TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of February 1, 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
Mr. Davis called the meeting to order at 9:16 a.m. and noted that due to
the Chair’s absence, he would be acting as Chair for this meeting.

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

Present Board Members
Michael (Chad) Davis
Chase Bearden
Sonia Odell
Jennifer Walker
Robert (Bob) Wetmore

Vice-Chair, Landscape Architect Member
Public Member
Registered Interior Designer Member
Secretary-Treasurer, Architect Member
Architect Member

Excused and Unexcused absences
Debra Dockery
Charles (Chuck) Anastos
Paula Ann Miller
Chair, Architect Member
Architect Member
Public Member

A MOTION WAS MADE AND SECONDED (Wetmore/Bearden) TO APPROVE
THE EXCUSED ABSENCES OF DEBRA DOCKERY, CHARLES (CHUCK) ANASTOS
AND PAULA ANN MILLER. THE MOTION PASSED UNANIMOUSLY.

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

1E. Recognition of Guests
Mr. Davis acknowledged the following guests and members of TBAE staff:
Julie Hildebrand, Executive Director; Lance Brenton, General Counsel;
Glenn Garry, Communications Manager; Glenda Best, Operations Manager;
Christine Brister, Human Resources; Kenneth Liles, Finance Manager;
Jack Stamps, Managing Investigator; Mike Alvarado, Registration Manager;
Katherine Crain, Legal Assistant; Julio Martinez, Information Systems Administrator;
David Lancaster, Texas Society of Architects; Donna Vining, Texas Association for Interior Design; and Jeri Morey,
Architect from Corpus Christi, Texas.

1F. Chair’s Opening Remarks
Mr. Davis provided the Chair’s opening remarks. He began by remarking
upon the loss of Ms. Dockery’s husband, Paul Kniestedt, on December 30th.
Mr. Davis stated that he attended the service in San Antonio, along with
Ms. Hildebrand and Mr. Stamps. He noted that the services were held in
Hanger 9, a historic Air Force hanger that was restored in a project that
Debra and Paul worked on together. Mr. Davis stated that it was a beautiful sunny day, and with the wind blowing through the open hanger doors, it occurred to him that the outstanding work that had been done to the hanger was another example of how the built environment can enrich our lives. He said that Paul was quite a guy and that he and Debra had an amazing and exemplary relationship. He stated that Ms. Dockery has always had his greatest admiration and respect, that he is honored to know her and that we all send our thoughts and wishes for peace and healing in this time.

1G. Public Comments

Jeri Morey provided commentary on the appropriate processes to use in investigating complaints for violations of building code fire safety. Ms. Morey stated that she disagrees that an architect from the same or similar community as the Respondent can provide expert opinion on such matters unless the architect has extensive training in fire science or fire protection engineering. She is requesting that the Board change its practices in referring cases for expert opinion.

Mr. Davis requested that Ms. Morey put her concerns in writing and direct them to the General Counsel.

2. Approval of Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Bearden/Odell) TO APPROVE THE NOVEMBER 8, 2017 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director’s Report

Ms. Hildebrand provided the Board with the Executive Director’s report as follows.

3A. Summary of Executive Accomplishments

Ms. Hildebrand presented and discussed the summary of executive accomplishments as described on page 11 of the Board materials. Ms. Hildebrand noted that this has been the year of audits for the agency. In addition to the State Auditor’s audit, the agency had submitted to audits by the Texas Workforce Commission and the Texas Department of Public Safety.

The audit performed by the State Auditor’s office reviewed financial information, performance measures, enforcement cases and administrative penalties, and IT security. The report was published in January 2018 and is located in the Board’s materials.

Ms. Hildebrand discussed the audit performed by the Texas Workforce Commission, which focused on the agency’s policies for personnel and procedures. The auditors recommended that the agency adopt a minor addition to HR policies relating to reviewing hiring actions for EEO compliance, which has been done. This audit is performed every five (5) years.
Ms. Hildebrand discussed the audit performed by the Texas Department of Public Safety, which looked at the agency’s handling of criminal justice information. One improvement that we have made to our procedures is that once a registrant is removed from our licensure roles, he or she is removed from the list of individuals for whom we receive criminal record updates. DPS gave us kudos for taking this action. Following the audit, DPS requested that all Staff receive training regarding access to criminal justice information. Staff is currently in the process of completing the training.

Ms. Hildebrand updated the Board on the transfer to the CAPPs software program that manages HR and payroll. Next year, the CAPPs transition will focus on finance.

Ms. Hildebrand presented and discussed the registration and enforcement accomplishments as described on pages 12 and 13 of the Board materials.

Ms. Hildebrand noted that the total number of active registrants continues to grow each month and that the number of total registrations issued had increased over the last year. Ms. Hildebrand suggested that the switch from the ARE 4.0 to ARE 5.0 has caused an increase in registration numbers due to individuals taking the exam before the 4.0 exam is eliminated.

Ms. Hildebrand noted continued growth on the enforcement side due to an increase in complaints from TDLR over the previous year. There was a three-fold increase in enforcement cases last year. She stated that Staff is currently able to handle the growth in enforcement cases; however, she continues to monitor the workload.

Ms. Hildebrand presented and discussed the 1st quarter budget numbers on page 14 of the Board materials. She stated that license fees, business registration fees, the late fee payments and overall revenue are above what they were last year. At this point, it appears that if the agency has to draw from the reserve fund, it will be less than previously anticipated. As far as expenditures, the professional fees and services will be higher because the agency incurred unexpected costs due to the State Auditor audits. As of November 30th, those fees had not been charged yet, so that line item will increase. Ms. Hildebrand projected that Board travel should be much lower this year because we are operating with fewer appointees and the short travel distance for many board members.

Ms. Hildebrand presented and discussed the scholarship fund balance as described on page 15 of the Board materials. She noted that the fund balance is staying steady due to the scholarship fee that was adopted last year.
3C. Strategic Plan Timeline

Ms. Hildebrand presented and discussed the strategic plan timeline as described on page 16 of the Board materials. A strategic plan is required to be completed every two years. Last cycle, we prepared the plan according to the guidelines that had been prepared by the previous governor. This year, we will be following Governor Abbott's guidelines, which provide for a shorter, more concise report.

Ms. Hildebrand discussed the various topics to be covered on the report, which staff will be working on over the next few months, including the customer service survey, the employee engagement survey, and the budget. One item that the agency has already begun is the customer service survey, which is required by law. The survey has been distributed and will run through February. Thus far, the agency has received 413 responses and has a 95% customer satisfaction rating. Ms. Hildebrand expects that the Board will be approving the strategic plan at the May Board meeting, and budget in August.

3D. Update on the State Auditor's Office (SAO) Audit

Ms. Hildebrand presented and discussed the State Auditor’s report as described on page 17 of the Board materials. Ms. Hildebrand stated that the agency had done very well and she was happy with the outcome. Overall the auditors found that the Board was operating effectively, with some recommendations for improvement.

On page 23, the first recommendation was that the Board should implement a process to review its monthly reconciliations including documentation of that review. This was part of the financial review process and the issue was that the Finance Department was reconciling the statements correctly, but the documentation of that review was not sufficient and up to the auditors’ standards. To remedy that issue, agency policies have been amended to require the appropriate documentation. This was rated as a low risk issue by the auditors.

The next issue is contained on page 23 of the Board materials, which recommended that the agency should improve controls over its SDSI performance measure reporting. This was identified as a medium risk rating. Ms. Hildebrand noted that one of the requirements under the SDSI law is to provide performance measures to the legislature. The auditors recommended that the Board should include all required financial and performance data in its SDSI report; extract data used to support its performance measures in a timely manner and include all information required to be reported in its calculations; retain an extract of the underlying data/records that support the results of system-generated report that it uses to report performance measures; and include all complaints closed for the reporting period when calculating results for its complaint-related performance measures. Ms. Hildebrand discussed the improvements that the agency would be implementing, as discussed on page 26.
Ms. Hildebrand presented and discussed auditor’s item 2-A as described on page 27 of the Board materials. This item related to the auditor’s review of the processes for setting fees, establishing its budgets and assessing administrative penalties. The auditors were pleased with the Board rules relating to administrative penalty assessment. The auditors recommended that the Board should develop detailed procedures for monitoring its fund balance as required by its policy. Specifically, the auditors wanted more documentation of the Board’s processes in determining the appropriate fund balance.

Next, as discussed on page 29 of the Board materials, the auditors reviewed whether the administrative penalties were consistently assessed and collected as required. The auditors found that the Board did so, but recommended that the Board should consistently document its internal review of administrative penalty assessments as required by its policies and procedures.

The last item, which is discussed on page 30 of the Board materials, concerns adequate information technology system controls in place to ensure the reliability of financial and performance data. The auditors found that the agency’s controls were adequate to ensure that the information in TBAsT was complete, accurate, and reliable for the purposes of the audit. However, they recommended that the Board should improve certain controls over change management.

In closing, Ms. Hildebrand reiterated that she was very pleased with the agency’s results in the audit, and was also thankful for the improvements that were identified by the auditor’s office.

Mr. Davis was happy to see how some of the work that has been completed since Ms. Hildebrand’s arrival at the agency contributed to positive results in the audit, especially the administrative penalty schedule. He was also pleased with the agency’s successes regarding information systems controls.

3E. Report on Conferences and Meetings

I. TxA Conference – Nov 9-11
II. 2017 CIDQ Council of Delegates Meeting – Nov 10-11
III. NCARB Experience Committee Meeting #2 – Dec. 1-2

Ms. Hildebrand stated that the TxA Conference was in Austin and although she could not attend it due to a previous conflict, it was well attended. She stated that Jack Stamps, along with Rob Roy Parnell from Texas State University and Norman Kieke of TDLR gave a presentation by way of a concert entitled “Rock Out to TAS.” They took cover tunes and reworded the songs with accessibility issues and performed to a crowd of over 300
people. Some of the audience commented that it was the best presentation they had ever attended at a TxA Conference.

Ms. Hildebrand stated that she attended the 2017 CIDQ Council of Delegates Meeting on November 10-11. She said that a focus of this meeting was regulatory issues rather than practice issues as in the past, and that this was a very helpful perspective.

Finally, Ms. Hildebrand said that she attended the NCARB Experience Committee Meeting. Through her work on the committee, she has learned more about the intern-mentor relationship and health, safety, and welfare requirements and how they relate to examination and education requirements. She has enjoyed serving on the committee and would like to continue.

3F. Report on Upcoming Conferences and Meetings

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 – April 18

Ms. Hildebrand gave an overview of the upcoming meetings. She said that Chuck Anastos and Chase Bearden will be attending the NCARB 2018 Regional Summit & MBE Workshop. She plans on taking Mike Alvarado and Lance Brenton with her to the Region 3 Educators Conference scheduled in Florida on April 6 & 7. A key topic at this conference will be IPAL programs, in which students begin taking the ARE prior to graduation. Additionally, Jack Stamps and Glenn Garry will be making a presentation at the 2018 Texas ASLA Conference and she and Mike Alvarado plan on attending that conference too.

3G. Personal Financial Statement Filing Deadline

Ms. Hildebrand provided a reminder to the Board members that the deadline for filing Personal Financial Statements is April 30, 2018.

4. General Counsel Report Draft Rules for Proposal

Mr. Brenton presented and discussed the draft rules for proposal as described on page 39 of the Board materials. Mr. Brenton provided staff’s recommendation that the Board approve the draft rules for proposal and publication.

A MOTION WAS MADE AND SECONDED (Bearden/Walker) TO APPROVE THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§ 1.5, 1.21, 1.22, 1.41 AND 1.123 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
   A. Registrant/Non-Registrant Cases

   The Board considered the following enforcement actions:

   **Cade, Nicholas K. (#053-18A)**
   Mr. Brenton provided a summary of this matter as described on page 51 of the Board materials.

   A MOTION WAS MADE AND SECONDED (Bearden/Odell) TO ACCEPT STAFF’S RECOMMENDATION OF A $2,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

   **Martinez, Marcello (#030-17A)**
   Mr. Brenton provided a summary of this matter as described on page 52 of the Board materials.

   A MOTION WAS MADE AND SECONDED (Wetmore/Bearden) TO ACCEPT STAFF’S RECOMMENDATION OF AN $8,000 ADMINISTRATIVE PENALTY AND MANDATORY ATTENDANCE AT THE TDLR ACCESSIBILITY ACADEMY. THE MOTION PASSED UNANIMOUSLY.

   **B. Continuing Education Cases**

   Mr. Brenton requested that the continuing education case involving April Rains (#417-17I) be heard separately from the others. Mr. Brenton presented a summary of this matter as described on page 69 of the Board materials. Mr. Brenton also provided the Board members with a copy of a letter that by request of Ms. Rains. In the letter, Ms. Rains requested that the Board accept her activities spent preparing for AAHID certification in lieu of continuing education coursework. Mr. Brenton presented staff’s position that, though this is a significant certification, it does not satisfy the Board’s rules requiring 12 hours of continuing education, including at least 8 hours of structured coursework.

   A MOTION WAS MADE AND SECONDED (Odell/Walker) TO ACCEPT STAFF’S RECOMMENDATION OF A $500 ADMINISTRATIVE PENALTY IN CASE NUMBER 417-17I INVOLVING APRIL RAINS.

   Ms. Odell noted that this is a tough certification that requires significant effort but agreed that self-study does not satisfy continuing education requirements.

   Mr. Wetmore asked whether staff had information on previous years’ compliance. Mr. Brenton responded that he was aware only of the audit period.

   THE MOTION PASSED UNANIMOUSLY.

   Jennifer Walker recused herself from voting on the case involving James Carrillo in TBAE Case No. 030-18L.
Mr. Brenton provided a summary of Case #030-18L involving James E. Carrillo as described on page 55 of the Board materials. Mr. Brenton stated that this case involves a registrant that falsely provided information when he renewed his landscape architectural registration and the Executive Director has recommended an administrative penalty of $700.

A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO ACCEPT STAFF’S RECOMMENDATION OF A $700 ADMINISTRATIVE PENALTY IN CASE NUMBER 030-18L INVOLVING JAMES CARRILLO. THE MOTION PASSED UNANIMOUSLY (Ms. Walker recused herself from consideration and abstained from voting).

Mr. Davis stated that the Board would hear the remainder of the continuing education cases as follows:

Aichler, Kurt C. (#004-18A)  
Dahlin, Roger C. (#028-18A)  
Dobson, David L. (#027-18A)  
Dupuy, John T. (#042-18L)  
Flemons, Jerry B. (#260-17A)  
Foster, David D. (#026-18A)  
Gelsheimer, Katherine H. (#040-18I)  
Goodspeed, Robert A. (#375-17A)  
Holland, Thomas A. (#029-18A)  
Konradi, Wendy W. (#025-18I)  
Menefee, Michael E. (#041-18A)  
Mulligan, Shae S. (#124-18A)  
O’Connell, Daniel P. (122-18A)  
Steinbrecher, Cynthia E. (#415-17I)  
Sutherland, Chaval R. (#296-17I)  
Venable, Brenda (#414-17I)

A MOTION WAS MADE AND SECONDED (Odell/Walker) TO ADOPT STAFF’S RECOMMENDATION FOR ADMINISTRATIVE PENALTIES IN 16 CASES LISTED ABOVE. THE MOTION PASSED UNANIMOUSLY.

6. Upcoming Board Meetings  
   May 22, 2018  
   August 21, 2018  
   November 15, 2018

7. Chair’s Closing Remarks  
   Mr. Davis thanked the Executive Director and Staff on the work that had been done in preparation for the meeting.

8. Adjournment  
   A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO ADJOURN THE MEETING AT 10:42 A.M. THE MOTION PASSED UNANIMOUSLY.
APPROVED BY THE BOARD:

MICHAEL (CHAD) DAVIS FOR DEBRA J. DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS