrueck suggested reference to the task analysis by NCARB and CLARB.
Mr. Armstrong, CEO of NCARB offered to share any questions or concerns at ICORE – a meeting of NCARB, CLARB and NCEES. Ms. Steinbrueck offered to attend meetings of the task force.

C. 2012 LRGV-AIA Building Communities Conference – Sep 28-29
Scott Gibson and Jack Stamps attended this conference from TBAE as well as David Howell from TBPE and made a presentation on HB2284. They informed attendees of the implementation of HB 2284 and the efforts underway by the task force.

4. Board Review and Response to the Sunset Advisory Commission Staff Recommendations (Action)

Recommendation 1.1: Discontinue the regulation of registered interior designers
A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO OPPOSE THE RECOMMENDATION TO DEREGULATE INTERIOR DESIGN BECAUSE IT HAS A NEGATIVE IMPACT ON THE HEALTH, SAFETY AND WELFARE OF TEXAS, THE REVENUE TO THE STATE, THE ECONOMIC CLIMATE OF TEXAS AND AGENCY REVENUE. THE MOTION PASSED UNANIMOUSLY.

The Board discussed potential impacts of the recommendation, including the implications for students preparing for registration as a registered interior designer, the fiscal impact upon architects and landscape architects, and the loss of registered interior designers to affix a seal to plans and specifications, as required for permitting purposes. Mr. Bearden noted there are over 2.9 million disabled people, including those with sensory deprivation. He noted there are studies that show interior designers make buildings useable to people who have disabilities. There was also disagreement with the representation made in the staff report that NCIDQ certification serves as an adequate substitute for state licensure as a registered interior designer. It was also noted that 11 educational programs offer accredited degrees which would be adversely affected if regulation ended. The Board also heard from Ms. Vining who stated the trend in other states is toward regulation of interior design. More new states are adopting interior design laws than have dropped them. She also noted the more populous states have interior design regulation. Ms. Vining also noted the International Building Code defines the term "professional designer" as one who is licensed and requires the issuance of permits to design professionals. If the recommendation is adopted, currently registered interior designers would lose the ability to pull permits, unless they hire architects to obtain permits. Ms. Odell noted the recommendation would put interior design firms out of business as they would no longer have the authority to pull permits and could not remain competitive if they had to employ architects for that purpose. The Board also addressed the possibility that loss of licensure status will prevent Texas registered interior designers from gaining or maintaining reciprocal registration in other jurisdictions.

Recommendation 1.2: Remove the registered interior designer from the Board and replace the position with an additional landscape architect member.
A MOTION WAS MADE AND SECONDED (Pinson/Mijares) TO OPPOSE RECOMMENDATION 1.2 BASED UPON COMMENTS MADE ON RECOMMENDATION 1.1. THE MOTION PASSED UNANIMOUSLY.

The Chair explained that the Board would be having a working lunch with a 10 minute break in between.

The Board took a break at noon and reconvened at 12:27.

Recommendation 1.3: Continue the Texas Board of Architectural Examiners until the next Sunset review of the Texas Department of Licensing and Regulation.

The General Counsel gave background on this recommendation. Sunset staff recommended the agency's next Sunset review coincide with the Sunset review for the Department of Licensing and Regulation (TDLR) to consider whether TBAE should be merged into TDLR. The Board noted the disruption to agency operations and an adverse fiscal impact on the agency and state. The Board also discussed whether TDLR is able to regulate professions. The Board also noted certain programs at TDLR might better be performed at TBAE.

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO OPPOSE RECOMMENDATION 1.3. BOARD RECOMMENDATION WAS TO STAY ON THE CURRENT SUNSET REVIEW SCHEDULE TO BE REVIEWED IN 2025. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.1: Clarify statute to require the Board to assess the $200 professional fee at initial registration and renewal for all three regulated professions.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO SUPPORT RECOMMENDATION 2.1. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.2: Require the Board to conduct fingerprint-based criminal background checks of applicants and licensees with active licenses.

The Board members had an active discussion on this topic. Board members noted they had heard from registrants opposed to this recommendation. Ms. Odell noted the Department of Public Safety received fingerprints to issue a driver’s license. Ms. Dockery noted design professionals, consultants and contractors must provide fingerprints to design public school projects. Ms. Miller and Mr. Bearden stated, as public members, they favor this recommendation. The General Counsel stated the recommended process is less intrusive than the current process, will detect criminal activities in other jurisdictions, and poses less of a risk to the agency because agency staff will have less contact with confidential criminal history data. The Department of Public Safety will contact the agency only in the event that there is a match between an applicant or registrant and a criminal history record. Board members asked General Counsel if the Department of Public Safety will consult the fingerprints it already has through the driver’s license program. General Counsel stated he did not know.

A MOTION WAS MADE AND SECONDED (Bearden/Odell) TO SUPPORT RECOMMENDATION 2.2. THE MOTION PASSED UNANIMOUSLY.
Recommendation 2.3: Clarify statute to require the Board to use only its own renewal fee when calculating penalties for late renewals.
Ms. Steinbrueck favors this recommendation and stated she always believed the way the agency currently calculates its late penalties on the renewal fee plus the $200 added to the fee by statute was less than completely transparent. She opined that the agency may have calculated the late penalties in accordance with the statute as written but not in accord with what the Legislature meant. Mr. Anastos noted the negative fiscal impact on the agency, along with significant negative fiscal implications of other recommendations. A MOTION WAS MADE AND SECONDED (Anastos/Miller) TO STATE THE BOARD’S OPPOSITION TO RECOMMENDATION 2.3. THE MOTION FAILED PASSAGE 2-7. (Anastos and Miller voting in favor.)
A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO SUPPORT RECOMMENDATION 2.3. THE MOTION PASSED WITH SEVEN MEMBERS VOTING TO SUPPORT THE RECOMMENDATION AND TWO OPPOSED (Chuck Anastos and Paula Miller).

Recommendation 2.4: Clarify statute to authorize the Board to apply administrative penalties per violation per day.
A MOTION WAS MADE AND SECONDED (Dockery/Odell) TO SUPPORT RECOMMENDATION 2.4. THE MOTION PASSED UNANIMOUSLY.

Recommendations regarding the SDSI project:
Recommendation 1.1: Continue the SDSI Act, but remove its separate Sunset date and pilot project status and provide for its future Sunset review with agencies subject to the Act.
A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO SUPPORT RECOMMENDATION 1.1. THE MOTION PASSED UNANIMOUSLY.

Recommendation 1.2: Expand the data in the current reports required by agencies subject to the SDSI Act to help improve oversight.
A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO SUPPORT RECOMMENDATION 1.2. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.1: Clarify that provisions of general law applicable to state agencies apply to the project agencies if not in conflict with their SDSI status.
A MOTION WAS MADE AND SECONDED (Steinbrueck/Mijares) TO SUPPORT RECOMMENDATION 2.1. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.2: Clarify that project agencies must use the Comptroller’s Uniform Statewide Accounting System to make all payments.
A MOTION WAS MADE AND SECONDED (Pinson/Steinbrueck) TO SUPPORT RECOMMENDATION 2.2. THE MOTION PASSED UNANIMOUSLY. Ms. Steinbrueck noted the agency’s responses should point out that the agency already follows recommendations 2.1 and 2.2.

Recommendation 2.3: Require the project agencies to remit all administrative penalties to General Revenue.
A MOTION WAS MADE AND SECONDED (Pinson/Mijares) TO SUPPORT RECOMMENDATION 2.3. Ms. Steinbrueck stated opposition to the
recommendation. She noted that the agency expends a great deal on enforcement and does not currently recover costs. The Board discussed possibly capping the amount to be remitted to General Revenue and noted the agency had recommended transferring administrative penalties to General Revenue to secure the actual and apparent integrity of the agency’s enforcement efforts. THE MOTION PASSED WITH EIGHT MEMBERS TO SUPPORT THE RECOMMENDATION AND ONE OPPOSED (Steinbrueck).

The Board took at break at 2:10 p.m. and reconvened at 2:25 p.m.

The Board discussed the $510,000 annual payment to General Revenue under the Self-Directed Semi-Independent program. The Board reached a general informal consensus that consideration should be given to altering the payment amount to make it more equitable, especially if the more costly recommendations are adopted.

5. Report of Rules Committee (Action)

Pending Approval of the Rules Committee, Consider for Proposal the following Potential Committee Recommendations:

A. Readopt Chapters 1, 3, and 5 relating to the regulation of the practices of architects, landscape architects and registered interior designers, except as follows:
   I. Repeal Rules 1.63/3.63/5.73 relating to the replacement of certificates of registration.
   II. Amend Rule 1.67 relating to emeritus status, making defined terms upper-case.
   III. Amend Rules 1.142/3.142/5.152 to revise the definition of the term “gross incompetence” to include reference to the circumstances of the specific conduct at issue.
   IV. Amend Rule 1.144/3.144/5.154 to repeal requirements that Board registrants publish registration numbers in certain advertising.
   V. Repeal Rules 1.152/3.152/5.161 prohibiting Board registrants from maliciously injuring the professional reputation of another.
   VI. Amend Rules 1.177/3.177/5.187 relating to the administrative penalty schedule to correct a technical error.

B. Readopt Chapter 7, relating to the administration of the Texas Board of Architectural Examiners, except as follows:
   Amend Rule 7.10, relating to administrative fees to correct a technical error and repeal an obsolete administrative fee.

The General Counsel explained to the Board members that the Rules Committee met in September to receive stakeholder input on the rules under review. On October 16, 2012 the Committee met again to consider stakeholder and staff input. The Committee report recommends the proposal and re-adoption of chapters 1, 3, 5, and 7 with some technical changes to the rules. He gave the background on the recommendations of the Committee. He stated that the rules committee declined to adopt recommendations to include violations of the intent of building codes in the description of “recklessness”, and declined to alter the enforcement process to include evaluation by unlicensed experts of evidence in certain cases as a
prerequisite to filing for a contested case hearing at the State Office of Administrative Hearings.
A MOTION WAS MADE AND SECONDED (Mijares/Bearden) TO ADOPT THE REPORT OF THE RULES COMMITTEE AND PROPOSE AMENDMENTS TO THE RULES ACCORDINGLY. THE MOTION PASSED UNANIMOUSLY.

6. Consider and Act on Landscape Architecture Education Accreditation Requirements (Action)
Ms. Steinbrueck reported that there was an effort to urge the Landscape Architectural Accreditation Board to accredit two certificate programs in California as accredited landscape architecture programs. The programs do not issue degrees. Ms. Steinbrueck urged the Board to express opposition to the accreditation of certificate programs because they are contrary to Texas standards for licensure. To give equal stature to certificate programs would diminish the value of landscape architecture in the public's mind and will complicate reciprocity. A MOTION WAS MADE AND SECONDED (Odell/Steinbrueck) TO NOT SUPPORT THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS ACCREDITING LESS THAN DEGREE PROGRAMS FOR LICENSING PURPOSES. THE MOTION PASSED UNANIMOUSLY.

7. Enforcement Cases
Review and possibly adopt the ED's recommendation in the following enforcement cases: The Executive Director's recommendations are to resolve the following cases in accordance with agreements reached with the Respondents. The Chair recognized the Managing Litigator to present the enforcement cases.
A. Continuing Education Cases
The Managing Litigator outlined the cases on the agenda. For continuing education cases, a standard penalty of $700 for misstatements to the Board, $500 for failing to complete required continuing education, and $250 for failing to respond to an inquiry of the Board is recommended by the Executive Director to resolve the cases. The Managing Litigator also reported there is a case which the Executive Director recommends resolving with a $3,000 administrative penalty for three failures to timely file plans for accessibility review.
A MOTION WAS MADE AND SECONDED (Anastos/Mijares) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENTS IN THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:
Adams, Joseph H. (#233-12A)
Atwood, Robert O. (#249-12L)
Campbell, David G. (#006-13A)
Croft, Brent E. (#235-12L)
Dykes, Tim L. (#237-12A)
Gabriel, Michael (#243-12A)
Hibbs, Richard A. (#254-12A)
Joy, Rick (#257-12A)
Lew, Dick H. (#248-12A)
Marusak, Jean Marie (#234-12A)
Reynolds, Nicolett (#238-12L)
Riffey, Brenda L. (#223-12I)
Weintraub, Lee (#236-12A)
THE MOTION PASSED UNANIMOUSLY.

B. TDLR Case:
Gomez, Rudolph V. (#184-12A)
A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE
THE EXECUTIVE DIRECTOR’S PROPOSED SETTLEMENT IN CASE
NUMBER 184-12A INVOLVING TDLR VIOLATIONS BY RUDOLPH V. GOMEZ.
THE MOTION PASSED UNANIMOUSLY.

C. Makover v. TBAE, Dismissal of the Appeal of the Final Board Order of
October 30, 2010
The Managing Litigator updated the Board on the appeal of the Board’s Order
rendered in the Makeover case. The Board had altered the proposal for decision
issued by the State Office of Administrative Hearings. The Board imposed an
administrative penalty per violation instead of imposing a penalty per project as
proposed by the administrative law judge. The Respondent appealed the Board’s
decision but neglected to prosecute his appeal. The Court dismissed the appeal
with prejudice. Thus, the Board’s final order stands and may be used as
precedent for assessing administrative penalties.

8. Architecture/Engineering Taskforce Update (Information)
This section was previously covered in the Board meeting.

9. Board Election (Action)
Board Vice-Chair and Secretary/Treasurer
The Chair opened the floor for nomination for Vice-Chair. The Chair recognized Ms.
Odell who nominated Mr. Bearden for Vice-Chair. The Chair nominated Ms. Steinbrueck
for Vice-Chair. Ms. Steinbrueck respectfully declined the nomination. Hearing no further
nominations, the Board put the nomination of Mr. Bearden as Vice-Chair before the
Board. By unanimous consent of the Board, Mr. Bearden was elected Vice-Chair. The
Chair thanked Mr. Anastos for his service as Vice-Chair.
The Chair opened the floor for nominations for Secretary/Treasurer and recognized Ms.
Dockery who nominated Ms. Odell. Hearing no further nominations, the Chair put the
nomination before the Board. By unanimous consent, the Board elected Ms. Odell as
Secretary/Treasurer.

Board Committee Assignments (Action)
Executive and Rules Committees
The Executive Committee will be comprised of the following: Mr. Vidaurri (Chair), Mr.
Bearden, Ms. Odell and Ms. Miller.
The Rules Committee will be comprised of the following Board members:
Mr. Mijares (Chair), Mr. Pinson, Ms. Steinbrueck and Ms. Odell.

11. Upcoming Board Meeting
January 31, 2013.

10. NCARB Chief Executive Officer Question & Answer Session (Information)
Mr. Armstrong (CEO of NCARB) addressed the Board and thanked the members for
placing him on the agenda. He said that Texas was the nineteenth state that they had
addressed as part of the NCARB “road show.” By the end of the year, he will have
visited 21 states. Mr. Armstrong listed the reasons for visiting the member boards: 1) to get to know the boards outside of the NCARB meeting context; 2) to understand each board’s political environment, concerns, and realities and take that information back to Washington; and 3) to change the brand of NCARB as a community center of dialogue that convenes and facilitates, not just dictate. In short, as CEO, Mr. Armstrong is going out to change the image of NCARB as a castle on the hill with the drawbridge up.

Mr. Armstrong outlined his experience in city and state government in Colorado and his work as an appointee in the Clinton administration so he understands the operations and challenges of the member boards as entities within state government. However, he opined that it was going to take awhile for the culture to accept this idea. He said that he has opened up NCARB to more transparency with its members. He tasked his communications department with writing up summaries of Board meetings as news stories and putting them live on the Web site in real time during the meeting. He started a CEO update with highlights on key activities of each department at the Council. He thought it was important to justify expenditures to show member boards that NCARB is a good steward of their dues and that members get their money’s worth. NCARB is working on its strategic plan and developing the "blue sky" input discussions. NCARB started from scratch on the re-design of the exam and the IDP process. Mr. Armstrong stated his concern that much of what NCARB has done has been over-designed. NCARB will adapt, evolve and simplify.

Mr. Armstrong reported NCARB is focusing on collaboration with the local AIA groups across the country and trying to repair existing relationships and assert the value of a license. NCARB is distilling information from “NCARB by the Numbers” regarding the demographics and statistics of the profession. They are looking for redundancies with regard to communications. They have gotten all the practice analysis surveys in and are also in the process of developing a report on the practice analysis. In addition, they are taking a fresh look at the ARE.

He introduced Katherine Hillegas, Director, Council Relations. She reported that NCARB is putting more muscle behind volunteer efforts. She focuses on collateral organizations, such as AIA, which can assist in delivery of messages and information of interest to NCARB. They also are engaging and working with educational facilities regarding accreditation. NCARB seeks to have a collaborative discussion on what skills and knowledge is and is not apparent in a graduate.

Mr. Armstrong reported on NCARB’s efforts to take a fresh look at the ARE. The development of an ARE “desktop” was to solve everything. NCARB was throwing a lot of money to develop the software program. He had an analysis done of desktop and decided it was not sustainable. NCARB is currently in the process of developing a report on pursuing an ARE that tests for public health, safety and welfare.

The Board asked about the implementation of IDP 2.0 implemented in April, and alterations to the term “direct supervision” of interns by supervisors. Mr. Armstrong said that IDP 2.0 is the result of years of work after the 2007 practice analysis. A supervisor can now be licensed in any jurisdiction, making internships much more mobile. There were lots of "blue sky" discussions on the modification to “direct supervision” which was altered to allow for advances in technology and the manner in which interns now interact with supervisors.
There was a question from the Board on new educational programs in interior architecture. Mr. Armstrong stated NCARB has no role in accrediting education programs because that is done by NAAB. Mr. Armstrong stated there are no accredited programs in interior architecture.

On the Board’s question on practice analysis, NCARB does a practice analysis every 5-7 years to determine what people in the profession are saying about what is relevant on the path to licensure. Volunteer committees compile the data from the surveys and report to the executive committee. The survey is much longer than it used to be and included educators and interns. It created 2 million data points. It is a large enough sample to justify survey results. It is not yet ready for publication.

Mr. Armstrong reported that academic internships are now accredited but the time in the internship does not count for both education and experience. NCARB is allowing credit for construction work and working for complementary professions, like landscape architecture. NCARB is also awarding credit on shorter projects in light of the post-recession economy.

The Board asked about themes in the data which seems to indicate constructability and emerging technology are the main issues for new graduates entering the profession. The Board noted architects receive a great deal of education on structures and structural issues which are on the examination. However, architects may not design structures or engage in structural engineering. It seems like the exam would be better suited to the profession if it emphasized building code and coordination of different designs. To require testing on structural engineering seems to dilute the examination. Mr. Armstrong noted that we need to not look at it as diluting. The exam is a new exam for emerging professionals. Ms. Steinbrueck stated CLARB is doing similar things with its examination and suggested Mr. Armstrong visit CLARB’s chief executive, especially regarding CLARB’s definition of “welfare.”

Mr. Anastos expressed concern over allowing interns to earn internship credit at home without in person contact with the supervisor. Ms. Hillegas suggested perhaps a part of the internship could be earned at home while the rest requires an office setting.
Ms. Hillegas reported on the activities of the NCARB issues committee: 1) AIA leadership summit on continuing education, the quality of continuing education programs, and record-keeping requirements; 2) summit on health, safety and welfare and the CLARB definition of “welfare;” 3) urging member boards to adopt the NCARB model for reporting and complying with continuing education requirements.

Mr. Armstrong concluded by telling the Board to think of NCARB as a resource to determine what the other jurisdictions do and what the best practice is with regard to a particular issue. Lastly, he stated that NCARB was offering an amnesty program to lure delinquent card holders back by charging only one year's fee and not charging a lot of penalties. Also, they expanded it to an internship. They also restructured fees. He thanked the Board for the opportunity to meet with them and discuss the progress of NCARB.
13. Adjournment
A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO ADJOURN THE MEETING AT 4:40 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

[Signature]

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