<table>
<thead>
<tr>
<th>AGENDA ITEMS</th>
<th>DESCRIPTIONS</th>
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<tr>
<td>1A. Call to Order</td>
<td>Ms. Dockery called the meeting to order at 10:00 a.m.</td>
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<td>1B. Roll Call</td>
<td>Mr. Wetmore called the roll.</td>
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<td></td>
<td>Present Board Members</td>
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<tr>
<td></td>
<td>Debra Dockery</td>
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<td></td>
<td>Robert (Bob) Wetmore</td>
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<td></td>
<td>Charles (Chuck) Anastos</td>
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<td></td>
<td>Michael (Chad) Davis</td>
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<td></td>
<td>Jennifer Walker</td>
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<td>Rosa G. Salazar</td>
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<td></td>
<td>Fernando Trevino</td>
</tr>
<tr>
<td>1C. Excused and Unexcused Absences</td>
<td>Chase Bearden</td>
</tr>
<tr>
<td></td>
<td>Joyce J. Smith</td>
</tr>
<tr>
<td></td>
<td>A MOTION WAS MADE AND SECONDED (Walker/Wetmore) TO APPROVE THE EXCUSED ABSENSES OF MS. SMITH AND MR. BEARDEN. THE MOTION PASSED UNANIMOUSLY.</td>
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<tr>
<td>1D. Determination of a Quorum</td>
<td>A quorum was present.</td>
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<tr>
<td>1E. Recognition of Guests</td>
<td>Ms. Dockery acknowledged the following members of TBAE staff: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Glenn Garry, Communications Manager; Kenneth Liles, Finance Manager; Jack Stamps, Managing Investigator; Steve Ramirez, Investigator; Mike Alvarado, Registration Manager; Glenda Best, Operations Manager; Christine Brister, Human Resources; Dale Dornfeld, IT Manager; Matthew Le, Programmer; Julio Martinez, Information Security; and Katherine Crain, Legal Assistant. Additionally, the following guest was recognized: Marilyn Roberts, Texas Association for Interior Design.</td>
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Ms. Dockery thanked the Board, welcomed the audience and provided introductory comments, as follows.

Ms. Dockery stated that she is reminded that as regulators we rely a lot on other groups to aid in the development of the minimum standards required to qualify for a professional license. We rely on the National Architecture Accreditation Board and similar entities to certify that the course work being offered is appropriate to prepare candidates for a profession. We rely on the universities to provide education to the students and the documentation of that education in the form of a diploma. We rely on our national organizations like NCARB, CLARB and CIDQ to prepare and administer the professional exams and to certify that the candidate has successfully passed the exam. NCARB, CLARB and CIDQ give us a result that is fairly black and white – either the candidate passed enough questions, or they didn’t. Finally, we rely on the candidate’s supervisors to assert that the candidate has acquired the appropriate minimum experience that is needed to prepare for independent practice. All three legs – education, examination, and experience – are equally important in preparing a candidate to practice in our state. Education provides the valuable knowledge and skills that may not be provided in a work setting. The exam is a good measure of a candidate’s readiness for independent practice, but the test can’t measure every piece of knowledge that is necessary. And not every work environment will include the broad-based exposure that a candidate will need. These three legs allow regulators to feel confident about the license we are conferring.

Ms. Dockery continued by stating that during her committee work for NCARB, it occurred to her that one area for us to consider is the readiness of a candidate’s supervisor to ensure broad-based exposure in experience. What happens if the supervisor doesn’t understand what the task is supposed to involve or blindly signs off on the experience reporting of the candidate? We regulators are relying on the accuracy of the reporting that comes to us. She stated that NCARB is concerned about the training of these supervisors. NCARB has posted guidelines and are looking into independent coursework to help supervisors understand the broad exposure that a candidate needs in the experience program. Hopefully CLARB and CIDQ are doing the same thing. Ms. Dockery said TBAE needs to be proactive in directing our candidates and our supervisors to these resources that will help them fulfill what needs to be done. This in turn will help to ensure continued confidence in the experience component of the minimum standards for registration.

### 1G. Public Comments

None.
2. Approval of June 13, 2019 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Salazar/Walker) TO APPROVE THE JUNE 13, 2019 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY. (Mr. Anastos abstained from voting as he was not at the June meeting).

3. Executive Director’s Report

Ms. Dockery invited Ms. Hildebrand to deliver the executive director’s report.

A. Summary of Executive Accomplishments

Ms. Hildebrand provided a report and explanation of executive accomplishments as summarized on pages 15-17 of the Board materials. In particular, Ms. Hildebrand provided an in-depth discussion of the issues facing TBAE regarding office space. Ms. Hildebrand referred to information provided at the June meeting concerning the sale of the Hobby building. She stated that TBAE’s lease with the Texas Facilities Commission (TFC) is effective through August 2023, but that TFC could terminate that lease with 90-days’ notice. With new positions created for other agencies in the last session, TFC is actively trying to find space in the Hobby building. Another SDSI agency, the Accountancy Board, has been given one year to find new office space. Additionally, TFC has informed Ms. Hildebrand that, after the Hobby building is sold, there would be no space for TBAE in any of the new state buildings. She informed the Board members that TFC would prefer TBAE rent private space since TBAE has more flexibility as an SDSI agency.

With these issues in mind, Ms. Hildebrand discussed options with the Board, including staying in the current space as long as possible or beginning the process of looking for new space. She discussed the advantages and disadvantages of each, including the potential cost of leasing private space, which she estimated would be $125,000 to $175,000 per year. She also discussed the possibility of TBAE teaming with the Accountancy Board to secure office space, which could allow the agencies to save money by sharing common spaces.

Ms. Hildebrand requested input from the Board members on their preferences and asked whether it would be advisable to appoint a committee to work on the issue.

Ms. Dockery began by stating she was pleased that the agency was asking these questions when it is not yet in a state of urgency and had time to consider the best course of action. She invited the Board to share their thoughts.

Mr. Wetmore stated that it would be beneficial for the agency to hire a leasing agent to show some options on what is available, what the rates are going to be, what parking would look like, etc. He also volunteered to serve on any committee that might be formed to address this issue.

Ms. Dockery agreed that TBAE should probably begin the search now to allow for more time to make the transition, as there are a lot of secondary
issues that arise during a move. She liked the idea of a building committee and suggested Mr. Wetmore would be a good chair. She also agreed with the need for a leasing agent, as TBAE staff need to be able to devote the necessary time to agency operations. Ms. Dockery recommended that Ms. Hildebrand look further into the idea of sharing space with another agency such as the Accountancy Board, and also consider whether it might be more cost efficient to hold Board meetings in alternative spaces such as hotel conference rooms, rather than renting such space 365 days per year as part of a commercial lease.

Mr. Davis noted that the Engineering Board owns their own building and he asked whether it would be possible for the Board to utilize reserve funds to purchase a building and maybe even lease space out for a second source of revenue.

Ms. Hildebrand explained that TBAE’s law does not allow for the purchase of a building. She stated that the Engineers’ Board bought their building prior to SDSI being implemented. She also noted recent Sunset criticism of another state agency that had set aside money for the purchase of a building. With this in mind, Ms. Hildebrand stated that it would be necessary for TBAE’s enabling legislation to be amended to allow for such a purchase, and that legislative support may not be there on this issue. Mr. Davis suggested that the Board allocate anything above the nine-month operating budget into a fund for building relocation.

Mr. Anastos noted the likelihood that he would be off the Board by the time these changes occur, but he suggested that the agency should plan an exit strategy with a self-imposed goal of relocating by 2020, rather than let TFC dictate the circumstances and timeline. Doing so might allow TBAE to have six months to relocate rather than ninety days.

Ms. Hildebrand continued by updating the Board on the transition to CAPPS for finance. She stated that it would take an entire fiscal year to prepare for this transition. Since we are scheduled to go live on September 1, 2020, we will begin the process on September 1, 2019. She discussed the amount of work and training that will be required for finance and operations, which is substantial.

Ms. Hildebrand directed the Board to page 17 for information regarding enforcement activity and provided a summary thereof.

Ms. Dockery inquired about the two complaints filed at SOAH. Mr. Brenton explained that the cases had been set for SOAH hearings, but that once he did so, the Respondents came out of the woodwork and settled the case. Those cases had been considered by the Board at the June meeting.

<p>| B. Operating Budget/Scholarship | Ms. Hildebrand provided a summary of the year-to-date budget numbers on page 18 and the AREFAF numbers on page 19. |</p>
<table>
<thead>
<tr>
<th>Fund: Presentation on 3rd Quarter Fiscal Year 2019 Expenditures/Revenue</th>
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<tr>
<td><strong>3C. Report and Conferences and Meetings</strong></td>
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<td>Ms. Hildebrand reported on past conferences. She gave a presentation and attended the annual NCARB business meeting as did Ms. Dockery, Ms. Salazar and Ms. Smith. Ms. Dockery noted that the meeting was on the grounds of the AIA in Washington D.C. and that the meeting would be in Austin next year, which would be a good opportunity for the Board. Ms. Salazar thought that it was an interesting experience which she was exposed to a lot of very helpful information.</td>
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<td>Ms. Hildebrand reported that Mike Alvarado and Jackie Blackmore attended the NCARB Licensing Advisory Summit in Minneapolis on August 1 and 2. The summit consisted of two days of educational conferences and discussions of trends in licensing. Mr. Alvarado stated that the summit is held every two years and the focus is always on what can be done to help get candidates licensed, which is a big challenge for some people.</td>
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<td>Ms. Hildebrand reported that Rosa Salazar, Glenn Garry and she made a presentation at MetroCon in August. Ms. Salazar thought the presentation was well-received by the attendees and noted the amount of audience participation.</td>
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<td><strong>3D. Report on Upcoming Conferences and Meetings</strong></td>
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<tr>
<td>Ms. Hildebrand discussed upcoming conferences and meetings and expected attendees.</td>
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<td><strong>4. Approval of the Fiscal Year 2020 Budget</strong></td>
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<td>Ms. Hildebrand briefed the Board on the proposed budget for FY 2020. She noted that the numbers were largely similar to what had been provided to the Board in June. However, she did discuss a few changes. She discussed her projections for revenues, which she had estimated would be slightly lower than projected revenues for FY 2019. She increased the budget for salaries and wages by three percent with an additional $10,000 to address potential changes in IT personnel. Matthew Le will go part-time effective September 1, but Dale Dornfeld will remain as a full-time employee. With Julio Martinez doing more information security, it may be necessary to hire someone to do more network maintenance. She also stated that finance may need an increase in payroll as the CAPPs program begins this year. She shared her expectation for an increase in SOAH cases to be filed so she increased the budget for that expenditure. She kept the Board and staff travel the same as last year in expectation that more Board members will attend future meetings.</td>
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She addressed the possibility of an increase in expenses due to office relocation. Since there is so much uncertainty, this has not been addressed in the budget. She will keep the Board updated on the potential move, and if the Board feels that it is necessary to amend the budget, we can do so.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE THE 2020 BUDGET. THE MOTION PASSED UNANIMOUSLY.

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<th>5. Enforcement Cases Review and possibly adopt ED’s recommendation in the following enforcement cases:</th>
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Review and possibly adopt executive director’s recommendation in the following enforcement cases:

<table>
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<tr>
<th>5A. Registrant/Non-Registrant Cases:</th>
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Bailas, Jeffrey (#227-19A)
Mr. Brenton provided a summary of this matter as described on page 21 of the Board materials.

A MOTION WAS MADE AND SECONDED (Anastos/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF $2,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED MAY 7, 2019.

Mr. Anastos mentioned that he has been on the Board for 10 years and this is the first time he has seen a case of this type.

Ms. Dockery suggested that this type of infraction may need to be a featured article in the upcoming newsletter.

THE MOTION PASSED UNANIMOUSLY.

Gisbert, Ramon (#093-19N)
Mr. Brenton provided a summary of this matter as described beginning on page 22 through page 31.

A MOTION WAS MADE AND SECONDED (Wetmore/Davis) TO ADOPT AND ENTER THE ATTACHED AGREED ORDER, INCLUDING THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DISCIPLINARY ACTION, INCLUDING AN ADMINISTRATIVE PENALTY OF $26,000.

Mr. Wetmore asked whether Respondent provided some sort of seal on the plans. Mr. Brenton replied that there was no seal, just continued practice and provision of services as an architectural firm.
Ms. Dockery asked whether the projects were required to have an architect. Mr. Brenton responded that these were small medical offices that otherwise would not have required an architect. The problem was that Respondent was operating within a firm holding itself out to be an architectural firm.

Mr. Anastos inquired whether there were engineer seals on the drawings. Mr. Brenton stated that it is staff’s practice to request only the architectural drawings, but that sometimes they receive the whole set. In this case, he was unable to provide information about engineering seals, though Mr. Ramirez noted that building officials are active in ensuring engineering documents are sealed, if required.

Mr. Davis inquired about the Board’s authority to refuse to grant a registration if the Respondent engaged in further violations.

Mr. Brenton explained the Board’s authority to impose various disciplinary remedies. For a registrant, the Board has the authority to revoke a registration. For an applicant, the Board has the authority to deny licensure. Here, the Board would be preserving the Respondent’s eligibility for registration, while noting that further violations could jeopardize that eligibility. He feels comfortable that this is within the Board’s authority.

Ms. Dockery called for the vote. THE MOTION PASSED UNANIMOUSLY.

Reagan, Charles (#231-19A)
Mr. Brenton provided a summary of this matter as described on page 32 of the Board materials.

A MOTION WAS MADE AND SECONDED (Anastos/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF $1,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED MAY 30, 2019. THE MOTION PASSED UNANIMOUSLY.

5B. Continuing Education Cases:

The Board considered and voted upon the continuing education cases as a group.

A MOTION WAS MADE AND SECONDED (Walker/Anastos) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTIES AS SET FORTH IN THE REPORT AND NOTICES OF VIOLATION FOR EACH OF THE FOLLOWING CONTINUING EDUCATION CASES:

Braht, Emily G. (#242-19L)
Fuller, Jessica A. (#241-19L)
Haaverdink, Michael J. (#250-19A)
Martin, Lee (#236-19L)
| Peterson, Richard K. (#252-19A)  
| Taylor, Robert M. (#249-19L)  
| Weisbard, Russell N. (#235-19A) |

THE MOTION PASSED UNANIMOUSLY.

6. **Discuss New Reporting Requirements for the NCARB Disciplinary Database**

Mr. Brenton thanked the Board members and directed them to item 6 on page 40, which is a letter sent by NCARB to member Boards that discusses a change of policy relating to the NCARB disciplinary database. Mr. Brenton had discussed the letter with Ms. Hildebrand, and they decided they had concerns that should be addressed with the Board. Mr. Brenton stated that he would be giving the Board a lot of information and expected it would promote a good deal of discussion. He stated that he was hoping for feedback from the Board on how to proceed.

The letter concerns the database maintained by NCARB that collects disciplinary information concerning the practice of architecture by both architects and non-registrants within member board states. The database is a software program and internet site that allows member boards to upload disciplinary actions concerning registrants and non-registrants and to search for discipline by name. It is useful for researching information on applicants and some states also use it to search for their entire population of registrants to look for disciplinary action in other states.

Mr. Armstrong’s letter states that it is a memorandum that is intended to clearly articulate the purpose of the NCARB disciplinary database as a repository of all disciplinary actions taken by members boards regardless of severity or type including the so-called administrative discipline. Mr. Brenton noted that the letter does not disclose that this is a change in policy by NCARB. He stated that he had concerns about the lack of process that was used to change this policy and also concerns of the potential impact of the policy for our registrants.

Historically, NCARB has not required member boards to report minor disciplinary actions. For example, this Board has never reported continuing education violations or TDLR violations to the database. This was based on guidance that was provided to the Board by NCARB. In fact, NCARB’s staff had reiterated this guidance as of July 2019. At that time, TBAE contacted NCARB with questions about whether there was a written policy addressing which violations needed to be reported. TBAE was told there was no written policy. It was communicated that it was up to the Board’s discretion whether we reported CE cases or TDLR cases or not. Mr. Brenton was comfortable in concluding that this is a change in policy.

Mr. Brenton also expressed his concern about the impact of increased reporting on registrants and questioned whether this impact resulted in increased public safety. Mr. Brenton expressed his concerns that NCARB had bypassed member boards to create a new policy and that this policy...
could result in increased disciplinary actions imposed by other states for
minor infractions. This could result in unnecessarily punitive outcomes and
might be looked at unfavorably by outside stakeholders. In his research, he
had learned that some boards are highly active in imposing reciprocal
disciplinary actions against registrants who have had actions in other states
or have failed to disclose those actions on renewal forms. These actions can
result in cascading disciplinary actions in multiple states that impose far
more significant financial penalties on multi-state registrants than what the
originating board thought was appropriate. He identified two cases that fell
into this category and provided the facts to the Board regarding these
cases. Mr. Brenton shared his concern that cascading discipline could make
it harder for the Board to process its own cases if registrants are concerned
about knock-on effects with other Boards.

Since this is a policy change and since it could have a significant impact on
registrants, it was Mr. Brenton’s opinion that the policy should have been
cleared by NCARB member boards.

Mr. Brenton also provided a summary of NCARB’s recent actions imposing
reprimands on certificate holders.

The Board discussed the issue at length.

Mr. Anastos stated that it appears from the letter that NCARB is expecting
TBAE to comply with the new policy. Mr. Anastos stated that, in the past,
TBAE would contact Region 3 with any concerns about pending NCARB
actions. He suggested that it may be a good idea for staff to send a letter to
Region 3 member boards and see if these concerns are shared.

Ms. Dockery was concerned that this was a money grab for other Boards to
impose cascading penalties. If there is not a concern for health, safety, and
welfare, then why is it necessary for other states to impose additional
discipline? She said that the NCARB database has value to create a record
of egregious violations that could impact the decision on whether to grant a
license. But for something like a CE audit, where is the value? Additionally,
she asked whether it is worthwhile for NCARB to be spending member dues
to impose reprimands on certificates?

Mr. Davis commented that the legislature has not given jurisdictional
authority to NCARB and he is concerned it could be an overreach for NCARB
to collect disciplinary data and impose separate discipline. Mr. Davis also
noted that, to his knowledge, Texas is the only state to have a separate
state agency and statutory apparatus to enforce accessibility requirements.
If that is the case, then no other state has any need to impose cascading
discipline for a TDLR violation entered in Texas. Therefore, these cases
should not be reported to the database.
Mr. Wetmore shared his opinion that it was important for NCARB to distinguish between disciplinary cases that could actually impact licensure decisions and those that don’t. If it is a minor action, then it is questionable whether there is any value in including it in the database.

Ms. Hildebrand said that the Board could notify NCARB that it would not change its preexisting reporting practices. She also noted that it seemed likely that at least one other Board looks at TBAE minutes to identify disciplinary actions taken by the Board that have not been reported to the database. For that reason, it may be necessary for the Board to start notifying Respondents that disciplinary actions are a public record and emphasize the importance of providing truthful answers on other states’ renewal applications. She stated that Mr. Anastos’s suggestion that we start with a letter to Region 3 would be a good start.

Ms. Dockery asked for staff to write a letter to the Region 3 member boards expressing the Board’s concerns.

### 7. Approval of the Proposed 2020 Board Meeting Dates

Ms. Dockery stated that the proposed meeting dates for 2020 are as follows: February 20, May 21, August 21 and November 19.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE THE BOARD MEETING DATES SET OUT ABOVE. THE MOTION PASSED UNANIMOUSLY.

The Board took a break at 12:03 p.m. and reconvened at 12:15 p.m.

Ms. Dockery called the Board back to order.

Mr. Brenton stated that he just learned that the agency had been waiting on a signed Notice of Violation but had not received the signature page. He requested that the Board make a motion to rescind the Board Order in Case No. 249-19L and direct staff place the matter on the agenda for a future board meeting once the page is received.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO RESCIND THE BOARD ORDER IN CASE NO. 249-19L. THE MOTION PASSED UNANIMOUSLY.

### 8. Executive Director Performance Evaluation

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<th>l. Report on findings based upon performance evaluation</th>
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MS. Dockery stated that the Board would go into executive session to consider the performance evaluation of the executive director under the authority of Texas Government Code §551.074.

A MOTION WAS MADE AND SECONDED (Wetmore/Salazar) TO GO INTO CLOSED SESSION AT 12:17 P.M. THE MOTION PASSED UNANIMOUSLY.

The Board reconvened into open session at 12:52 p.m.
II. Consider and possibly act upon any proposed personnel action that may be proposed by the Board

Ms. Dockery stated that there was no final action, decision or vote in the executive session. A certified agenda on the executive session would be made.

Ms. Dockery provided a summary of the Board’s evaluation review with Ms. Hildebrand. Ms. Dockery stated that the Board is pleased as can be that Ms. Hildebrand is the executive director. She received high scores across the board and the members appreciate what she is doing for the agency. Staff engagement is very high. The Board appreciates her.

Ms. Dockery stated that Board gave her a 4.975 out of 5 on performance.

Ms. Dockery identified specific issues for the executive director to focus on in the upcoming year. They include the office relocation project and a continuation of the internal and external factors analysis to ensure the agency is responsive to changes in technology and the professions.

Ms. Dockery noted an ongoing need for board training about all aspects of the agency’s operations. To this end, she requested that each Board meeting include a 10-minute presentation about an agency department or process that the Board otherwise does not hear about. Finally, Ms. Dockery noted the importance of the agency having a continuity plan in place to ensure that employees are ready to step up if necessary.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT THE EVALUATION AND GIVE THE EXECUTIVE DIRECTOR A FOUR PERCENT (4%) RAISE.

As support for the motion, Mr. Anastos commented that the impending relocation would put added strain on Ms. Hildebrand along with additional work the Board is putting on her plate. He stated that 4% was the minimum the Board could consider. Ms. Dockery also noted the amount of travel that Ms. Hildebrand had engaged in, and the positive relationships that have resulted from that work.

THE MOTION PASSED UNANIMOUSLY.

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<tr>
<th>9. Upcoming Board Meeting</th>
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<tr>
<td>The next Board meeting is scheduled for November 19, 2019.</td>
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<tr>
<th>10. Chair’s Closing Remarks</th>
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<td>Ms. Dockery stated that she had no closing remarks. Mr. Anastos noted the possibility that this could be his last meeting. If it was, he said it was important that he state how much he has appreciated serving on the Board recognize. The staff is incredible, the executive director is incredible, and the Board members are incredible. Ms. Dockery thanked Mr. Anastos for his service on the Board.</td>
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## 11. Adjournment

A MOTION WAS MADE AND SECONDED TO ADJOURN THE MEETING. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

![Signature]

DEBRA J. DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS