TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Board Meeting Agenda
The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas
Tuesday, November 19, 2019
10:00 a.m. – Conclusion

1. Preliminary Matters
   A. Call to order
   B. Roll call
   C. Excused and unexcused absences
   D. Determination of a quorum
   E. Recognition of guests
   F. Chair’s opening remarks
   G. Public comments

Debra Dockery
Joyce Smith
Debra Dockery

2. Resolution Honoring David Lancaster (Action) Debra Dockery

3. Approval of August 13, 2019 Board Meeting Minutes (Action) Debra Dockery

4. Executive Director Report (Information) Julie Hildebrand
   A. Summary of Executive Accomplishments
   B. Operating Budget/Scholarship Fund: Presentation on 4th Quarter FY 2019 Expenditures/Revenues

5. Trend Analysis Presentation on Agency Performance and Operations (Information) Julie Hildebrand


7. Office Relocation Update (Information) Julie Hildebrand

8. Letter to Region 3 Regarding NCARB Disciplinary Database (Action) Lance Brenton

9. Board Member Learning and Envisioning (Information) Julie Hildebrand
   Strategic Plan & Performance Measures
TEXAS BOARD OF ARCHITECTURAL EXAMINERS
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   A. Consideration of amendments to 22 Tex. Admin. Code §§ 1.5, 
      1.65, 3.5, 3.65, 5.5, and 5.75 implementing Senate Bill 37 (86th 
      Tex. Leg., R.S.), which repealed a requirement for the Board to 
      deny registration renewal to persons who had defaulted on certain 
      student loans.
   B. Consideration of amendments to 22 Tex. Admin. Code §§ 1.29, 3.29, 
      and 5.39 implementing Senate Bill 1200 (86th Tex. Leg., R.S.), 
      relating to the temporary licensure of certain military spouses.
   C. Consideration of amendments to 22 Tex. Admin. Code §§ 1.26, 
      1.27, 1.149, 1.153, 3.26, 3.27, 3.149, 3.153, 5.36, 5.37, 5.158, 
      5.162 implementing House Bill 1342 (86th Tex. Leg., R.S.), relating 
      to the effect of certain criminal offenses on eligibility for registration.
   D. Consideration of amendments to 22 Tex. Admin. Code § 5.183 
      implementing House Bill 2847 (86th Leg., R.S.), relating to the 
      elimination of administrative penalties for nonregistered persons 
      and criminal offenses for violating Texas Occupations Code 
      Chapter 1053.

11. Enforcement Cases (Action)
   Review and possibly adopt ED’s recommendation in the following 
   enforcement cases:
   A. Registrant/Non-Registrant Cases:
      Case #277-19A Acheson, Kirk Randal Arch #17231
      Case #240-17N Adhamy, Dan Non-registrant
      Case #112-19A Behring, Stephanie Nicole Arch #24656
      Case #164-17A Grable, John J. Arch #10915
      Case #253-19N Runyon, Robert Dunham Non-registrant
      Case #281-19A Ward, Gerald A. Arch #11748
   B. Continuing Education Cases:
      Case #267-19A Adair, Laura Jean Arch #17603
      Case #251-19I Alanis, Tracy Puga RID #10714
      Case #270-19A Barcinski, Derek Scott Arch #17566
      Case #271-19A Burton, Mary Thornhill Arch #11977
      Case #248-19A Crow, Harry Hobson, III Arch #17604
      Case #264-19A Cuellar, Gabriel Andres Arch #26214
      Case #273-19I Glass, Tamie Michele RID #11342
      Case #368-19L Kaden, Chris Carroll LA #814
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Case #309-19A  McComas, Jeffrey Robert  Arch #16067
Case #266-19L  May, Blaze Kenneth  LA #2610
Case #272-19A  Siegel, Ruth  Arch #20398

*The Board may meet in closed session pursuant to TEX. GOV’T CODE ANN. §551.071(1) to confer with legal counsel*

12. **Upcoming Board Meetings** *(Information)*
   Thursday, February 20, 2020
   Thursday, May 21, 2020
   Tuesday, August 25, 2020
   Thursday, November 19, 2020

13. **Board Member Comments/Future Agenda Items** *(Information)*
   Debra Dockery
   Report on Conferences and Meetings *(Information)*
   2019 CLARB Annual Meeting – Sep 25-27
   2018 LRGV-AIA BCC Conference – Sep 26-28
   TxA Conference – Oct 24-26
   2019 CIDQ Council of Delegates Meeting – Nov 8-10

14. **Adjournment**
   Debra Dockery

**NOTE:**
- Items may not necessarily be considered in the order they appear on the agenda.
- Executive session for advice of counsel may be called regarding any agenda item under the Open Meetings Act, Government Code §551.
- Action may be taken on any agenda item.

**NOTICE OF ASSISTANCE AT PUBLIC MEETINGS**
Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services are required to call (512) 305-8548 at least five (5) workdays prior to the meeting so that appropriate arrangements can be made.
FREQUENTLY USED ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ACSA</td>
<td>Association of Collegiate Schools of Architecture</td>
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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<td>AIA</td>
<td>American Institute of Architects</td>
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<tr>
<td>AREFAF</td>
<td>Architect Registration Examination Financial Assistance Fund (Scholarship)</td>
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<td>ASID</td>
<td>American Society of Interior Designers</td>
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<td>ASLA</td>
<td>American Society of Landscape Architects</td>
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<td>ARE</td>
<td>Architect Registration Examination</td>
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<td>BOAT</td>
<td>Building Officials Association of Texas</td>
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<td>CACB</td>
<td>Canadian Architectural Certification Board</td>
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<td>CIDA</td>
<td>Council for Interior Design Accreditation (Formerly FIDER)</td>
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<td>CIDQ</td>
<td>Council for Interior Design Qualification</td>
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<td>CLARB</td>
<td>Council of Landscape Architectural Registration Boards</td>
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<td>GAA</td>
<td>General Appropriations Act</td>
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<td>GRF</td>
<td>General Revenue Fund</td>
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<td>IDCEC</td>
<td>Interior Design Continuing Education Council</td>
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<td>IDEC</td>
<td>Interior Design Educators Council</td>
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<td>IDP</td>
<td>Intern Development Program</td>
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<td>IIDA</td>
<td>International Interior Design Association</td>
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<td>LARE</td>
<td>Landscape Architect Registration Examination</td>
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<td>MBA</td>
<td>Member Board Administrator (within NCARB)</td>
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<td>NAAB</td>
<td>National Architectural Accreditation Board</td>
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<td>NCARB</td>
<td>National Council of Architectural Registration Boards</td>
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<td>OAG</td>
<td>Office of the Attorney General</td>
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<td>SOAH</td>
<td>State Office of Administrative Hearings</td>
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<td>SORM</td>
<td>State Office of Risk Management</td>
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<td>TAID</td>
<td>Texas Association for Interior Design</td>
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<td>TAS</td>
<td>Texas Accessibility Standards</td>
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<td>TASB</td>
<td>Texas Association of School Boards</td>
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<td>TBPELS</td>
<td>Texas Board of Professional Engineers and Land Surveyors</td>
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<td>TxA</td>
<td>Texas Society of Architects</td>
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<td>TSPE</td>
<td>Texas Society of Professional Engineers</td>
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The Texas Board of Architectural Examiners

Be It Known That

David Lancaster, Hon. AIA

Has distinguished himself by his decades of dedicated service to the profession and the practitioners of Architecture in the State of Texas; and

WHEREAS, Mr. Lancaster is a native Texan, hailing from the city of Seminole in Gaines County; and

WHEREAS, Mr. Lancaster graduated from the University of Texas at Austin, earning a Bachelor’s of Journalism degree; and

WHEREAS, Mr. Lancaster served the community of Dallas as a sports writer for the Belo Corporation; and

WHEREAS, Mr. Lancaster joined the Texas Society of Architects in 1989, beginning what would become a 30-year career; and

WHEREAS, Mr. Lancaster was awarded Honorary AIA Membership, the highest recognition awarded to non-architects, in recognition of his contributions and service to the profession, in 2001; and

WHEREAS, Mr. Lancaster has worked time and again, through legislative and other efforts, with stakeholders including this Board to protect the health, safety, and welfare of all Texans; now, therefore, be it

RESOLVED

That the Texas Board of Architectural Examiners, in Formal Meeting assembled this 19th day of November, 2019, does publicly acknowledge its appreciation of outstanding service to the state of Texas and professional relations with this Board and have voted unanimously for this

RESOLUTION OF APPRECIATION

To David Lancaster, Hon. AIA, and have caused a copy of this Resolution to be included within the minutes of this Board.

Debra Dockery, FAIA
Chair

Bob Wetmore, AIA
Vice-Chair

Joyce J. Smith, CPA, CGMA
Secretary/Treasurer
# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of August 13, 2019 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street  
Tower III, Conference Room 102  
Austin, TX 78701  
10:00 a.m. until completion of business

<table>
<thead>
<tr>
<th>AGENDA ITEMS</th>
<th>DESCRIPTIONS</th>
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<tbody>
<tr>
<td><strong>1A. Call to Order</strong></td>
<td>Ms. Dockery called the meeting to order at 10:00 a.m.</td>
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<tr>
<td><strong>1B. Roll Call</strong></td>
<td>Mr. Wetmore called the roll.</td>
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| **Present Board Members** | Chair, Architect Member  
Debra Dockery  
Robert (Bob) Wetmore  
Charles (Chuck) Anastos  
Michael (Chad) Davis  
Jennifer Walker  
Rosa G. Salazar  
Fernando Trevino |
| **Vice-Chair, Architect Member** |  
Robert (Bob) Wetmore |
| **Architect Member** |  
Charles (Chuck) Anastos  
Jennifer Walker  
Rosa G. Salazar  
Fernando Trevino |
| **Landscape Architect Member** |  
Michael (Chad) Davis |
| **Public Member** |  
Chase Bearden  
Joyce J. Smith |
| **Secretary-Treasurer, Public Member** |  
Joyce J. Smith |
| **Registered Interior Designer** |  
Rosa G. Salazar |
| **Public Member** |  
Fernando Trevino |
| **A MOTION WAS MADE AND SECONDED (Walker/Wetmore) TO APPROVE THE EXCUSED ABSENCES OF MS. SMITH AND MR. BEARDEN. THE MOTION PASSED UNANIMOUSLY.** |  |
| **1D. Determination of a Quorum** | A quorum was present. |
| **1E. Recognition of Guests** | 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. |
**Chair’s Opening Remarks**

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.

**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.

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<thead>
<tr>
<th>B. Operating Budget/Scholarship</th>
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<tr>
<td>Ms. Hildebrand provided a summary of the year-to-date budget numbers on page 18 and the AREFAF numbers on page 19.</td>
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3C. Report and Conferences and Meetings

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.

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.

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.

3D. Report on Upcoming Conferences and Meetings

Ms. Hildebrand discussed upcoming conferences and meetings and expected attendees.

4. Approval of the Fiscal Year 2020 Budget

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.
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</th>
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<tr>
<td>Review and possibly adopt executive director’s recommendation in the following enforcement cases:</td>
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<tr>
<th>5A. Registrant/Non-Registrant Cases:</th>
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<tr>
<td><strong>Ballas, Jeffrey (#227-19A)</strong></td>
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<tr>
<td>Mr. Brenton provided a summary of this matter as described on page 21 of the Board materials.</td>
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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.

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<tr>
<th>Gisbert, Ramon (#093-19N)</th>
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<tr>
<td>Mr. Brenton provided a summary of this matter as described beginning on page 22 through page 31.</td>
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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. (#241-19I)
Haaverdink, Michael J. (#250-19A)
Martin, Lee (#236-19I)
| 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 member 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.

<table>
<thead>
<tr>
<th>7. Approval of the Proposed 2020 Board Meeting Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms. Dockery stated that the proposed meeting dates for 2020 are as follows: February 20, May 21, August 21 and November 19.</td>
</tr>
<tr>
<td>A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE THE BOARD MEETING DATES SET OUT ABOVE. THE MOTION PASSED UNANIMOUSLY.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>8. Executive Director Performance Evaluation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>A MOTION WAS MADE AND SECONDED (Wetmore/Salazar) TO GO INTO CLOSED SESSION AT 12:17 P.M. THE MOTION PASSED UNANIMOUSLY.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>9. Upcoming Board Meeting</th>
<th>The next Board meeting is scheduled for November 19, 2019.</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Chair’s Closing Remarks</td>
<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>
</tr>
</tbody>
</table>
11. Adjournment

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

APPROVED BY THE BOARD:

______________________________
DEBRA J. DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS
TBAE Staff Accomplishments: November 2019 Board Meeting

**August**
- NCARB Region 3 Legal Counsel Virtual Meeting – Legal
- NCARB Model Law Task Force Virtual and In-Person Meetings
- AIA Austin Meeting – Registration
- Information Security Academy - IS
- CLARB Region 3 Virtual Meeting
- CLARB MBE Committee Virtual Meeting

**September**
- CLARB Rethink Regulation Virtual Meeting
- Texas Facilities Commission Meeting to Discuss Office Relocation
- Austin Tech Summit – IS
- CAPPS – Financial Kickoff Meeting – Finance
- CLARB CEO Search Committee Meeting Second Round Interviews
- CLARB Board of Directors Virtual Meeting
- Python Training – IT
- All Hands Information Security Officer Meeting – IS
- Tenant Representative Interviews for Office Relocation
- CLARB Pre-Annual Meeting Webcast
- Texas Advanced Paralegal Seminar – Legal
- Texas Cybersecurity Framework Onsite Assessment – IS
- CLARB Annual Business and BOD Meeting
- Lower Rio Grande Valley AIA Conference – Enforcement
- Genesys Build-A-Bot Workshop – IT
- NCARB Model Law Task Force Webinar Presentation

**October**
- Abilene Christian University Interior Design Presentation (20) – Glenn
- Federation of Association of Regulatory Boards – Regulatory Law Seminar – Legal
- DIR Technology Forum – IS
- CAPPS – Financial Discovery Meetings – Finance (3 days a week, weekly)
- Governor’s Policy Division Meeting to Discuss Office Relocation
- Texas Cybersecurity Summit II - IS
- CLARB – ASLA Web Licensure Summit
- Selection of Tenant Representative and Office Tours
- NCARB Model Law Task Force Webinar Presentation and Virtual Meetings
- TxA Annual Convention (50) – Debra, Julie and Glenn presented, Registration and Enforcement attended
- Office Letter of Interest, Counter-Offer and Test Fit
- New CLARB CEO Virtual Meeting
- Certified Information Systems Manager Training – IS
- NCARB Model Law Task Force Meeting
- Cisco Certified Security Professional Training – IS
- Stephen F. Austin University Interior Design Presentation – Glenn
- Developer Week Austin – IT
- CIDQ Council of Delegates Meeting – Rosa, Debra, Joyce, Legal, Registration and Enforcement will attend
- CAPPS – Financial Discovery Meetings – Finance (2 days a week, weekly)
- Electronic Records Conference, Legal, IT and Registration
- TBAE Board Meeting
  - Symposium on Ethics for Texas State Agencies – Julie and Legal
  - Annual Staff Training – Foresightly Thinking
  - Negotiate and Execute Office Lease

December
- CLARB Board of Director’s Meeting
- Attorney General’s Law and Liability Conference
- Office Space Plan and Construction and Furniture, Fixtures and Equipment Estimates

January
- CLARB MBE Committee Meeting
- Release Customer Service Survey
- Office Construction Documents, Permitting and Bidding

February
- NCARB Model Law Task Force Meeting
- TBAE Board Meeting
- Office Construction Documents, Permitting and Bidding

March
- NCARB Regional Summit
- CLARB Board of Director’s Meeting
- Office Build-Out

April
- Texas ASLA Conference
- Office Build-Out

May
- NCARB Model Law Task Force Meeting
- TBAE Board Meeting
- Office IT, Furniture, Fixtures and Equipment

June
- NCARB Annual Business Meeting
- CLARB Board of Director’s Meeting
- Strategic Plan Due
- Office Move-In
<table>
<thead>
<tr>
<th>Applicants</th>
<th>New Registrants</th>
<th>Registrants (active)</th>
<th>The Rest</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>197</strong></td>
<td><strong>167</strong></td>
<td><strong>19252</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Fiscal Year to Date</strong></td>
<td><strong>-93</strong></td>
<td><strong>-134</strong></td>
<td><strong>As of month ended</strong></td>
</tr>
<tr>
<td><strong>Year-over-Year</strong></td>
<td><strong>FYTD</strong></td>
<td><strong>YOY</strong></td>
<td><strong>YOY</strong></td>
</tr>
</tbody>
</table>

**By-examination applications received FYTD, by profession:**
- **Architect:** 85
- **RID:** 11
- **LA:** 14
- **Subtotal:** 110

**By-examination registrations issued FYTD, by profession:**
- **Architect:** 43
- **RID:** 11
- **LA:** 12
- **Subtotal:** 66

**Reciprocal applications received FYTD, by profession:**
- **Architect:** 72
- **RID:** 12
- **LA:** 3
- **Subtotal:** 87

**Reciprocal registrations issued FYTD, by profession:**
- **Architect:** 89
- **RID:** 3
- **LA:** 9
- **Subtotal:** 101

**Architects**
- **Resident:** 8575
- **Nonresident:** 4928
- **Subtotal:** 13503

**RIDs**
- **Resident:** 3783
- **Nonresident:** 254
- **Subtotal:** 4037

**Landscape Architects**
- **Resident:** 1233
- **Nonresident:** 479
- **Subtotal:** 1712

**All registrants**
- **Resident:** 13591
- **Nonresident:** 5661
- **Total:** 19252

**Certificates of Standing issued FYTD**

**About this report**

**FYTD:** Fiscal Year to Date. Compares current data to that beginning of the current fiscal year.

**YOY:** Year-over-Year. Compares current data to that of 12 months prior.

**724**
- exam results received FYTD
- 607 Arch | 0 RID | 117 LA

**275**
- Continuing Education audits conducted FYTD

**5**
- referred to Investigations FYTD

**5**
- scholarship applications approved FYTD

**32**
- Certificates of Standing issued FYTD
<table>
<thead>
<tr>
<th>Cases Opened</th>
<th>Cases Dismissed</th>
<th>Days to Case Resolution</th>
<th>Cases Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>38</strong></td>
<td><strong>31</strong></td>
<td><strong>51</strong></td>
<td><strong>21</strong></td>
</tr>
<tr>
<td>Fiscal Year to Date</td>
<td>FYTD</td>
<td>As of month ended</td>
<td>(as of month ended)</td>
</tr>
<tr>
<td>-42 Year-over-Year</td>
<td>-31 YOY</td>
<td>FY Average to Date</td>
<td></td>
</tr>
</tbody>
</table>

**Dismissal details**

- **36** Case(s) referred to Legal
- TDLR: 27
- Other: 4*
  - e.g. No evidence; not a violation

**Context**

- Typical target: 115-330 (2018-19)

**Cases Resolved**

- 21 Warning(s) by Executive Director
- 0 Voluntary Surrender(s)
- 0 Disciplinary Action(s) by Board
- 8 *Notice(s) of Violation
- 0 *Complaint(s) Filed at SOAH
- 0 *Informal Conference(s)

*Matters are ongoing and not yet resolved.
<table>
<thead>
<tr>
<th>FY 2019 Approved Budget</th>
<th>FY 2019 Expenditures as of 8-31-19</th>
<th>FY 2019 Percentage Earned/Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licenses &amp; Fees</td>
<td>$ 2,752,000</td>
<td>$ 2,911,330</td>
</tr>
<tr>
<td>Business Registration Fees</td>
<td>$ 124,000</td>
<td>$ 146,548</td>
</tr>
<tr>
<td>Late Fee Payments</td>
<td>$ 134,000</td>
<td>$ 156,188</td>
</tr>
<tr>
<td>Other</td>
<td>$ 4,000</td>
<td>$ 7,860</td>
</tr>
<tr>
<td>Interest</td>
<td>$ 22,000</td>
<td>$ 66,862</td>
</tr>
<tr>
<td><strong>Potential Draw on Fund Balance</strong></td>
<td>$ 13,220</td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>$ 3,049,220</td>
<td>$ 3,288,788</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$ 1,629,381</td>
<td>$ 1,605,787</td>
</tr>
<tr>
<td>Payroll Related Costs</td>
<td>$ 567,839</td>
<td>$ 556,830</td>
</tr>
<tr>
<td>Professional Fees &amp; Services</td>
<td>$ 25,000</td>
<td>$ 15,153</td>
</tr>
<tr>
<td>Travel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board Travel</td>
<td>$ 24,000</td>
<td>$ 14,584</td>
</tr>
<tr>
<td>Staff Travel</td>
<td>$ 19,000</td>
<td>$ 16,175</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>$ 7,000</td>
<td>$ 7,818</td>
</tr>
<tr>
<td>Postage</td>
<td>$ 8,000</td>
<td>$ 8,900</td>
</tr>
<tr>
<td>Communication and Utilities</td>
<td>$ 15,000</td>
<td>$ 16,980</td>
</tr>
<tr>
<td>Repairs and Maintenance</td>
<td>$ 1,000</td>
<td>$ 302</td>
</tr>
<tr>
<td>SWCAP Payment with Office Rental</td>
<td>$ 113,000</td>
<td>$ 115,987</td>
</tr>
<tr>
<td>Equipment Leases--Copiers</td>
<td>$ 9,000</td>
<td>$ 6,964</td>
</tr>
<tr>
<td>Printing</td>
<td>$ 5,000</td>
<td>$ 7,129</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>$ 26,000</td>
<td>$ 25,164</td>
</tr>
<tr>
<td>Registration Fees--Employee Training</td>
<td>$ 9,000</td>
<td>$ 9,205</td>
</tr>
<tr>
<td>Membership Dues</td>
<td>$ 21,000</td>
<td>$ 20,110</td>
</tr>
<tr>
<td>Payment to GR</td>
<td>$ 510,000</td>
<td>$ 510,000</td>
</tr>
<tr>
<td>IT Upgrades</td>
<td>$ 60,000</td>
<td>$ 82,193</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>$ 3,049,220</td>
<td>$ 2,999,280</td>
</tr>
<tr>
<td><strong>Excess/ (Deficiency) of Rev over Exp.</strong></td>
<td>-</td>
<td>$ 289,508</td>
</tr>
</tbody>
</table>

| **Funding for 8 months** | $ 2,032,610 |
| **Excess Fund Balance**  | $ 1,049,632  |
| **Total Fund Balance**   | $ 3,082,242  |

Administrative Penalties Collected $ 88,167.20
General Revenue Collected $ -
Texas Board of Architectural Examiners
Fiscal Year 2019 Budget
Scholarship Fund

<table>
<thead>
<tr>
<th></th>
<th>FY 2019 Budget</th>
<th>FY 2019 Actual Sept. 1, 2018--August 31, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Fund Beginning Fund Balance:</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Adjusted Beginning Balance</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Scholarship Fund Beginning Balance</td>
<td>$ 59,827.98</td>
<td>$ 59,827.98</td>
</tr>
<tr>
<td>Total Beginning Scholarship Fund Balance</td>
<td>$ 59,827.98</td>
<td>$ 59,827.98</td>
</tr>
<tr>
<td>Revenues:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Scholarship Fees</td>
<td>-</td>
<td>$ 22,246.89</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>-</td>
<td>$ 22,246.89</td>
</tr>
<tr>
<td>Expenditures:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures-Scholarship Payments</td>
<td>$ 12,155.64</td>
<td>$ 12,155.64</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$ 12,155.64</td>
<td></td>
</tr>
<tr>
<td>Excess/(Deficiency) of Rev. over Exp.</td>
<td>$ 59,827.98</td>
<td>$ 69,919.23</td>
</tr>
</tbody>
</table>

Fund Balance

|                                      | $ 59,827.98 | $ 69,919.23 |

Number of Scholarships Awarded 24
Frequency per Fiscal Year----September 30, January 31, and May 31
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

ANNUAL FINANCIAL REPORT

For The Year Ended August 31, 2019

Julie Hildebrand, Executive Director
October 1, 2019

Honorable Greg Abbott, Governor  
Honorable Glenn Hegar, State Comptroller  
Ursula Parks, Director, Legislative Budget Board  
Lisa Collier, First Assistant State Auditor

Ladies and Gentlemen:

We are pleased to submit the Annual Financial Report of the Texas Board of Architectural Examiners for the year ended August 31, 2019, in compliance with the Texas Government Code Annotated, Section 2101.011, and in accordance with the requirements established by the Comptroller of Public Accounts.

Due to the statewide requirements embedded in Governmental Accounting Standards Board (GASB) 34, the Comptroller of Public Accounts does not require the accompanying annual financial report to comply with all the requirements in this statement. The financial report will be considered for audit by the State Auditor as part of the audit of the State of Texas Comprehensive Annual Financial Report (CAFR); therefore, an opinion has not been expressed on the financial statements and related information contained in this report.

If you have any questions, please contact Kenneth Liles at (512) 305-8540.

Sincerely,

[Signature]

Julie Hildebrand,  
Executive Director
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Combined

Financial

Statements
TEXAS BOARD OF ARCHITECTURAL EXAMINERS (459)
Exhibit I - Combined Balance Sheet/Statement of Net Assets
Governmental Funds
For the Fiscal Year Ended August 31, 2019

<table>
<thead>
<tr>
<th>General Funds (Exh A-1)</th>
<th>Governmental Funds Total</th>
<th>Capital Asset Adjustments</th>
<th>Long-Term Liability Adjustments</th>
<th>Statement of Net Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Assets:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and Temporary Investments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash on Hand</td>
<td>3,010.00</td>
<td>3,010.00</td>
<td>3,010.00</td>
<td></td>
</tr>
<tr>
<td>Cash in Bank</td>
<td>171,742.22</td>
<td>171,742.22</td>
<td>171,742.22</td>
<td></td>
</tr>
<tr>
<td>Cash in State Treasury</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Legislative Appropriations</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Short-term Investments (Note 3)</td>
<td>3,123,506.97</td>
<td>3,123,506.97</td>
<td>3,123,506.97</td>
<td></td>
</tr>
<tr>
<td>Interest Receivable</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Consumable Inventories</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td>3,298,259.19</td>
<td>3,298,259.19</td>
<td>3,298,259.19</td>
<td>3,298,259.19</td>
</tr>
<tr>
<td>Noncurrent Assets:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Assets:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciable, Net</td>
<td></td>
<td></td>
<td>270,909.40</td>
<td>270,909.40</td>
</tr>
<tr>
<td><strong>Total Noncurrent Assets</strong></td>
<td>$ -</td>
<td>$ -</td>
<td>270,909.40</td>
<td>270,909.40</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>$ 3,298,259.19</td>
<td>$ 3,298,259.19</td>
<td>$ 270,909.40</td>
<td>3,569,168.59</td>
</tr>
<tr>
<td><strong>LIABILITIES AND FUND BALANCES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Liabilities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payables from:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>25,003.26</td>
<td>25,003.26</td>
<td>25,003.26</td>
<td></td>
</tr>
<tr>
<td>Payroll Payable</td>
<td>171,713.20</td>
<td>171,713.20</td>
<td>171,713.20</td>
<td></td>
</tr>
<tr>
<td>Due to Other Agencies</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Deferred Revenue</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Employees Compensable Leave</td>
<td>-</td>
<td>-</td>
<td>139,708.90</td>
<td>139,708.90</td>
</tr>
<tr>
<td><strong>Total Current Liabilities</strong></td>
<td>$ 196,716.46</td>
<td>$ 196,716.46</td>
<td>$ 139,708.90</td>
<td>311,422.10</td>
</tr>
<tr>
<td>Noncurrent Liabilities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interfund Payable</td>
<td></td>
<td></td>
<td>99,481.48</td>
<td>99,481.48</td>
</tr>
<tr>
<td>Employees Compensable Leave</td>
<td>-</td>
<td>-</td>
<td>99,481.48</td>
<td>99,481.48</td>
</tr>
<tr>
<td><strong>Total Noncurrent Liabilities</strong></td>
<td>$ -</td>
<td>$ -</td>
<td>99,481.48</td>
<td>99,481.48</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>$ 196,716.46</td>
<td>$ 196,716.46</td>
<td>239,180.38</td>
<td>410,903.54</td>
</tr>
<tr>
<td>Fund Financial Statement-Fund Balances</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balances (Deficits):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonspendable for: Inventories</td>
<td>$ -</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Unassigned</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committed: 2315</td>
<td>3,101,542.73</td>
<td>3,101,542.73</td>
<td>3,101,542.73</td>
<td></td>
</tr>
<tr>
<td><strong>Total Liabilities and Fund Balance</strong></td>
<td>$ 3,298,259.19</td>
<td>$ 3,298,259.19</td>
<td>$ 3,298,259.19</td>
<td></td>
</tr>
<tr>
<td><strong>Net Position</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Invested in Capital Assets</td>
<td></td>
<td></td>
<td>270,909.40</td>
<td>270,908.40</td>
</tr>
<tr>
<td>Unrestricted</td>
<td>(239,180.38)</td>
<td>(239,180.38)</td>
<td>(239,180.38)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Net Position</strong></td>
<td>270,909.40</td>
<td>(239,180.38)</td>
<td>270,908.40</td>
<td>3,133,261.75</td>
</tr>
</tbody>
</table>
## TEXAS BOARD OF ARCHITECTURAL EXAMINERS (459)

### Exhibit II - Combined Statement of Revenues, Expenditures, and Changes in Fund Balances/Statement of Activities - Governmental Funds

For the Fiscal Year Ended August 31, 2019

<table>
<thead>
<tr>
<th>General Funds (Exh A-2)</th>
<th>Governmental Funds Total</th>
<th>Capital Asset Adjustments</th>
<th>Long-Term Liability Adjustments</th>
<th>Statement of Net Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legislative Appropriations:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Original Appropriations</td>
<td>$</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Appropriations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Licenses, Fees &amp; Permits</td>
<td>3,192,024.05</td>
<td>3,192,024.05</td>
<td></td>
<td>3,192,024.05</td>
</tr>
<tr>
<td>Interest and Investment Income</td>
<td>68,214.38</td>
<td>68,214.38</td>
<td></td>
<td>68,214.38</td>
</tr>
<tr>
<td>Sales of Goods and Services</td>
<td>3,970.00</td>
<td>3,970.00</td>
<td></td>
<td>3,970.00</td>
</tr>
<tr>
<td>Other</td>
<td>73,370.25</td>
<td>73,370.25</td>
<td></td>
<td>73,370.25</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>$ 3,337,578.88</td>
<td>$ 3,337,578.88</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Wages</td>
<td>$ 1,605,786.53</td>
<td>1,605,786.53</td>
<td></td>
<td>1,605,786.53</td>
</tr>
<tr>
<td>Payroll Related Costs</td>
<td>556,830.17</td>
<td>556,830.17</td>
<td></td>
<td>556,830.17</td>
</tr>
<tr>
<td>Professional Fees and Services</td>
<td>22,786.56</td>
<td>22,786.56</td>
<td></td>
<td>22,786.56</td>
</tr>
<tr>
<td>Travel</td>
<td>30,412.34</td>
<td>30,412.34</td>
<td></td>
<td>30,412.34</td>
</tr>
<tr>
<td>Materials and Supplies</td>
<td>66,969.81</td>
<td>66,969.81</td>
<td></td>
<td>66,969.81</td>
</tr>
<tr>
<td>Communication and Utilities</td>
<td>19,235.25</td>
<td>19,235.25</td>
<td></td>
<td>19,235.25</td>
</tr>
<tr>
<td>Repairs and Maintenance</td>
<td>208.50</td>
<td>208.50</td>
<td></td>
<td>208.50</td>
</tr>
<tr>
<td>Rentals &amp; Leases</td>
<td>48,425.27</td>
<td>48,425.27</td>
<td></td>
<td>48,425.27</td>
</tr>
<tr>
<td>Printing and Reproduction</td>
<td>7,294.93</td>
<td>7,294.93</td>
<td></td>
<td>7,294.93</td>
</tr>
<tr>
<td>Claims and Judgements</td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Other Expenditures</td>
<td>222,462.30</td>
<td>222,462.30</td>
<td></td>
<td>222,462.30</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>9,918.10</td>
<td>9,918.10</td>
<td>(9,918.10)</td>
<td></td>
</tr>
<tr>
<td>Depreciation Expense</td>
<td>-</td>
<td>-</td>
<td>31,444.57</td>
<td></td>
</tr>
<tr>
<td><strong>Total Expenditures/Expenses</strong></td>
<td>$ 2,580,369.76</td>
<td>$ 2,590,369.76</td>
<td>21,526.47</td>
<td>$ 2,611,896.23</td>
</tr>
<tr>
<td>Excess (deficiency) of revenues over expenditures</td>
<td>$ 747,208.92</td>
<td>$ 747,208.92</td>
<td>$ (21,526.47)</td>
<td>$ 768,825.45</td>
</tr>
</tbody>
</table>

### OTHER FINANCING SOURCES (USES)

| Operating Transfers into TTSTC | 3,091,618.32 | 3,091,618.32 | 3,091,618.32 |
| Operating Transfers Out to USAS | (3,601,618.32) | (3,601,618.32) | (3,601,618.32) |
| Total other financing sources and uses | $ (510,000.00) | $(510,000.00) | $(510,000.00) |
| **Net change in fund balances/net assets** | $ 237,208.92 | $ 237,208.92 | $(21,526.47) |
| **Fund Financial Statement-Fund Balances** |                    |                    |                                |
| Fund Balances—Beginning, Sept. 1, 2018 | $ 2,864,333.81 | $ 2,864,333.81 | $ 2,864,333.81 |
| Restatements |                    |                    |                                |
| Fund Balances, September 1, 2018, as Restated | 2,864,333.81 | 2,864,333.81 |                                |
| Appropriations Lapsed |                    |                    |                                |
| Fund Balances—August 31, 2019 | $ 3,101,542.73 | $ 3,101,542.73 | $ 3,080,016.26 |

| Change in Net Position | 3,101,542.73 | (21,526.47) | 3,080,016.26 |
| Net Position, Sept. 1, 2018 | 25,003 | 303,068.91 | (226,503.96) | 76,564.95 |
| Net Position, August 31, 2019 | 281,542.44 | (226,503.96) | $ 3,156,581.21 |
Notes

To The

Financial

Statements
NOTES TO THE FINANCIAL STATEMENTS

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
Not required.

NOTE 2: CAPITAL ASSETS

A summary of changes in General Fixed Assets for the year ended August 31, 2019, is presented below.

<table>
<thead>
<tr>
<th>Governmental Activities:</th>
<th>Balance 09/01/18</th>
<th>Adjustments</th>
<th>Additions</th>
<th>Deletions</th>
<th>Balance 08/31/19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depreciable Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture and Equipment</td>
<td>51,624.47</td>
<td>9,918.10</td>
<td></td>
<td></td>
<td>61,542.57</td>
</tr>
<tr>
<td>Other Assets</td>
<td>492,862.32</td>
<td></td>
<td></td>
<td></td>
<td>492,862.32</td>
</tr>
<tr>
<td>Total depreciable assets</td>
<td>544,486.79</td>
<td>9,918.10</td>
<td></td>
<td></td>
<td>554,404.89</td>
</tr>
<tr>
<td>at historical cost:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less accumulated depreciation for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture and Equipment</td>
<td>(26,156.02)</td>
<td>(9,041.77)</td>
<td></td>
<td></td>
<td>(35,197.79)</td>
</tr>
<tr>
<td>Other Assets</td>
<td>(225,894.90)</td>
<td>(22,402.80)</td>
<td></td>
<td></td>
<td>(248,297.70)</td>
</tr>
<tr>
<td>Total accumulated depreciation</td>
<td>(252,050.92)</td>
<td>(31,444.57)</td>
<td></td>
<td></td>
<td>(283,495.49)</td>
</tr>
<tr>
<td>Depreciable assets, net</td>
<td>292,435.87</td>
<td>(21,526.47)</td>
<td></td>
<td></td>
<td>270,909.40</td>
</tr>
<tr>
<td>Governmental activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital assets, net:</td>
<td>$ 292,435.87</td>
<td>$</td>
<td>(21,526.47)</td>
<td>$</td>
<td>$ 270,909.40</td>
</tr>
</tbody>
</table>
NOTE 3: DEPOSITS, INVESTMENTS, & REPURCHASE AGREEMENTS

Deposits of Cash in Bank
As of August 31, 2019, the carrying amount of deposits was zero.

Governmental Activities

<table>
<thead>
<tr>
<th>Cash in Bank – Carrying Value</th>
<th>$ 3,010.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash in Bank per AFR</td>
<td>$ 3,010.00</td>
</tr>
</tbody>
</table>

Governmental Funds Current Assets Cash in Bank | $ 3,010.00 |
Cash in Bank per AFR                          | $ 3,010.00 |

Investments
As of August 31, 2019, the carrying value and fair value of investments are as presented below.

Governmental Activities

<table>
<thead>
<tr>
<th>Carrying Value</th>
<th>Fair Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous Investments:</td>
<td></td>
</tr>
<tr>
<td>Repurchase Agreements (Texas Treasury Safekeeping Trust)</td>
<td></td>
</tr>
<tr>
<td>$ 3,123,506.97</td>
<td>$ 3,123,506.97</td>
</tr>
</tbody>
</table>

Totals | $ 3,126,516.97 | $ 3,126,516.97 |

Both cash in bank balances and repurchase agreements are held in the Texas Treasury Safekeeping Trust, where minimal risks are assumed by the agency.

NOTE 4: SHORT-TERM DEBT
Not applicable

NOTE 5: SUMMARY OF LONG TERM LIABILITIES
Changes in Long-Term Liabilities

During the year ended August 31, 2019, the following changes occurred in liabilities.

<table>
<thead>
<tr>
<th>Governmental Activities</th>
<th>Balance 09/01/18</th>
<th>Additions</th>
<th>(Reductions)</th>
<th>Balance 08/31/19</th>
<th>Amounts Due Within One Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensable Leave</td>
<td>$226,316.31</td>
<td>$168,666.14</td>
<td>(155,792.07)</td>
<td>$239,190.38</td>
<td>$139,708.90</td>
</tr>
<tr>
<td>Total Governmental</td>
<td>$226,316.31</td>
<td>$168,666.14</td>
<td>(155,792.07)</td>
<td>$239,190.38</td>
<td>$139,708.90</td>
</tr>
</tbody>
</table>

Employees’ Compensable Leave
A state employee is entitled to be paid for all unused vacation time accrued, in the event of the employee’s resignation, dismissal, or separation from state employment, provided the employee has had continuous employment with the state for six months. Expenditures for accumulated annual leave balances are recognized in the period paid or taken in governmental fund types. For these fund types, the liability for unpaid benefits is recorded in the Statement of Net Assets. An expense and liability for proprietary fund types are recorded in the proprietary funds as the benefits accrue to employees. No liability is recorded for non-vesting accumulating rights to receive sick pay benefits.

NOTE 6: BONDED INDEBTEDNESS
Non-Applicable

NOTE 7: CAPITAL LEASES
Non-Applicable

NOTE 8: OPERATING LEASE OBLIGATIONS
Non-Applicable

NOTE 9: EMPLOYEES RETIREMENT PLANS
Not Required

NOTE 10: DEFERRED COMPENSATION
Not Required

NOTE 11: POST EMPLOYMENT HEALTH CARE AND LIFE INSURANCE BENEFITS
Not Required
NOTE 12: INTERFUND BALANCES

As explained in Note 1 on Interfund Activities and Balances there are numerous transactions between funds and agencies. At year-end amounts to be received or paid are reported as:

- Interfund Receivables or Interfund Payables
- Due From Other Agencies or Due to Other Agencies
- Due From Other Funds or Due to Other Funds
- Transfers In or Transfers Out.
- Legislative Transfers In or Legislative Transfers Out

The agency experienced routine transfers with other state agencies, which were consistent with the activities of the fund making the transfer. Repayment of interfund balances will occur within one year from the date of the financial statement.

Individual balances and activity at August 31, 2019, follows:

<table>
<thead>
<tr>
<th>Total Operating Transfers</th>
<th>Operating Transfers-In</th>
<th>Operating Transfers-Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boa8 GAAP Fund 1010, Fund 1010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agy 902, GAAP Fund 0001, Fund 0001</td>
<td></td>
<td>$ 510,000.00</td>
</tr>
<tr>
<td>Agy 459, GAAP Fund 1010, Fund 2859</td>
<td>$ 3,079,618.32</td>
<td></td>
</tr>
<tr>
<td>GAAP Fund 1010, Fund 2859</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agy 459, GAAP Fund 1010, Fund 1010</td>
<td></td>
<td>$ 3,079,618.32</td>
</tr>
<tr>
<td>Agy 459, GAAP Fund 1010, Fund 3859</td>
<td></td>
<td>$ 12,000.00</td>
</tr>
<tr>
<td>GAAP Fund 1010, Fund 3859</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agy 459, GAAP Fund 1010, Fund 2859</td>
<td>$ 12,000.00</td>
<td></td>
</tr>
<tr>
<td>Total Transfers</td>
<td>$ 3,091,618.32</td>
<td>$ 3,601,618.32</td>
</tr>
</tbody>
</table>

NOTE 13: CONTINUANCE SUBJECT TO REVIEW

The Texas Board of Architectural Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Board is abolished and this Act expires September 1, 2025. If abolished, the Board may continue until September 1, 2026 to close out its operations.

NOTE 14: ADJUSTMENT OF FUND BALANCES/NET ASSETS

Non-Applicable
NOTE 15: CONTINGENT LIABILITIES
Non-Applicable

NOTE 16: SUBSEQUENT EVENTS
Non-Applicable

NOTE 17: RISK MANAGEMENT
Non-Applicable

NOTE 18: MANAGEMENT DISCUSSION AND ANALYSIS
Non-Applicable

NOTE 19: THE FINANCIAL REPORTING ENTITY & JOINT VENTURE
Non-Applicable

NOTE 20: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY
Non-Applicable

NOTE 21:
Non-Applicable

NOTE 22: DONOR-RESTRICTED ENDOWMENTS
Non-Applicable

NOTE 23: SPECIAL OR EXTRAORDINARY ITEMS
Non-Applicable

NOTE 24: DISAGGREGATION OF RECEIVABLE AND PAYABLE BALANCES
Non-Applicable

NOTE 25: TERMINATION BENEFITS
Not Required

NOTE 26: SEGMENT INFORMATION
Not Required

NOTE 27: SERVICE CONCESSION ARRANGEMENTS
Not Required

NOTE 28: DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES
Not Required

NOTE 29: TROUBLED DEBT RESTRUCTURING
Not Required
NOTE 30: NON-EXCHANGE FINANCIAL GUARANTEES
Not Required
Combining
Financial
Statements
<table>
<thead>
<tr>
<th>ASSETS</th>
<th>Operating Fund GAAP Fund 1010</th>
<th>Local Fund TTSTC GAAP Fund 1010</th>
<th>Scholarship Fund GAAP Fund 1010</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Assets:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash and Temporary Investments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash on Hand</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash in Bank</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash in State Treasury</td>
<td>171,742.22</td>
<td></td>
<td>171,742.22</td>
<td></td>
</tr>
<tr>
<td>Legislative Appropriations</td>
<td>3,123,506.97</td>
<td></td>
<td>3,123,506.97</td>
<td></td>
</tr>
<tr>
<td>Short-term Investments (Note 3)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest Receivable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consumable Inventories</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Current Assets</td>
<td>$171,742.22</td>
<td>$3,126,516.97</td>
<td>$</td>
<td>$3,298,259.19</td>
</tr>
<tr>
<td>Noncurrent Assets:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Assets:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Depreciable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciable</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Furniture and Equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated Depreciation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated Depreciation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Noncurrent Assets</td>
<td>$</td>
<td>$3,126,516.97</td>
<td>$</td>
<td>$3,298,259.19</td>
</tr>
<tr>
<td>Total Assets</td>
<td>$171,742.22</td>
<td>$3,126,516.97</td>
<td>$</td>
<td>$3,298,259.19</td>
</tr>
<tr>
<td>LIABILITIES AND FUND BALANCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Liabilities:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payables from</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>25,003.26</td>
<td></td>
<td>25,003.26</td>
<td></td>
</tr>
<tr>
<td>Payroll Payable</td>
<td>171,713.20</td>
<td></td>
<td>171,713.20</td>
<td></td>
</tr>
<tr>
<td>Due to Other Funds</td>
<td></td>
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<tr>
<td>Deferred Revenue</td>
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<tr>
<td>Employees Compensable Leave</td>
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</tr>
<tr>
<td>Total Current Liabilities</td>
<td>$196,716.46</td>
<td>$</td>
<td>$</td>
<td>$196,716.46</td>
</tr>
<tr>
<td>Noncurrent Liabilities</td>
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<tr>
<td>Interfund Payable</td>
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<tr>
<td>Employees Compensable Leave</td>
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<td></td>
</tr>
<tr>
<td>Total Noncurrent Liabilities</td>
<td>$196,716.46</td>
<td>$</td>
<td>$</td>
<td>$196,716.46</td>
</tr>
<tr>
<td>Total Liabilities</td>
<td>$196,716.46</td>
<td>$</td>
<td>$</td>
<td>$196,716.46</td>
</tr>
<tr>
<td>Fund Financial Statement-Fund Balances</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Fund Balances (Deficits):</td>
<td></td>
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<tr>
<td>Nonspendable for:</td>
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<td>Inventories</td>
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<td>Unassigned</td>
<td>29.02</td>
<td></td>
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<td>Committed:</td>
<td>(25,003.26)</td>
<td>3,126,516.97</td>
<td>3,101,513.71</td>
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<tr>
<td>Total fund balances</td>
<td>$24,974.24</td>
<td>$3,126,516.97</td>
<td>$</td>
<td>$3,101,542.73</td>
</tr>
<tr>
<td>Total Liabilities and Fund Balance</td>
<td>$171,742.22</td>
<td>$3,126,516.97</td>
<td>$</td>
<td>$3,298,259.19</td>
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</tbody>
</table>
### BOARD OF ARCHITECTURAL EXAMINERS (458)

Exhibit A-2 - Combining Statement of Revenues, Expenditures, and Changes in Fund Balances - General Revenue Funds

For the Fiscal Year Ended August 31, 2019

<table>
<thead>
<tr>
<th></th>
<th>Operating Fund</th>
<th>Local Fund-Operating</th>
<th>Scholarship Fund</th>
<th>Local Fund Trust</th>
<th>Total</th>
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<td>GAAP Fund 1010</td>
<td>GAAP Fund 1010</td>
<td>GAAP Fund 1010</td>
<td>GAAP Fund 1010</td>
<td>GAAP Fund 1010</td>
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<tr>
<td></td>
<td>Agy Fund 1010</td>
<td>Agy Fund 2659</td>
<td>Agy Fund 3859</td>
<td>Agy Fund 4859</td>
<td>Agy Fund 4859</td>
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<tr>
<td>REVENUES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Legislative Appropriations:</td>
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<td></td>
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</tr>
<tr>
<td>Original Appropriations</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Additional Appropriations</td>
<td></td>
<td></td>
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<tr>
<td>Licenses, Fees &amp; Permits</td>
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<td></td>
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<td>3,192,024.05</td>
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<td>Interest Revenue</td>
<td></td>
<td>68,214.38</td>
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<td>68,214.38</td>
<td>68,214.38</td>
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<td>Sales of Goods and Services</td>
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<td>3,970.00</td>
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<td>3,970.00</td>
<td>3,970.00</td>
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<td>Other</td>
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<td>73,370.25</td>
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<td>$ 3,337,578.68</td>
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<td>$ 3,337,578.68</td>
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<td>EXPENDITURES</td>
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<td>Salaries and Wages</td>
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<td>1,605,766.53</td>
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<td>22,786.56</td>
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<td>22,786.56</td>
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<td>30,412.34</td>
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<td>30,412.34</td>
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<td>Materials and Supplies</td>
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<td>68,989.81</td>
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<td>Communication and Utilities</td>
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<td>19,235.26</td>
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<td>Repairs and Maintenance</td>
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<td>48,425.27</td>
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<td>Other Expenditures</td>
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<td>3,391.38</td>
<td>12,000.00</td>
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<td>222,482.30</td>
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<td>Capital Outlay</td>
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<td>9,918.10</td>
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<td>Depreciation Expense</td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>Total Expenditures/Expenses</td>
<td>$ 2,574,978.38</td>
<td>$ 3,391.38</td>
<td>$ 12,000.00</td>
<td>-</td>
<td>$ 2,590,369.76</td>
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<td>Excess (deficiency) of revenues over expenditures</td>
<td>$ (2,574,978.38)</td>
<td>$ 3,334,187.30</td>
<td>$ (12,000.00)</td>
<td>-</td>
<td>$ 747,208.92</td>
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<tr>
<td>OTHER FINANCING SOURCES (USES)</td>
<td></td>
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<td>Operating Transfers In (into USAS)</td>
<td>3,070,616.32</td>
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<td>3,070,616.32</td>
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<td>Operating Transfers Out (from TTSTC)</td>
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<td></td>
<td></td>
<td></td>
<td>(510,000.00)</td>
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<tr>
<td>Total other financing sources and uses</td>
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<td>(3,091,618.32)</td>
<td>$ 12,000.00</td>
<td>-</td>
<td>$ (510,000.00)</td>
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<tr>
<td>Net change in fund balances/net assets</td>
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<td>$ 242,568.39</td>
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<td>-</td>
<td>$ 237,208.92</td>
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<tr>
<td>Fund Balances—Beginning, Sept. 1, 2018</td>
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<td>$ 2,883,947.99</td>
<td>-</td>
<td>$ 2,864,333.81</td>
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<td>Restatements</td>
<td></td>
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<tr>
<td>Fund Balances, September 1, 2018, as Restated</td>
<td>(19,614.18)</td>
<td>$ 2,883,947.99</td>
<td>-</td>
<td>-</td>
<td>$ 2,864,333.81</td>
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<td>Appropriations Lapsed</td>
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<tr>
<td>Fund Balances—August 31, 2019</td>
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<td>$ 3,120,516.07</td>
<td>-</td>
<td>-</td>
<td>$ 3,101,542.73</td>
</tr>
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<td>Fund Name</td>
<td>September 1, 2018</td>
<td>Additions</td>
<td>Deductions</td>
<td>August 31, 2019</td>
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<tr>
<td>-----------------------------------------------</td>
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<td>-------------</td>
<td>------------</td>
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<tr>
<td><strong>Child Support Employee Deduction Fund 0807</strong></td>
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<td><strong>ASSETS</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash in State Treasury</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Total Assets</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td><strong>LIABILITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vouchers Payable</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Funds Held for Others</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Total Liabilities</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
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<tr>
<td><strong>Suspense Fund 0900</strong></td>
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<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash in State Treasury</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Total Assets</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td><strong>LIABILITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funds Held for Others</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Total Liabilities</td>
<td>$ -</td>
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<td>$ -</td>
<td>$ -</td>
<td></td>
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<tr>
<td><strong>Unappropriated Fund 0002</strong></td>
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<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash in State Treasury</td>
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<td>$ 142,647.20</td>
<td>$ 142,647.20</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Total Assets</td>
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<td>$ 142,647.20</td>
<td>$ 142,647.20</td>
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<td><strong>LIABILITIES</strong></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Funds Held for Others</td>
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<td>$ 142,647.20</td>
<td>$ 142,647.20</td>
<td>$ -</td>
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</tr>
<tr>
<td>Total Liabilities</td>
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<td>$ 142,647.20</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ASSETS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash in State Treasury</td>
<td>$ -</td>
<td>$ 142,647.20</td>
<td>$ 142,647.20</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Total Assets</td>
<td>$ -</td>
<td>$ 142,647.20</td>
<td>$ 142,647.20</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td><strong>LIABILITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vouchers Payable</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Funds Held for Others</td>
<td>$ -</td>
<td>$ 142,647.20</td>
<td>$ 142,647.20</td>
<td>$ -</td>
<td></td>
</tr>
<tr>
<td>Total Liabilities</td>
<td>$ -</td>
<td>$ 142,647.20</td>
<td>$ 142,647.20</td>
<td>$ -</td>
<td></td>
</tr>
</tbody>
</table>
Annual Report

FISCAL YEAR 2019

Submitted pursuant to Sections 472.104(a) and (b) of the Texas Government Code.
For the past several years, TBAE staff have compiled and presented annual trends and data to the Board during its autumn meeting. Once again, we are pleased this year to do the same, with an eye toward succinctness and ease of understanding. And as always, it is the agency’s intention to provide this report not only to the Board, but to the agency’s stakeholders, interested parties, and to the people who live, work, and play in the built environment of Texas.

As a result, you will find clear and simple representations of agency performance and noteworthy trends, organized into color-coded groupings by broad topic. Content accented in blue touches on registration and licensing. Red content is about enforcement. Finally, green content regards the agency’s financial and administrative operations.

The graphical representations in this report are crafted to illuminate agency trends concisely and simply. We hope you find this report enlightening and useful, and as always, we’re available to answer questions.
- Architect registrants (all statuses) recently surpassed the 15,000 mark, shortly after the data presented below were captured.

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
- Staff believes the upswing in RIDs resulted from the now-lapsed “RID by ARE” provision, and is watching to see where the numbers go in coming years.

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
Landscape Architect registrant counts have increased every year in recent memory.

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

You will notice RID Candidate counts dropping over time, which is a natural consequence of the 2017 change in the RID registration law and will have an unknown effect on how many ultimately become registered after exam passage.
Generally, the data indicate strong performance by the professions and the agency.

Data for the graphs on this page come from various agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
TBAE Trends, 2019
Staffing, Finance, Administration

- Registration growth continues to promote healthy finances

Revenues and expenditures by FY

Fund balance by Fiscal Year

Salaries and per diem by FY

Full-time employees by FY

Communications impressions by FY

Data for the graphs on this page come from multiple agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
• Continued but slowed uptick in complaints received due to TDLR referrals; most are first offenses, resolved with a Dismissal Letter
• Cases resolved in half the time of 2015

Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
• Since FY 2014, all administrative penalties go to the State’s general revenue fund.

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
Welcome

Thank you for reading the 2019 Annual Report of the Texas Board of Architectural Examiners (TBAE). It is my hope that the information presented here will give readers like you a good sense of who we are here at TBAE, what we do, and how we do it.

How to read this report

In the following pages, you will find our Annual Report, responsive to 472.104(a) and (b) of the Texas Government Code. While this report fulfills our statutory requirement to submit information to those who oversee our operations, my goal is to ensure that this information is available also to TBAE’s registrants, building officials, and anyone who lives, works, and plays in the built environment of Texas.

Each of the measures can be divided into one of three broad categories: Finance and Administration, Enforcement, and Licensing. For ease of navigation and understanding, Finance and Administration measures will be denoted by green elements, Enforcement data with red, and Licensing measures with blue.

Each performance measure will be presented with its statutory reference and description, and preceded by a plain-English title.

Contact us

If you have any questions about this report or the information presented inside, don’t hesitate to call us at 512-305-9000 or email customerservice@tbae.texas.gov for more information. It is our goal to remain responsive, transparent, and fair in everything we do, so please let us know if we can help.

Julie Hildebrand
Executive Director
October 31, 2019
Finance/Admin: Staff salaries and travel expenses

Texas Government Code 472.104(b)(1). The salary for all agency personnel and the total amount of per diem expenses and travel expenses paid for all agency employees, including trend performance data for the preceding five fiscal years. [Data also include Board Member expenditures.]

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<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
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<td>Salary</td>
<td>$1,399,679</td>
<td>$1,417,055</td>
<td>$1,507,503</td>
<td>$1,543,383</td>
<td>$1,605,787</td>
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<tr>
<td>Per Diem and Travel</td>
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<td>$41,793</td>
<td>$27,757</td>
<td>$22,026</td>
<td>$30,412</td>
</tr>
</tbody>
</table>

Finance/Admin: Board travel and per diem expenses

Texas Government Code 472.104(b)(2). The total amount of per diem expenses and travel expenses paid for each member of the governing body of each agency, including trend performance data for the preceding five fiscal years.

<table>
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<tr>
<th>Name</th>
<th>2015 Per Diem ($)</th>
<th>2015 Travel ($)</th>
<th>2016 Per Diem ($)</th>
<th>2016 Travel ($)</th>
<th>2017 Per Diem ($)</th>
<th>2017 Travel ($)</th>
<th>2018 Per Diem ($)</th>
<th>2018 Travel ($)</th>
<th>2019 Per Diem ($)</th>
<th>2019 Travel ($)</th>
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<td>Chuck Anastos</td>
<td>150</td>
<td>4268</td>
<td>270</td>
<td>3174</td>
<td>240</td>
<td>1489</td>
<td>60</td>
<td>1759</td>
<td>60</td>
<td>821</td>
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<tr>
<td>Corpus Christ</td>
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<tr>
<td>Chase Bearden</td>
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<td>0</td>
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<td>1029</td>
<td>120</td>
<td>676</td>
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<td>Bob Wetmore Austin</td>
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</table>
Finance/Admin: Agency operating plan

Texas Government Code 472.104(a)(2) and (b)(3). Each agency’s operating plan covering a period of two fiscal years.

The agency’s current Strategic Plan is provided as an appendix.

Finance/Admin: Agency operating budget

Texas Government Code 472.104(a)(2) and (b)(4). Each agency’s operating budget, including revenues and a breakdown of expenditures by program and administrative expenses, showing: (A) projected budget data for a period of two fiscal years; and (B) trend performance data for the preceding five fiscal years.

<table>
<thead>
<tr>
<th></th>
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<tr>
<td><strong>Revenues:</strong></td>
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<tr>
<td>Interest</td>
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<td>$1,171</td>
<td>$1,175</td>
<td>$1,203</td>
<td>$1,214</td>
<td>$1,214</td>
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<td>Sale of Goods &amp; Services/Miscellaneous</td>
<td>$3,945</td>
<td>$5,781</td>
<td>$4,269</td>
<td>$3,693</td>
<td>$3,070</td>
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<tr>
<td><strong>Total Revenues</strong></td>
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<td>$2,893,541</td>
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<td>$3,298,167</td>
<td>$3,337,579</td>
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<td><strong>Expenditures:</strong></td>
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<tr>
<td>Salaries and Wages</td>
<td>$1,309,679</td>
<td>$1,417,035</td>
<td>$1,507,503</td>
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<td>$1,605,787</td>
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<td>Payroll Related Costs</td>
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<td>$493,275</td>
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<td>$556,830</td>
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<td>Professional Fees and Services</td>
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<td>$25,125</td>
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<td>$76,937</td>
<td>$22,787</td>
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<td>Travel</td>
<td>$41,352</td>
<td>$41,793</td>
<td>$27,757</td>
<td>$22,026</td>
<td>$30,412</td>
<td>$43,000</td>
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<td>Materials and Supplies</td>
<td>$59,393</td>
<td>$49,359</td>
<td>$47,624</td>
<td>$54,297</td>
<td>$66,990</td>
<td>$31,000</td>
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<td>Communication and Utilities</td>
<td>$13,021</td>
<td>$13,374</td>
<td>$14,187</td>
<td>$17,354</td>
<td>$19,233</td>
<td>$18,000</td>
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<td>Repairs and Maintenance</td>
<td>$1,148</td>
<td>$1,019</td>
<td>$2,542</td>
<td>$1,266</td>
<td>$209</td>
<td>$1,000</td>
<td>$1,000</td>
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<td>Rental and Leases</td>
<td>$58,200</td>
<td>$92,856</td>
<td>$77,070</td>
<td>$39,458</td>
<td>$48,423</td>
<td>$42,335</td>
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<tr>
<td>Printing and Reproduction</td>
<td>$19,867</td>
<td>$14,806</td>
<td>$9,111</td>
<td>$4,137</td>
<td>$7,295</td>
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<tr>
<td>Other Operating Expenditures</td>
<td>$256,318</td>
<td>$227,709</td>
<td>$247,313</td>
<td>$239,046</td>
<td>$222,482</td>
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<td>Capital Outlay</td>
<td>$9,971</td>
<td>$7,583</td>
<td>$6,188</td>
<td>$6,729</td>
<td>$9,918</td>
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<td><strong>Total Expenditures</strong></td>
<td>$2,192,395</td>
<td>$2,370,460</td>
<td>$2,476,455</td>
<td>$2,546,515</td>
<td>$2,590,370</td>
<td>$2,653,329</td>
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<td>Excludes GR Transfer of $510,000</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
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<td>Registration</td>
<td>$975,734</td>
<td>$1,084,983</td>
<td>$1,102,156</td>
<td>$1,133,337</td>
<td>$1,152,864</td>
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<td>Enforcement</td>
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<td>$402,726</td>
<td>$420,734</td>
<td>$432,637</td>
<td>$440,087</td>
<td>$450,784</td>
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<td>Indirect Administration</td>
<td>$584,187</td>
<td>$912,751</td>
<td>$953,565</td>
<td>$980,542</td>
<td>$997,425</td>
<td>$1,021,671</td>
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</tbody>
</table>

Finance/Admin: Audit


The agency was last audited in 2017 by the State Auditor’s Office. A copy of the audit is provided as an appendix.
Finance/Admin: Employee counts

Texas Government Code 472.104(b)(5)(A). The number of full-time equivalent positions at the agency.

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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<tbody>
<tr>
<td>FTEs</td>
<td>19</td>
<td>19</td>
<td>21</td>
<td>19</td>
<td>20*</td>
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*Data sent to State Auditor's Office, but not yet published as of report date.

Enforcement: Complaints by source

Texas Government Code 472.104(a)(4) and (b)(5)(B). The number of complaints received from the public and the number of complaints initiated by agency staff.

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<th>2018</th>
<th>2019</th>
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<tbody>
<tr>
<td>Complaints from public</td>
<td>85</td>
<td>66</td>
<td>344</td>
<td>403</td>
<td>300</td>
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<tr>
<td>Staff complaints</td>
<td>58</td>
<td>65</td>
<td>73</td>
<td>70</td>
<td>62</td>
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<tr>
<td>TOTAL</td>
<td>143</td>
<td>131</td>
<td>417</td>
<td>473</td>
<td>362</td>
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Enforcement: Complaints dismissed and resolved by enforcement

Texas Government Code 472.104(a)(4) and (b)(5)(C). The number of complaints dismissed and the number of complaints resolved by enforcement action.

<table>
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<tr>
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<th>2018</th>
<th>2019</th>
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<tbody>
<tr>
<td>Complaints dismissed</td>
<td>87</td>
<td>65</td>
<td>321</td>
<td>422</td>
<td>267</td>
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<tr>
<td>Complaints resolved by enforcement</td>
<td>36</td>
<td>70</td>
<td>60</td>
<td>64</td>
<td>49</td>
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<tr>
<td>TOTAL</td>
<td>123</td>
<td>135</td>
<td>381</td>
<td>486</td>
<td>316</td>
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</table>
## Enforcement: Actions by sanction type

Texas Government Code 472.104(a)(4) and (b)(5)(D). The number of enforcement actions by sanction type.

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<th>2019</th>
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</thead>
<tbody>
<tr>
<td>Revocation/Voluntary Surrender</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Suspension</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Admin. penalty</td>
<td>34</td>
<td>68</td>
<td>60</td>
<td>62</td>
<td>47</td>
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<tr>
<td>Cease/desist order</td>
<td>9</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td><strong>TOTAL</strong></td>
<td>45</td>
<td>69</td>
<td>60</td>
<td>64</td>
<td>49</td>
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## Enforcement: Voluntary compliance

Texas Government Code 472.104(a)(4) and (b)(5)(E). The number of enforcement cases closed through voluntary compliance.

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<th>2019</th>
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<tr>
<td>Cases closed through voluntary compliance</td>
<td>33</td>
<td>34</td>
<td>80</td>
<td>99</td>
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## Enforcement: Administrative penalties assessed/collection

Texas Government Code 472.104(a)(4) and (b)(5)(F). The amount of administrative penalties assessed and the rate of collection of assessed administrative penalties.

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<th>2019</th>
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<tr>
<td>Assessed ($)</td>
<td>147,100</td>
<td>123,450</td>
<td>104,600</td>
<td>137,900</td>
<td>100,100</td>
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<td>Collected ($)</td>
<td>46,264</td>
<td>131,314</td>
<td>85,162</td>
<td>82,080</td>
<td>94,362</td>
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<tr>
<td>Rate of collection</td>
<td>31%</td>
<td>106%</td>
<td>81%</td>
<td>60%</td>
<td>94%</td>
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Enforcement: Health/safety/welfare enforcement cases

Texas Government Code 472.104(a)(4) and (b)(5)(G). The number of enforcement cases that allege a threat to public health, safety, or welfare or a violation of professional standards of care and the disposition of those cases.

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<th>2017</th>
<th>2018</th>
<th>2019</th>
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</thead>
<tbody>
<tr>
<td>Revocation</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Suspension</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Admin. penalty</td>
<td>10</td>
<td>23</td>
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<td>18</td>
<td>12</td>
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<tr>
<td>Cease/desist order</td>
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<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>TOTAL</td>
<td>19</td>
<td>24</td>
<td>15</td>
<td>20</td>
<td>14</td>
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</table>

Enforcement: Complaint resolution time

Texas Government Code 472.104(a)(4) and (b)(5)(H). The average time to resolve a complaint.

<table>
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<th>2019</th>
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</thead>
<tbody>
<tr>
<td>Days to case resolution</td>
<td>151</td>
<td>163</td>
<td>68</td>
<td>66</td>
<td>75</td>
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Note: The data presented above were recalculated to be consistent with recommendations by a State Auditor’s Office audit in 2018.
Licensing: Registrant counts

Texas Government Code 472.104(a)(4) and (b)(5)(I). The number of license holders or regulated persons broken down by type of license and license status, including inactive status or retired status.

<table>
<thead>
<tr>
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<tr>
<td>Active</td>
<td>11666</td>
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<td>Inactive</td>
<td>542</td>
<td>489</td>
<td>415</td>
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<td>Emeritus/Retired</td>
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<td>1051</td>
<td>1099</td>
<td>1144</td>
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<td><strong>TOTAL</strong></td>
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<td>13551</td>
<td>13947</td>
<td>14597</td>
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</table>

<table>
<thead>
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<th>2018</th>
<th>2019</th>
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<tr>
<td>Active</td>
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<td>3597</td>
<td>3769</td>
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<tr>
<td>Inactive</td>
<td>437</td>
<td>360</td>
<td>313</td>
<td>289</td>
</tr>
<tr>
<td>Emeritus/Retired</td>
<td>216</td>
<td>230</td>
<td>244</td>
<td>254</td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td>4184</td>
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<td>4312</td>
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</tbody>
</table>

<table>
<thead>
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<th>2017</th>
<th>2018</th>
<th>2019</th>
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</thead>
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<td><strong>Lndscp. Arch.</strong></td>
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<tr>
<td>Active</td>
<td>1454</td>
<td>1505</td>
<td>1562</td>
<td>1642</td>
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<tr>
<td>Inactive</td>
<td>108</td>
<td>92</td>
<td>87</td>
<td>85</td>
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<td>Emeritus/Retired</td>
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<td>79</td>
<td>80</td>
<td>90</td>
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<td><strong>TOTAL</strong></td>
<td>1642</td>
<td>1676</td>
<td>1729</td>
<td>1817</td>
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<table>
<thead>
<tr>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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<tbody>
<tr>
<td><strong>Firms</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>1852</td>
<td>2254</td>
<td>2474</td>
<td>2829</td>
</tr>
</tbody>
</table>
Licensing: Fee schedule

Texas Government Code 472.104(a)(3) and (b)(5)(J). The fee charged to issue and renew each type of license, certificate, permit, or other similar authorization issued by the agency.

* Designates a fee on which Resident Active and Inactive Architects will pay an additional $3 to fund the statutorily-required Architectural Registration Exam Financial Assistance Fund, a program to partially reimburse examination costs.

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
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<tr>
<td>Active resident renewal ($)</td>
<td>305</td>
<td>105</td>
<td>*105</td>
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<tr>
<td>* 1-90 days late</td>
<td>357.50</td>
<td>157.50</td>
<td>*157.50</td>
<td>*157.50</td>
<td>*157.50</td>
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<tr>
<td>* 91+ days late</td>
<td>410</td>
<td>210</td>
<td>*210</td>
<td>*210</td>
<td>*210</td>
</tr>
<tr>
<td>Inactive resident renewal</td>
<td>25</td>
<td>25</td>
<td>*25</td>
<td>*25</td>
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</tr>
<tr>
<td>* 1-90 days late</td>
<td>37.50</td>
<td>37.50</td>
<td>*37.50</td>
<td>*37.50</td>
<td>*37.50</td>
</tr>
<tr>
<td>* 91+ days late</td>
<td>50</td>
<td>50</td>
<td>*50</td>
<td>*50</td>
<td>*50</td>
</tr>
<tr>
<td>Emeritus renewal (resident and nonresident)</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>* 1-90 days late</td>
<td>15</td>
<td>15</td>
<td>15</td>
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<td>* 91+ days late</td>
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<tr>
<td>Active nonresident renewal</td>
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<td>200</td>
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<td>* 1-90 days late</td>
<td>500</td>
<td>300</td>
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<tr>
<td>* 91+ days late</td>
<td>600</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Inactive nonresident renewal</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>* 1-90 days late</td>
<td>187.50</td>
<td>187.50</td>
<td>187.50</td>
<td>187.50</td>
<td>187.50</td>
</tr>
<tr>
<td>* 91+ days late</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>Initial registration, by examination, resident</td>
<td>355</td>
<td>155</td>
<td>155</td>
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<td>Initial registration, by examination, nonresident</td>
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<td>Initial registration, by reciprocity</td>
<td>400</td>
<td>200</td>
<td>200</td>
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<tr>
<td>Annual Business Registration/Renewal</td>
<td>45</td>
<td>45</td>
<td>45</td>
<td>45</td>
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</tr>
<tr>
<td>* 1-90 days late renewal</td>
<td>67.50</td>
<td>67.50</td>
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<tr>
<td>* 91+ days late renewal</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>90</td>
</tr>
</tbody>
</table>
**Licensing: Candidates for registration**


<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architects</td>
<td>3399</td>
<td>3484</td>
<td>3513</td>
<td>3533</td>
<td>3561</td>
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<tr>
<td>RIDs</td>
<td>444</td>
<td>409</td>
<td>357</td>
<td>414</td>
<td>328</td>
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<tr>
<td>Landscape Architects</td>
<td>258</td>
<td>283</td>
<td>287</td>
<td>267</td>
<td>290</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>4101</td>
<td>4176</td>
<td>4157</td>
<td>4214</td>
<td>4179</td>
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</table>

**Licensing: License issuance time**

Texas Government Code 472.104(b)(5)(K). The average time to issue a license.

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average time to issue a license (days)</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
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</tbody>
</table>

**Finance/Admin: Litigation expenses**

Texas Government Code 472.104(b)(5)(L). Litigation costs, broken down by administrative hearings, judicial proceedings, and outside counsel costs.

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Hearings</td>
<td>$8,092</td>
<td>$12,851</td>
<td>$7,195</td>
<td>$15,600</td>
<td>$15,900</td>
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<tr>
<td>Judicial Proceedings</td>
<td>$6,555</td>
<td>$425</td>
<td>$185</td>
<td>$2,140</td>
<td>$172</td>
</tr>
<tr>
<td>Outside Counsel</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$14,647</td>
<td>$13,277</td>
<td>$7,380</td>
<td>$17,740</td>
<td>$16,072</td>
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Finance/Admin: Fund balance


<table>
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<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance</td>
<td>$2,562,810</td>
<td>$2,575,890</td>
<td>$2,622,682</td>
<td>$2,864,334</td>
<td>$3,101,543</td>
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</table>

Finance/Admin: Rule changes


Fiscal Year 2019

No agency rules were amended or adopted in Fiscal Year 2019.

Fiscal Year 2018


This rulemaking action implemented Senate Bill 1932 (85th Regular Session, 2017), which changed the educational and professional experience requirements for registration as a registered interior designer (RID). Prior to the enactment of SB 1932, the Board was authorized to adopt rules establishing the educational and professional experience standards required to become registered as an interior designer. However, under SB 1932, the legislature eliminated this rulemaking authority, and instead adopted a requirement that applicants meet the educational and professional experience standards for the NCIDQ examination. This exam is administered by the Council for Interior Design Qualification (CIDQ), and the eligibility requirements for the exam are set by that organization. Therefore, it was necessary for the Board to repeal the educational and professional experience requirements that were previously adopted by rule and substitute the educational and professional experience requirements required by CIDQ to sit for the NCIDQ examination. That was the primary purpose of this rulemaking action. Additionally, the Board amended its applications and testing procedures to accommodate the substantive changes to the eligibility requirements. Specifically, the following rules were adopted or repealed, as described:

Adopted §5.5 includes revised definitions which were necessary to implement the rule changes required by SB 1932.

Adopted §5.31 implemented the legislative directive contained in SB 1932 by requiring an applicant for registration to satisfy "the educational and professional experience eligibility requirements adopted by the Council for Interior Design Qualification (CIDQ) to sit for the NCIDQ examination." The adopted rule also includes a grandfathering provision to ensure the continued eligibility of any currently-approved applicant for examination.

Adopted §5.32 includes non-substantive amendments that update defined terms and provide for consistency with corresponding provisions in §5.31 and §5.51 regarding predecessors to the NCIDQ examination.

Adopted §5.33 outlines the process to be followed in filing an application for registration by examination. Under this provision, an applicant is required to satisfy the educational and professional experience requirements adopted by CIDQ to sit for the NCIDQ examination and be approved by
CIDQ to sit for the examination, prior to filing an application with the Board. Upon filing an application with the Board, an applicant is required to provide a verified statement of the applicant's education, a detailed summary of interior design work experience, and proof of acceptance by CIDQ to sit for the examination.

Adopted §§5.35 and §5.37 substitute the term "applicant" for "candidate." Under the revised definitions in §5.5, an applicant is defined in part as a person who has submitted an application to the Board, while a candidate is a person who may not have completed the application process. The term "applicant" has been substituted into amended §§5.35 and 5.37 to correspond with the amended definition in §5.5.

Adopted §5.36 describes the process for certain individuals, including those enrolled in or planning to enroll in interior design educational programs, to request a preliminary determination of eligibility for registration based on the individual's criminal history. The amendment substitutes the term "qualifying interior design educational program" for "accredited program." Under the Board's previously adopted educational standards, an applicant was required to graduate from an accredited interior design program. However, under the CIDQ standards, graduation from an accredited program is not required. As such, the rule has been extended to cover individuals who are enrolled in or planning to enroll in a "qualifying" educational program, which the Board interprets to mean an educational program that meets the CIDQ educational standards for examination qualification.

Adopted §5.51(a) states that an applicant for interior design registration by examination must meet the eligibility and application requirements contained in §5.33(b) and (c). Additionally, §5.51(a) is amended to provide for consistency with corresponding provisions in §5.31 and §5.51 regarding predecessors to the NCIDQ examination. Additionally, a provision under §5.51(b), which authorized an applicant to begin testing after completing six months of full-time work experience, has been repealed. This provision conflicted with recently amended Tex. Occ. Code §1053.155, which states that an application for admission to the examination must be accompanied by evidence that the applicant has satisfied the professional experience requirements for the examination adopted by the Board. Depending upon educational background, CIDQ requires prospective examinees to complete at least 3,520 hours (approximately two years) and up to 7,040 hours of work experience prior to taking the final sections of the examination. As such, an applicant with only six months of professional experience would not meet the "professional experience requirements" of CIDQ to take all sections of the examination, and thus it would be inappropriate for the Board to approve the applicant to do so under Tex. Occ. Code §1053.155. Therefore, §5.51(b) has been repealed, and instead the Board has adopted §5.53(a), which requires an Applicant to schedule and pass all sections of the NCIDQ within the time period required by CIDQ. In addition to bringing the rules into mandatory compliance with Occ. Code §1053.155, this change will simplify the process for applicants and decrease the potential for confusion by eliminating unnecessary differences between Board and CIDQ requirements for examination scheduling and passage.

Adopted §§ 5.51(c) and 5.52 eliminate unnecessary requirements relating to examination administration and scoring. Formerly, §5.51(c) addressed the acceptable location at which the examination could be taken. Similarly, §5.52 included provisions relating to examination administration, addressing the timing of examination administrations and the information required to be given to examinees, and imposed requirements on examinees regarding the identification required of examinees to enter the examination and the tools to bring to the examination. However, as the independent administrator of the examination, CIDQ is responsible for developing and enforcing examination administration procedures, and the adopted amendments recognize this role by repealing §5.51(c) and adopting §5.52, which states that, unless otherwise noted in the Board's rules, the administration and scoring of the NCIDQ examination is governed by the procedures adopted by CIDQ.

Adopted §5.53 amends the Board's rules relating to scheduling examinations by adopting CIDQ's requirements on the matter. Previously, §5.53(a) required an applicant to pass all sections of the examination within five years of passing the first section. If a candidate did not pass all sections within five years, credit for any examination passed more than five years prior would be forfeited, and the section would have to be retaken. Comparatively, under CIDQ's requirements, an examinee is required to pass the first section of the NCIDQ examination (IDFX) within four examination windows of approval (two years), and the other two sections within ten examinations windows (five years). To simplify the Board's rules
and minimize conflicting information for examinees, the Board amended §5.53(a), to require an applicant to schedule and pass all sections of the administration within the time period required by CIDQ. The Board also adapted a grandfathering provision which allows applicants to complete the test within the time period in effect at the time an application was filed.

The Board repealed §5.54, relating to the transfer of passing scores. The process described in previous §5.54, in which examination scores are "transferred" from one state to another, is not consistent with any process used by CIDQ to administer examinations. CIDQ is responsible for maintaining and distributing examination scores to TBAE and other registration boards. Because the "transfer" of scores is not the responsibility of the Board, this rule was inconsistent with practice and unnecessary, and therefore repealed.

Adopted §5.55 substitutes the term "examinee" with "applicant" relating to the consideration of special accommodations for examination administration. Since many individuals pursuing registration in Texas begin testing with CIDQ prior to submitting an application with the Board, it is possible that such an individual would request special testing accommodations through the Board. This amendment allows the Board to address such testing accommodations with CIDQ, as necessary.

Subchapter J, §§ 5.201, 5.202, and 5.203, was repealed. These rules previously identified the amounts and types of educational and professional experience required to qualify for registration. The repeal of these rules was required to implement amended Tex. Occ. Code §1053.155, which eliminated the Board’s authority to adopt rules establishing standards for the recognition and approval of interior design educational programs and the amounts and types of professional experience necessary for registration examination eligibility.


The adopted rules implement a non-substantive change in terminology for the program previously known in the Board’s rules as the "Intern Development Program." This program is administered by the National Council of Architectural Registration Boards (NCARB). It is a standardized program that is accepted by Texas and most other jurisdictions to demonstrate sufficient experience to become registered as an architect. Recently, NCARB renamed this program the "Architectural Experience Program" or "AXP." To ensure that agency rules remain current, §§ 1.5, 1.21, 1.22, 1.41, and 1.123 were amended to replace obsolete references to the "Intern Development Program," with citations to the updated term "Architectural Experience Program." These amendments are non-substantive and do not affect the current or future eligibility of any person who completed the program under the previous name.
AGENCY STRATEGIC PLAN

FISCAL YEARS 2019 TO 2023

BY THE

TEXAS BOARD OF ARCHITURAL EXAMINERS

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Dates of Term</th>
<th>Hometown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debra J. Dockery, AIA – Chair</td>
<td>05/10/11 – 01/31/17</td>
<td>San Antonio</td>
</tr>
<tr>
<td>Chad Davis, RLA – Vice-Chair</td>
<td>04/11/13 – 01/31/19</td>
<td>Lubbock</td>
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<tr>
<td>Jennifer Walker, AIA &amp; LEED – Secretary/Treasurer</td>
<td>01/15/16 – 01/31/21</td>
<td>Lampasas</td>
</tr>
<tr>
<td>Sonya B. Odell, RID</td>
<td>05/10/11 – 01/31/17</td>
<td>Dallas</td>
</tr>
<tr>
<td>Paula Ann Miller</td>
<td>05/10/11 – 01/31/17</td>
<td>The Woodlands</td>
</tr>
<tr>
<td>Charles H. Anastos, AIA</td>
<td>04/01/08 – 01/31/19</td>
<td>Corpus Christi</td>
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<tr>
<td>Chase Bearden</td>
<td>05/01/09 – 01/31/21</td>
<td>Austin</td>
</tr>
<tr>
<td>Robert Scott Wetmore, AIA</td>
<td>01/15/16 – 01/31/21</td>
<td>Austin</td>
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<tr>
<td>Vacant Public Member Position</td>
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<td></td>
</tr>
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</table>

June 8, 2018

SIGNED: [Signature]

Executive Director

APPROVED BY THE FULL BOARD
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   B. Current Year Activities .................................................................................. 3
   C. External/Internal Assessment Issues and Trends .............................................. 4

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TBAE Mission

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design. TBAE’s mission is grounded in its enabling statutes, Chapters 1051 – 1053 of the Texas Occupations Code.

TBAE’s Strategic Plan ensures that the agency not only carries out its mission, but also is:

1. Accountable to the public who uses and inhabits the built environment, registrants, and all other stakeholders.
2. Efficient by producing maximum results with no waste of collected funds and by identifying any function or provision that is redundant or not cost effective.
3. Effective by successfully fulfilling core functions, achieving performance measures, and implementing plans to continuously improve.
4. Attentive to providing excellent customer service.
5. Transparent such that agency actions can be understood by any Texan.

About TBAE

A. Agency Overview and Organizational Aspects
TBAE operates under the Self-Directed, Semi-Independent (SDSI) program established by the 77th Texas Legislature. TBAE’s participation in SDSI removes the agency from the appropriations process, ensures accountability to stakeholders, and requires the agency to operate as a business. SDSI agencies must adopt their own budgets and establish registration fees to cover all operational costs. Additionally, each agency submits an annual payment ($510,000 in TBAE’s case) to the general revenue fund and pays approximately $112,000 for the services of other state agencies and other operating costs.

TBAE is overseen by a Board of nine gubernatorial appointees. Four Board members are registered architects, three are public members, one is a registered interior designer, and one is a registered landscape architect. The Chair is selected by the Governor from among the Board members, and typically the group meets four times a year to make or amend rules and decide enforcement cases.

TBAE has a staff of 19.5 full-time equivalent positions and operates with an annual budget of $3M. TBAE Staff is divided into three broad functional units: Registration, Enforcement, and Administration. Each division is responsible for executing particular operational aspects of the Board’s statutory charge and mission. While separation of the units allows staff to fully engage in their respective areas of expertise, close collaboration and cross-training allows the agency as a whole to remain flexible for most any event.

B. Current Year Activities
Through the third quarter of fiscal year 2018, TBAE is operating under a balanced budget, in spite of the requirement to pay for two audits this fiscal year conducted by the State Auditor’s Office and the Texas Workforce Commission. As a result, for the fourteenth year in a row, TBAE did not raise registration fees. With such fiscal responsibility, TBAE has a healthy fund balance at approximately 86% of its annual budget.
Looking at registration trends through the third quarter of FY18, TBAE expects to see a 5.1% increase for active architect registrants, a 1.0% increase for active registered interior designers and a 5.3% increase for active landscape architect registrants for FY18. It is also expected that TBAE will see more than 1,209 new registrants from all professions for FY18. These numbers are a marked increase from the registration trends in FY16.

In the enforcement unit, TBAE is on track to open approximately 429 complaints in FY18. This number is a two-fold increase from FY16 and previous years. This increase is due to an increase of cases received from the Texas Department of Licensing and Regulation related to design professionals’ accessibility review filings. Through the second quarter of FY18, the enforcement unit has closed 267 cases, with 28 resulting in disciplinary action by TBAE. This pace should keep us on track to avoid a backlog in cases.

TBAE staff worked to implement all relevant legislation from the 85th Session, including the promulgation of rules related to the licensure of Registered Interior Designers. Staff has focused significant amounts of time this fiscal year on its transition to CAPPSS for both HR and Payroll and will be prepared for the final transition this summer. Additionally, TBAE successfully completed a Post-Payment Audit by the Comptroller in FY17 and four audits (State Auditor’s Office, Texas Workforce Commission, Department of Public Safety and State Office of Risk Management) in FY18 and implemented all recommendations, resulting in improvements to TBAE’s operations. Lastly, TBAE assisted the Governor’s office and state agencies in responding to the needs of the citizens of Texas effected by Hurricane Harvey.

**C. External/Internal Assessment Issues and Trends**

In conducting an external/internal assessment, the Board collected and analyzed information from several sources including an Industry Environmental Scan, Customer Service Survey, Survey of Employee Engagement, and a Management Strategic Planning Session. The Board conducted a thorough analysis of its past, current, and future position and its expectations for external and internal change. The following current and future major issues may affect the Board’s operations and results in meeting the needs of its stakeholders.

- Use of Technology by the Professions
- Mobility of Registrants
- Evolving Role of the Design Professional in Project Management
- Unregistered Practice
- Thriving Registrant Pool/Emerging Professionals
- Positive Construction Forecasts
- Workforce Demographics
TBAE Goals and Action Plans

Licensing Goal: TBAE will administer a licensing program to ensure that only qualified professionals become licensed in Texas.

Specific Action Items to be Achieved Throughout the Strategic Plan Period

1. Ensure the professional qualifications of those practicing the regulated professions by setting appropriate requirements for education, experience, and examination.
2. Increase public and professional awareness of TBAE’s mission, activities and services, with specific attention to the prevention of unregistered practice and the timely and appropriate registration of qualified applicants to ensure compliance with the law and protection of the public health, safety, and welfare.
3. Improve relationships with related organizations in order to facilitate consistent regulation of the professions and further the Board’s mission and goals.
4. Anticipate and respond to an evolving registrant pool, with specific attention to the following factors:
   - changing demographics of registrants, exam candidates, and future professionals; and
   - reducing barriers to registration and registrant mobility.
5. Review the current use of technology in the regulated professions and by the agency to ensure that state laws, rules, and services are keeping pace with the impacts of technology, and to improve operational efficiency, effectiveness, and customer service.
6. Improve data collection and analysis to allow the Board and agency to better evaluate the successes and challenges of the agency’s various services.
7. Continue to monitor and update TBAE rules to ensure alignment and relevancy, and eliminate redundancies and impediments.
8. Enhance organizational effectiveness and improve the quality of customer service in all programs, by reviewing state and national standards with the aim of continuous operational improvement. TBAE will look to maximize administrative leanness, while not sacrificing agency agility and responsiveness.
9. Ensure that leadership succession planning is strong and that cross-component working groups are developed to ensure the continuity of agency effectiveness and efficiency.
10. Protect fiscal soundness through policies, procedures, and preparation for expected revenue and expenditure fluctuations, with a focus on linking revenues to expenditures.
11. Ensure TBAE’s ability to meet its mission by identifying various risk indicators and creating proactive efforts to mitigate the most significant risks.

TBAE’s Licensing Goal and Action Plan Supports Each Statewide Objective

Accountable • Efficient • Effective • Transparent • Customer Service

All of the Statewide Objectives were considered as a roadmap in developing the Action Items listed above. Each Action Item speaks directly to at least one Statewide Objective, and most address more than one Statewide Objective. Taken together, the Action Items pursuant to the Licensing goal make great strides toward bolstering all of the State’s Objectives and toward high performance overall.
Enforcement Goal: TBAE will protect the public health, safety, and welfare with an effective, responsive, and consistent enforcement program.

Specific Action Items to Achieved Throughout the Strategic Plan Period

1. Ensure that all complaints and known violations are investigated and appropriate voluntary or disciplinary action is taken against all violators.
2. Investigate and prosecute complaints in a thorough and timely manner.
3. Pursue compliance with disciplinary actions and conditions.
4. Establish regulatory standards of practice for the regulated professions.
5. Increase public and professional awareness of TBAE’s mission, activities, and services, to encourage a better understanding of the regulatory requirements, voluntary compliance with the regulatory requirements, and feedback on ways to continuously improve.
6. Improve relationships with related organizations in order to facilitate consistent regulation of the professions and further the Board’s mission and goals.
7. Review the current use of technology in the regulated professions and by the agency to ensure that state laws, rules, and services are keeping pace with the impacts of technology, and to improve operational efficiency, effectiveness, and customer service.
8. Improve data collection and analysis to allow the Board and agency to better evaluate the successes and challenges of the agency’s various services.
9. Continue to monitor and update TBAE rules to ensure alignment and relevancy, and eliminate redundancies and impediments.
10. Enhance organizational effectiveness and improve the quality of customer service in all programs, by reviewing state and national standards with the aim of continuous operational improvement.
11. Ensure that leadership succession planning is strong and that cross-component working groups are developed to ensure the continuity of agency effectiveness and efficiency.
12. Protect fiscal soundness through policies, procedures, and preparation for expected revenue and expenditure fluctuations, with a focus on linking revenues to expenditures.
13. Ensure TBAE’s ability to meet its mission by identifying various risk indicators and creating proactive efforts to mitigate the most significant risks.

TBAE’s Enforcement Goal and Action Plan Supports Each Statewide Objective

Accountable • Efficient • Effective • Transparent • Customer Service

All of the Statewide Objectives were considered as a roadmap in developing the Action Items listed above. Each Action Item speaks directly to at least one Statewide Objective, and most address more than one Statewide Objective. Taken together, the Action Items pursuant to the Enforcement goal make great strides toward bolstering all of the State’s Objectives and toward high performance overall.
### Redundancies and Impediments

<table>
<thead>
<tr>
<th>Service, Statute, Rule or Regulation (Provide Specific Citation, if applicable)</th>
<th>Describe why the Service, Statute, Rule or Regulation is Resulting in Inefficient or Ineffective Agency Operations</th>
<th>Provide Agency Recommendation for Modification or Elimination</th>
<th>Describe the Estimated Cost Savings or Other Benefit Associated with Recommended Change</th>
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</thead>
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<tr>
<td>Annual $510,000 SDSI payment, Tex. Gov’t Code 472.102(c)</td>
<td>Expenditures, most of which are fixed, are set to outpace revenues in coming years. Absent a reduction in legislatively mandated expenditures, higher registration fees will be required resulting in greater barriers to entering or continuing in the regulated professions.</td>
<td>Respectfully, TBAE suggests a review of the two legislative requirements noted in this section. An evaluation of whether the requirements accomplish the state’s goals of reducing barriers and maximizing results may be in order.</td>
<td>If these legislatively mandated expenditures are eliminated, TBAE would expect for the need to increase renewal fees to be significantly delayed, which would reduce impediments to continued or initial registration.</td>
</tr>
<tr>
<td>Remittance of all administrative penalties to General Revenue, Tex. Gov’t Code 472.110(d)</td>
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TBAE is facing difficult demographic and financial realities, and likely will need to raise registration fees after fourteen continuous years of not needing to do so. TBAE projects that by FY21, renewal fees may climb by approximately $7 for an annual registration renewal unless one or more of the fixed costs noted above are decreased. TBAE well understands that increased fees can be a barrier to registration, and is proud to have avoided raising fees for so long. But in light of the required $510,000 annual SDSI payment to General Revenue and the 2013 requirement to remit all enforcement penalties to General Revenue, the agency has little choice but to consider raising revenue via fee increases.

A continual self-evaluation of all of TBAE’s statutes, rules, and services is part of the culture. TBAE will evaluate throughout the strategic planning period with the goal of reducing any barriers to the economic prosperity of Texas and making the agency more effective and efficient in achieving its core mission.

Since FY16, as part of its ongoing self-evaluation to eliminate redundancies and impediments, TBAE has reviewed its rules and has made the following updates to improve the efficiency and effectiveness of the agency’s operations.

- TBAE reduced the number of examinations required to satisfy the examination requirement for registration as an architect.
- Pursuant to legislation, TBAE extended the deadline for “grandfathered” Registered Interior Designers to pass all sections of the registration examination from September 1, 2017 to September 1, 2027. Additionally, TBAE increased the number of paths to registration as a Registered Interior Designer.
- TBAE amended its administrative penalty rules to provide clear guidance on the appropriate levels of administrative penalties. This action has increased efficiencies and consistency and was complimented during an audit by the State Auditor’s Office.
- Pursuant to legislation, TBAE amended its rules to provide for expedited consideration of applications filed by military service members, veterans, and spouses; an additional two years to complete continuing education requirements; and a waiver of application and examination fees for military service members.
- TBAE repealed obsolete rules and corrected errors within its current rules.
TBAE’s Response to Hurricane Harvey

Below is a summary of TBAE’s response during the aftermath of Hurricane Harvey.

- TBAE’s Executive Director reached out to the Executive Directors of New York, New Jersey, Louisiana and Mississippi to ask for their experiences and advice based on the aftermath of Hurricanes Sandy, Ike, Rita, and Katrina.
- TBAE staff established contact with collateral groups, including professional associations and other registration boards, to coordinate any needs from those entities. Specifically, TBAE assisted the Texas Society of Architects in their initiative to provide trained, volunteer design professionals for safety assessments.
- Pursuant to Section 418.171 of the Government Code, TBAE gave consideration to out-of-state registrations and allowed an individual holding such registration to render aid involving their professional skills during the period of declared emergency.
- TBAE expedited its registration processes for individuals affected by the hurricane and individuals providing services in response to the hurricane.
- TBAE waived the late payment penalty for affected individuals who were not able to renew by their expiration date.
- TBAE waived the requirement for documentation of continuing education credits for affected individuals who were audited.
- TBAE waived the cost of replacement wall certificates for those lost in the hurricane.
- TBAE participated in the Harvey Occupational and Professional Emergency (HOPE) Workgroup created to share best practices, resources and analytics during the state’s response to Hurricane Harvey.
- TBAE communicated to its registrants via its regular newsletter the importance of the role registrants would play during the rebuilding phase and the responsibility to design smarter with an emphasis on resiliency and accessibility.
- In the future, during the rebuilding phase, TBAE anticipates that it may see an increase in complaints related to fraud and practice without a registration and will respond accordingly.
- In response to specific requests, TBAE continues to work with affected individuals to ensure that we do not prevent, hinder, or delay necessary action in coping with the disaster and to assist them any way that we can.

TBAE did not experience any significant statutory redundancies or impediments in its response to Hurricane Harvey. However, it believes that concerted efforts between the professional regulation agencies to ensure standardized and appropriate responses would be beneficial to the agencies and their registrants.
Supplemental Schedule A: Budget Structure and Performance Measures

As a self-directed, semi-independent agency, TBAE does not operate under a traditional budget structure within the general appropriations bill. Instead, TBAE is required to adopt a budget annually using generally accepted accounting principles. Therefore, TBAE does not operate under a Goal-Objective-Strategy model and does not submit data to the Automated Budget Evaluation System of Texas (ABEST).

In lieu of reporting to ABEST, TBAE is required to submit an annual report to the Governor, Legislature, and the Legislative Budget Board, which includes trend performance data related to TBAE’s goals and other data related to its administrative and fiscal operations. TBAE additionally submits a quarterly report to all parties. TBAE’s trend performance data measures related to its goals are listed below.

Measures Related to the Licensing Goal:
- Number of Registrants by Type and Status
- Average Time to Issue a Registration
- Number of Examination Candidates

Measures Related to the Enforcement Goal:
- Number of Cases Opened by Staff and Public
- Number of Cases Closed by Dismissal and Enforcement Action
- Number of Enforcement Actions by Sanction Type
- Number of Cases Closed through Voluntary Compliance
- Amount of administrative penalties assessed and the rate of collection of assessed administrative penalties
- Number of Cases Opened that Alleged HSW and Disposition
- Average Time to Resolve a Complaint
Supplemental Schedule B: Performance Measure Definitions

Measures Related to the Licensing Goal:

Number of license holders or regulated persons broken down by type of license and license status, including inactive status or retired status

- Definition: The number of registered architects, landscape architects, registered interior designers, and businesses each broken down by active, inactive, and retired status.
- Purpose/Importance: The measure helps to determine agency workload.
- Source and Collection of Data: TBAE internal database, TBAsE.
- Method of Calculation: Registrants are broken down by profession, and further by status [Active, Inactive, or Emeritus (Retired)]. Business registration count includes all businesses with an Active or Pending status. Counts are made in the first few moments of the next fiscal year and roster data are saved for future review.
- Data Limitations: None.
- Calculation Type: Non-cumulative.
- New Measure: No.

Average time to issue a registration

- Definition: The average number of days to issue a registration to an applicant once the application is complete, including payment of the initial registration fee.
- Purpose/Importance: The measure helps to determine efficiency in delivering services to registrants.
- Source and Collection of Data: TBAE internal database, TBAsE.
- Method of Calculation: The universe consists of intended registrants whose accounts are populated with “Registration by Exam” or “Reciprocal Registration” fees indicating that all requirements have been met for licensure. Time is calculated as the number of days between the payment of the fee (Payment Date field) and the date of registration (License Certification Date field), and records are reported by fiscal year based on payment date. Roster data are saved for future review.
- Data Limitations: None.
- Calculation Type: Non-cumulative.
- New Measure: No.

Number of examination candidates

- Definition: The current number of individuals who have applied for registration by examination, but have not been issued a registration.
- Purpose/Importance: The measure indicates workload and helps to project number of possible eligible registrants, viewed against previous reports with an eye toward trending.
- Source and Collection of Data: TBAE internal database, TBAsE.
- Method of Calculation: The agency’s database (TBAsE) will automatically run a snapshot report quarterly, in the first hours after the end of each quarter. TBAsE will run a count of all records with an application type of “Exam Candidate” or “Prior Exam” and a registration status of “Open,” “Closed,” or “Passed.” Roster data are saved for future review.
- Data Limitations: None.
- Calculation Type: Non-cumulative.
- New Measure: No.
Measures Related to the Enforcement Goal:

Number of complaints received from the public and number of complaints initiated by agency staff
- Definition: The number of enforcement cases opened as a result of a complaint filed by the public (non-staff) and the number opened as a result of a staff-initiated complaint.
- Purpose/Importance: The measure helps to track agency workload and determine allocation of agency resources.
- Source and Collection of Data: TBAE internal database, TBAsE.
- Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” and “Complaint.” Staff complaints will be counted as those with a Source of Complaint field entry of “Evidence returned through internal TBAE ops,” “Evidence revealed through associated complaint,” “R Identified thru Other Complaint,” and “CE audit.” All other Source of Complaint types will be counted as Public complaints. Complaints will be counted in the appropriate year based on their open date. Roster data are saved for future review.
- Data Limitations: None.
- Calculation Type: Non-cumulative
- New Measure: No.

Number of complaints dismissed and the number of complaints resolved by enforcement action
- Definition: The number of enforcement cases dismissed and the number of enforcement cases resolved with enforcement action.
- Purpose/Importance: The measure helps to track agency workload.
- Source and Collection of Data: TBAE internal database, TBAsE.
- Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” and “Complaint.” Of the universe, those items with content in the “Board Approved Date” field will be counted as “resolved by enforcement action,” and those with a blank entry will be counted as dismissed. The date entered in “Board Approved Date” will determine in which fiscal year to report the item. Otherwise, the “Case Closed Date” field will determine the fiscal year of reporting. Additionally, those with a blank “Board Approved Date” and having a disposition type of “Revocation” will be counted as “resolved by enforcement action.” Roster data are saved for future review.
- Data Limitations: None.
- Calculation Type: Non-cumulative
- New Measure: No.

Number of enforcement actions by sanction type
- Definition: The number of disciplinary actions taken by TBAE broken down by sanction type.
- Purpose/Importance: The measure helps to track the results of the agency’s enforcement activities.
- Source and Collection of Data: TBAE internal database, TBAsE.
- Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” and “Complaint” and having a Final Disposition of “Agreed Order,” “Cease and Desist,” “Consent Order,” “Notice of Violation,” “Order of the Board,” “Penalty Notice,” “Revocation,” “Suspension/Probation,” or “Dismissed (C.O.).” Of the universe, those items with a Final Disposition of “Agreed Order,” “Cease and Desist,” “Consent Order,” “Notice of Violation,” “Order of the Board,” “Penalty Notice,” “Revocation,” or “Dismissed (C.O.)” and having a penalty assigned will be counted as “Admin Penalty.” Those of this same list without having a penalty to pay will be counted as “Cease & Desist.” Those having a Final Disposition of “Revocation,” and “Suspension/Probation” will be counted under their corresponding Sanction Type. Cases will be counted in the appropriate fiscal year based on “Board Approved Date.” Roster data are saved for future review.
- Data Limitations: None.
Number of enforcement cases closed through voluntary compliance

- **Definition:** The number of enforcement cases closed by voluntary compliance by the respondent in the case.
- **Purpose/Importance:** The measure helps to track agency workload and determine the effectiveness of enforcement activities.
- **Source and Collection of Data:** TBAE internal database, TBAsE.
- **Method of Calculation:** From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” or “Complaint.” Items from this universe with an entry in the Final Disposition field of “warning letter” or “informal reprimand” will be counted. Cases will be counted in the appropriate fiscal year based on their closed date. Roster data are saved for future review.
- **Data Limitations:** None.

Amount of administrative penalties assessed and the rate of collection of assessed administrative penalties

- **Definition:** The amount of all administrative penalties assessed during the reporting period and the rate of collection of administrative penalties during the reporting period.
- **Purpose/Importance:** The measure helps to track disciplinary compliance among enforcement respondents.
- **Source and Collection of Data:** TBAE internal database, TBAsE.
- **Method of Calculation:** The amount (in dollars) of all administrative penalties assessed in a fiscal year is divided by the amount (in dollars) of all administrative penalties collected in the same fiscal year. The date entered in “Board Approved Date” will determine in which fiscal year to report the penalties assessed. If “Board Approved Date” is not entered, the “Case Closed Date” field will determine the fiscal year of reporting. The recorded “Payment Date” will determine in which fiscal year to report the amount collected. The result is expressed as a percentage. Roster data are saved for future review.
- **Data Limitations:** Penalties collected in one fiscal year may have been assessed in a previous fiscal year.

Number of enforcement cases that allege a threat to public health, safety, or welfare or a violation of professional standards of care and the disposition of those cases

- **Definition:** The number of enforcement cases that allege a threat to public health, safety, or welfare or a violation of professional standards of care and the disposition of those cases.
- **Purpose/Importance:** The measure helps to gauge agency workload and effectiveness with regard to more-involved enforcement cases.
- **Source and Collection of Data:** TBAE internal database, TBAsE.
- **Method of Calculation:** Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” or “Complaint” with a Board Approved Date within the reporting fiscal year and a Violation Status ID of “Violation found by ED” or “Violation found by Board,” and excluding all records with specified rule/statute citations in the Violations field indicating that the infraction was a title violation or a continuing education violation. (A bulleted list of specified citations follows below.) The Disposition of the responsive records is reported and categorized based on sanction type similar to the “Number of enforcement actions by sanction type” measure. Roster data are saved for future review. Citations to be excluded are:
  - Did not fulfill mandatory continuing education requirements
  - Reported false information regarding continuing education
  - Use of any form of the word "architect" or "architecture" by an unqualified firm
- Practiced or used of title "architect" or "architecture" while registration was delinquent
- A person other than an architect who advertised using the title architect or architectural designer
- Failed to fulfill mandatory continuing education requirements
- Reported false information regarding Interior Designer's continuing education
- Use of title “interior designer” or term “interior design” while registration was delinquent
- A person other than an interior designer who advertised using the title "interior designer” or offered "interior design” services.
- Did not fulfill mandatory continuing education requirements
- Reported false information regarding landscape architects continuing education
- Unauthorized practice or use of title “landscape architect” while registration was delinquent
- Unauthorized practice or use of title "landscape architect” while registration was delinquent
- A person other than a landscape architect used the title "landscape architect” or offered or performed "landscape architect”.
- A person other than an architect practicing architecture or using the regulated title
- Failure to maintain continuing education records
- Failure to complete a minimum of eight (8) CEPH for each annual registration period
- Failure to complete a minimum of eight (8) CEPH for each annual registration period
- Failure to maintain continuing education records
- Practiced or used of title "architect" or "architecture" while registration was delinquent.
- Fail to record Continuing Education activities

- Data Limitations: None.
- Calculation Type: Non-cumulative
- New Measure: No.

Average time to resolve a complaint

- Definition: The average number of days to resolve a complaint.
- Purpose/Importance: The measure helps to determine efficiency in caseload management.
- Source and Collection of Data: TBAE internal database, TBAE.
- Method of Calculation: From TBAE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” or “Complaint” with a Closed Date within the reporting fiscal year. Time is determined by calculating the number of days between the Open Date and Closed Date for each record. Roster data are saved for future review.
- Data Limitations: None.
- Calculation Type: Non-cumulative
- New Measure: No.
Supplemental Schedule C: Historically Underutilized Business (HUB) Plan

As a self-directed, semi-independent agency, TBAE does not operate under the General Appropriations Act, and therefore, was not required to complete the HUB report required by that Act. However, TBAE makes a good faith effort to utilize HUBs in contracts for construction, services (including professional and consulting services) and commodity procurements. TBAE works to procure products and services for agency users and identify HUBs to ensure they have an equal opportunity to bid on agency contracts and related subcontracts. Additionally, TBAE submits HUB reporting to the Legislative Budget Board, although not specifically required.

Mission of the TBAE HUB Program

The Mission of the TBAE HUB Program is to advocate for the participation of HUBs in the agency’s procurement and contracts and remain committed to providing procurement and contracting opportunities for minority, women, and veteran-owned businesses.

Goal of the TBAE HUB Program

The Goal of the TBAE HUB Program is to establish and carry out policies governing purchasing and public works contracting that foster meaningful and substantive inclusion of HUBs. Specifically, the Board will make a good faith effort to utilize HUBs in the Board’s procurement and contracts with the following statewide goals in mind:

- 23.7 % for professional services contracts;
- 26.0 % for all other services contracts; and
- 21.1 % for commodities contracts.

TBAE HUB Program Strategies

In an effort to meet the agency’s goal, TBAE has established the following strategies:

- compliance with HUB planning and reporting requirements;
- utilization of the Texas Procurement and Support Services’ (TPASS) Centralized Master Bidder List and other sources in bidding for delegated services;
- adherence to the HUB purchasing procedures and requirements established by the Comptroller of Public Accounts’ Texas Procurement and Support Services Division;
- attendance at HUB Coordinator meetings, HUB small business trainings and HUB agency functions;
- utilization of HUB resellers from the Department of Information Resources’ contracts;
- promotion of HUBs in the competitive bid process on all goods and services; and
- encourage contractors to use HUBs as partners and subcontractors.
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REPORT ON CUSTOMER SERVICE

We are pleased to present the following report on customer service to the Governor’s Office of Budget and Planning; the Legislative Budget Board; Members of the Texas Board of Architectural Examiners (TBAE); our registrants and candidates for registration; and anyone who lives, works, and plays in the built environment of Texas.

Inventory of Customers
Our customers are identified as registered architects, registered interior designers, and registered landscape architects; students and examination candidates of these professions; building officials, plans examiners, and other regulatory officials; clients of design professionals and the general public; as well as non-registered persons working in related professions. Our customer list includes more than 22,000 email addresses. Our registrant base is 19,830 as of the end of Fiscal Year 2017, but changes hour by hour with online account management. This registrant count includes Active, Inactive, and Emeritus statuses and is intended only as a moment-in-time snapshot, not as a performance measure.

Information-Gathering and Survey Instrument
The survey instrument was offered electronically on the Web and promoted via the agency’s database of email addresses. The request for survey participation was emailed to each email address in our database, and the agency sent a follow-up reminder for those who had not yet responded. The survey was in the field from January to March, 2018.

The survey was hosted on a third-party survey Web site. Data were collected electronically. Responses to open-ended questions were reviewed on an individual basis and include suggestions for areas of improvement and change for the agency. Those responses contributed significantly to this report, and will inform agency staff greatly throughout the strategic planning process. The questions in the survey are based on statutory requirements and patterned after questions from previous TBAE surveys.

Analysis of the Findings
TBAE staff created eight separate areas of focus for the 2018 survey. Those eight areas are:

1. **Communicating with the agency:** this section provides insight into how registrants and other stakeholders interact with the agency on a personal level.
2. **The TBAE Web site (www.TBAE.state.tx.us):** respondents tell staff what online information they use, and how they use it.
3. **Online account services:** registrants and future registrants tell the agency how they feel about their secure online account usage.
4. **Complaint handling:** respondents tell us how they feel about the way the agency addresses complaints about agency operations.
5. **Printed and electronic media:** useful information about what respondents prefer to read, and how much they read.
6. **General impressions:** valuable overall impressions about how well the agency is performing, and what can be improved.

7. **Agency office and facilities:** impressions of how TBAE office visitors view agency facilities.

8. **Demographics:** data regarding what types of individuals participated in the survey.

1. **Communicating with the agency.**
   Survey responses indicate continued satisfaction among respondents in communicating with TBAE staff. Dissatisfaction remains very low, topping out at only 3.5 percent on one question and coming in as low as 1.6 percent on another. In 2008, 16 percent of respondents reported having heard a presentation by staff. In this year’s survey, the number was 23 percent.

2. **The TBAE Web site (www.TBAE.state.tx.us).**
   Satisfaction remains high in each of the five specific questions about the agency’s Web site. Again in 2018, Continuing Education information remains the most-sought topic among users of the TBAE Web site.

3. **Online account services.**
   (By way of clarification, this section deals with a customer’s experience with our Web site after logging into the “secure” site, as opposed to the public portions of the site intended for general information and use.)

   Launched in 2005, TBAE’s online account management continues to be a great success for users. After logging into his or her account, a user can pay fees, update contact information, keep track of continuing education credits, and more. 97.4 percent of respondents report having used online account services or intend to use them.

4. **Complaint handling.**
   As in previous surveys going back to 2006, the majority of those surveyed chose “N/A” when asked about satisfaction in terms of the agency’s handling of complaints about the agency itself (that is, not complaints about other registrants or professionals). The satisfaction rate remains much higher than that of dissatisfaction, but the high number of “N/A” responses might be, in itself, instructive; one possibility is simply that very few respondents have been interested in complaining about the agency.

5. **Printed and electronic media.**
   Interest in the agency’s traditional and online communications remains high, particularly with regard to the agency newsletter, *Licensing News*, and Web site news stories.

   As before, newsletter readership remains high, with 85 percent reporting that they read at least half of each issue (two years ago, this number was 76 percent). Disciplinary Actions was the most popular section of each newsletter, followed by stories about legislative events.

6. **General impressions.**
   Asked about overall satisfaction with TBAE and the service received, survey respondents indicate a 96 percent satisfaction rate. This is a new high, up from the 94 percent recorded in 2016.

7. **Agency office and facilities.**
   Responses to this set of questions, promulgated by the Governor’s office, tilt very heavily towards “N/A,” which accounts for more than 90 percent of answers to each individual question. This indicates that very
few stakeholders have had occasion to visit the agency’s Austin facilities, which is understandable since
the vast majority of services provided are online, via phone, or via postal service.

8. **Demographics.**
As one might expect, the distribution of survey respondents maps roughly along with that of the agency’s
registrants, with others from the survey list (candidates for registration, building officials, etc.) completing
the picture.

**Customer Service Standards and Customer Satisfaction Measures**
(Note: these measures are for the purpose of this survey only and not the same as those reported in SDSI
reports.)

1. Percentage of surveyed customer respondents expressing overall satisfaction with services received
   (N/A responses not included): 95.9%
2. Percentage of surveyed customer respondents identifying ways to improve service delivery: 23.1%
3. Number of customers solicited for survey: 22,406
4. Number of customers surveyed (responsive): 1,133
5. Cost per customer surveyed: $0.18/response
6. Number of customer groups: 12

*Note: As in previous reports, the number reported here reflects simply the number of responses to
Question 21, which solicits suggestions for improvement. Many of those responses are words of
encouragement or “N/A,” rather than areas of concern.

**Customer Responses to Multiple-Selection Questions**
(Commentary is provided for some items, when context might prove helpful. This section begins on the
next page.)
Question 1
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The person I spoke to was courteous and professional
- I am able to contact staff when I have a question
- My request for information was routed to the right person
- My question(s) were answered in a timely fashion
- The information I received was clear and accurate
- My Emails were responded to promptly
- My voice mail messages were responded to promptly

Q1 When communicating with TBAE please describe your experiences:

Question 2: How can we improve our communication with you and other stakeholders?

There were 345 free-text responses to this question. Some common responses were:

- No change/acceptable as-is
- Development of a mobile app/mobile-friendly Web site
- Various issues related to continuing education
- Increased notifications for registration renewal
- Social media presence
- More (and less) communication
Question 3

Q3 Have you ever attended a live presentation by a TBAE staff member?

- Yes
- No
- Don't remember

Question 4

Q4 How many design professionals work for your firm?

- Fewer than 10
- 11-20
- 21-40
- 41 or more

Question 5

In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The Web site is well-organized and easy to navigate
- The Web site contains clear, accurate information
- The Web site contains useful contact information
- The site map is helpful in finding information
- I can download and print forms, rules, and other selected material
Question 6: In what ways do you use the TBAE Web site?

There were 567 free-text responses to this question. The most common answers were:

- Renewing a license
- Searching for continuing education information and forms
- Finding updates on regulations (e.g. flowchart, use of seal brochure)
- Checking the registration status of design professionals
- Staff contact information
- Read newsletter

Question 7

What information from the Web site do you use the most? (Check all that apply)
Question 8
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- Renew my registration
- Pay fees with credit card
- Pay fees with electronic check
- Update my contact information
- Display/print my current certificate
- File a complaint
- Order a duplicate certificate
- Order a duplicate pocket card

Q8 Have you used or do you plan to use the following online services?

![Bar chart showing usage of online services.]

- Green: Have Used
- Blue: Will Use
- Yellow: Will Not Use
Question 9
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- The login process is simple
- The online renewal was easy to complete
- The online payment process was easy to use
- The online certificate printed successfully

Q9 Please rate your experience with TBAE’s online services (check N/A if you have not used the service[s]):
Question 10: What would you change about the online payment system?

There were 282 free-text responses to this question. Generally, the answers fell into the following categories:

- No suggestion for changes/system works fine as is.
- Enable alternate payment methods (PayPal, ApplePay, etc.)
- General reservations about online transactions
- Desire for more immediate receipt/confirmation of online payment
- More information regarding security of online payment information
- Removal of credit card processing fee

Question 11: If you do not plan to use online account services, what factors contribute to your decision?

There were 163 free-text responses to this question. Generally, the answers fell into the following categories:

- Not applicable
- Concerns about identity theft and/or online payment in general
- The respondent's firm pays for his or her renewal via check/general preference for checks
- Trouble logging in/remembering password
- Credit card fees
Question 12
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

- This agency makes it easy to give complaints or provide feedback
- If I made a complaint I believe it would be handled in a reasonable manner
- TBAE seeks feedback and is responsive

Q12 Please rank your experience with TBAE’s complaint handling process for complaints about how the agency staff conducts its business (not about professionals). If you have no opinion, answer N/A.

Question 13: What suggestions do you have for improving the complaint process?

There were 169 free-text responses to this question. Generally, the answers fell into the following categories:

- N/A (because the respondent has never filed a complaint)
- Update Complainant periodically during investigation/general update and resolution requests
- Provide greater anonymity/general anonymity commentary
- General suggestions to be more (and less) aggressive in investigations
- Clarify process of filing a complaint
- Increase staff resources for investigations
Question 14

Q14 Please provide your opinion of TBAE brochures.

Question 15

Q15 How much of each TBAE newsletter (Licensing News) do you read?
Question 16

Q16 What type of newsletter article topic are you most likely to read in depth? (Check all that apply)

- Registration stories
- Chairman’s column
- Executive Director’s...
- Legislative stories
- Interns/DP’s/viewing...
- Disciplinary Actions
- How-to stories
- Board member/staff...

Question 17

Q17 Do you read list-serve messages sent to you by TBAE via email?

- Always
- Sometimes
- Never

Question 18: How can we improve our printed and online communications?

There were 154 free-text responses to this question. Frequently mentioned or noteworthy ideas included:

- No suggestion for improvement
- Eliminate publication of Disciplinary Actions
- Eliminate printed publications
- Design suggestions (more graphics, different formatting, larger typeface, etc.)
- Redesign site for mobile/create a TBAE app/make more relevant to younger audience
Question 19

Q19 Overall, I am satisfied with the service I have received from this agency:

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- N/A

Question 20: What is TBAE doing well?

There were 353 free-text responses to this question. Generally, the answers fell into the following categories:

- Reduction in fees (legislatively mandated)
- Keeping stakeholders informed/outreach
- Simplicity/ease of registration and renewal processes
- Enforcement (particularly unauthorized practice) and continuing education audits

Question 21: What constructive criticism do you have to help TBAE do better?

There were 262 free-text responses to this question. Generally, the answers fell into the following categories:

- More outreach in cities across Texas/more educational materials
- Web site suggestions/mobile app
- Simplification of continuing education rules
- Objections to Excepted Engineers list/publication of Disciplinary Actions/fingerprints/threshold regarding engaging the services of a registered architect
- Maintain list of pre-approved CE courses/reduce number of required CE hours
- Aggressively enforce unauthorized practice and misuse of title
► Question 22
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:
- The facility was easy to find
- The facility was clean and orderly
- The facility was accessible
- The facility was open when I needed access

Q22 If you have visited the TBAE office, please rate the facility. If not, answer N/A.

► Question 23

Q23 I am a/an: (check all that apply)
## Agency Workforce Plan

### Fiscal Years 2019-2023

**BY**

THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS

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<table>
<thead>
<tr>
<th>Board Member</th>
<th>Dates of Term</th>
<th>Hometown</th>
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<tbody>
<tr>
<td>Debra Dockery, AIA – Chair</td>
<td>5/10/11 – 1/31/17</td>
<td>San Antonio</td>
</tr>
<tr>
<td>Chad Davis – Vice Chair</td>
<td>4/11/13 – 1/31/19</td>
<td>Lubbock</td>
</tr>
<tr>
<td>Jennifer Nicole Walker, AIA – Secretary Treasurer</td>
<td>1/15/16 – 1/31/21</td>
<td>Lampasas</td>
</tr>
<tr>
<td>Charles H. “Chuck” Anastos, AIA</td>
<td>4/1/08 – 1/31/19</td>
<td>Corpus Christi</td>
</tr>
<tr>
<td>Chase Bearden</td>
<td>5/1/09 – 1/31/21</td>
<td>Austin</td>
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<tr>
<td>Robert “Bob” Wetmore</td>
<td>1/15/16 – 1/31/21</td>
<td>Austin</td>
</tr>
<tr>
<td>Sonya Odell, RID</td>
<td>5/10/11 – 1/31/17</td>
<td>Dallas</td>
</tr>
<tr>
<td>Paula Ann Miller—Secretary/Treasurer</td>
<td>5/10/11 – 1/31/17</td>
<td>The Woodlands</td>
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**June 2018**
Workforce Plan

Overview
The Texas Board of Architectural Examiners (TBAE) is a small state agency operating under the Self-Directed Semi-Independent (SDSI) Project Program. TBAE has the authority to regulate the practices of architecture, landscape architecture and registered interior designers in Texas.

The agency employs individuals to carry out duties in Registration, Enforcement, Finance, Information Technology, and Executive Administration. At the end of May 2018, TBAE employs 19 staff members. TBAE’s commitment to high standards for excellence requires the agency to recruit and retain a high-performance staff.

After the 2005 implementation of the on-line renewal process, the agency has continued to improve and streamline business operations. As the use of technology becomes more important to the agency’s business, employees will need current technological skills along with customer service skills. As the agency moves forward, it will be necessary to ensure employees are provided with training opportunities to enhance their skill sets and to develop recruitment practices that will aid in hiring highly qualified staff.

Workforce Demographics
Even though the TBAE is a small state agency with a low turnover rate, the agency strives to meet its diversity targets whenever possible. For most job categories, the agency is comparable to or above statewide workforce statistics. The agency will continue to pursue recruitment efforts to draw highly qualified African Americans and Hispanics and to retain the diversified workforce. The following charts reflect the agency workforce as of August 31, 2017.
Race and Sex
The following graphics compares the demographic profile of TBAE’s workforce to that of the statewide civilian workforce.

Comparison of Statewide Workforce to TBAE

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Hispanic</th>
<th>AA</th>
<th>Other</th>
<th>Male</th>
<th>Female</th>
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<tbody>
<tr>
<td>Statewide</td>
<td>44.9%</td>
<td>36.8%</td>
<td>11.8%</td>
<td>55.0%</td>
<td>45.0%</td>
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<tr>
<td>TBAE</td>
<td>60%</td>
<td>30%</td>
<td>5%</td>
<td>47%</td>
<td>53%</td>
<td></td>
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</table>
Age
Due to TBAE's small workforce and limited number of separations and retirements, the workforce is older.

Employee Turnover Rates
The Board's employee turnover rate in FY 2017 was 5.2 percent, compared to the 1 statewide turnover rate of 18.6 percent.

1 The statewide and TBAE rates include involuntary, voluntary and retirement separations.
Retirements
Approximately 30 percent of TBAE employees will be eligible to retire between FY 2018 and FY 2024. Of these employees, 25 percent are eligible to retire at the end of FY 2018.
Succession Planning
Approximately 30 percent of employees will be eligible to retire between FY 2018 and FY 2024. The urgency is to continue to anticipate the potential loss of expertise and institutional knowledge. While succession planning remains an important role within the agency, the agency’s leadership is defining perspectives for assessing, grooming, and placing the right talent throughout the agency. The agency continues to illustrate potential career paths and allow employees to weigh in on the course their path ultimately takes. The leadership is focusing their commitment to top performers and helps to ensure those talented team members have the required aptitude and mind set to meet the agency’s long term objectives. The senior level staff is preparing employees for advancement or promotion into challenging roles within the agency. In order to keep the agency’s succession plan a fluid process that not only tracks the talent and development of employees, but also includes them in the process, the agency’s effective succession planning process include:

a. Link Strategic and Workforce Planning Decisions  
b. Analyze Gaps  
c. Identify Talent Pools  
d. Develop Succession Strategies  
e. Implement Succession Strategies  
f. Monitor and Evaluate  

Succession Management Results
In the past two years, the TBAE identified successor candidates to fill key leadership and other crucial roles in the agency as we continue to realize significant employee engagement and retention gains. The agency continues to push formal talent and succession planning further into the business to touch all roles that are critical to day-to-day operations.

Employees are provided with performance feedback and are alerted to potential future opportunities within the agency.

The agency’s Human Resources plays a vital role in successful succession management planning, ensuring that strategies, activities and programs are in place that enable our leadership to make better decisions about current and future staff, and align talent to an overall growth strategy.
Survey of Employee Engagement

During the month of January 2018, 95% of staff participated in the 2018 Survey of Employee Engagement (SEE).
This survey period found these areas to be TBAE’s strengths and areas for improvement:

**Areas of Strength**
- Strategic
- Information Systems
- Supervision

**Areas of Weakness**
- Pay
- Benefits
- Community

The table below compares the three highest areas of strength and the three lowest areas of weakness.

During this survey period, the Pay construct remains the lowest score. Low scores suggest that pay is a central concern or reason for satisfaction or discontent. The score for the Pay construct may be due to the higher cost of living in the Austin Metro area.

The Supervision construct provides insight into the nature of supervisory relationships within the organization, including aspects of leadership, the communication of expectations, and the sense of fairness that employees perceive between supervisors and themselves.

High Supervision scores indicate that employees view their supervisors as fair, helpful, and critical to the flow of work. The agency will need to carefully review the skill sets and requirements of the supervisory positions when filling vacancies.

Over time, TBAE’s overall score has risen. With our high participation rate, it is clear that employees are invested in the agency and want to see changes and improvements to agency operations. The survey’s 2018 overall score of **449**. Compared to the agency last score of 420, indicates that the agency has made great progress.

The Texas Board of Architectural Examiners (TBAE) participates in the Survey of Employee Engagement every two years. The survey results provide agency management with information on improving the well-being of agency employees and improving agency operations. The information provided is important during the strategic planning process, and provides direction for more successful management of our most critical resource: our workforce.

A complete compilation of results is available upon request.

![TBAE Constructs](image)
An Audit Report on

The Texas Board of Architectural Examiners: A Self-directed, Semi-independent Agency

January 2018
Report No. 18-014

State Auditor’s Office reports are available on the Internet at http://www.sao.texas.gov/.
Overall Conclusion

The Texas Board of Architectural Examiners (Board) established controls to ensure the accuracy of financial data that it is required to report. In addition, it had an established process for setting fees and assessing administrative penalties. However, it should improve controls over its performance data to ensure that it reports that information accurately.

Financial Reporting and Processes. The Board had effective financial processes and controls over revenues and other financial information to help ensure that its fiscal year 2016 and fiscal year 2017 annual financial reports were accurate, complete, and properly reported.

Performance Reporting. The Board complied with its statutorily required self-directed, semi-independent (SDSI) reporting requirements and submitted its report for fiscal year 2016 in a timely manner and to the appropriate parties. However, it should improve controls to ensure that it includes all required information and accurately reports performance measure results. While the Board reported two quarterly performance measures tested accurately, it reported inaccurate results for two performance measures tested in its annual SDSI report for fiscal year 2016.

Fees and Penalties. The Board had an adequate process for establishing its fees and has not raised its fees in 12 years. Further, it accurately calculated and collected fees in compliance with its rules and transferred all required funds to the General Revenue Fund. However, it had not established procedures to monitor its reserve fund balance as required by its policies.

Information Systems. The Board had adequate controls in place to ensure the reliability of the financial and performance data in the information technology system that the Board used to track licensing and enforcement information.

Background Information

The Texas Board of Architectural Examiners (Board) is a multi-profession regulatory agency that oversees the examination, registration, and professional regulation of architects, interior designers, and landscape architects.

Effective September 1, 2001, the Board became a self-directed, semi-independent (SDSI) agency. It is permitted to continue as an SDSI agency until at least September 1, 2025, when it will be subject to sunset review.

The Board establishes its own budget, which must be supported with the revenue the Board generates. Its governing board includes 9 members and, as of October 2, 2017, the Board regulated 22,361 individual and business registrants.

Source: The Board.
Table 1 presents a summary of the findings in this report and the related issue ratings. (See Appendix 2 for more information about the issue rating classifications and descriptions.)

<table>
<thead>
<tr>
<th>Chapter/Subchapter</th>
<th>Title</th>
<th>Issue Rating</th>
</tr>
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<tbody>
<tr>
<td>1-A</td>
<td>The Board Established Processes and Controls to Ensure the Accuracy and Completeness of Its Financial Data</td>
<td>Low</td>
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<tr>
<td>1-B</td>
<td>The Board Generally Complied with SDSI Reporting Requirements; However, It Should Improve Controls Over Its Performance Measure Reporting</td>
<td>Medium</td>
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<tr>
<td>2-A</td>
<td>The Board Had a Process for Establishing Its Fees and Accurately Calculated and Collected Fees in Compliance With Its Rules; However, It Should Develop Procedures for Monitoring Its Fund Balance as Required</td>
<td>Low</td>
</tr>
<tr>
<td>2-B</td>
<td>The Board Assessed Administrative Penalties Consistently and Transferred Penalties Collected as Required</td>
<td>Low</td>
</tr>
<tr>
<td>3</td>
<td>The Board Had Adequate Information Technology System Controls in Place to Ensure the Reliability of Financial and Performance Data</td>
<td>Low</td>
</tr>
</tbody>
</table>

A chapter/subchapter is rated Priority if the issues identified present risks or effects that if not addressed could critically affect the audited entity’s ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern and reduce risks to the audited entity.

A chapter/subchapter is rated High if the issues identified present risks or effects that if not addressed could substantially affect the audited entity’s ability to effectively administer the program(s)/function(s) audited. Prompt action is essential to address the noted concern and reduce risks to the audited entity.

A chapter/subchapter is rated Medium if the issues identified present risks or effects that if not addressed could moderately affect the audited entity’s ability to effectively administer program(s)/function(s) audited. Action is needed to address the noted concern and reduce risks to a more desirable level.

A chapter/subchapter is rated Low if the audit identified strengths that support the audited entity’s ability to administer the program(s)/functions(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity’s ability to effectively administer the program(s)/function(s) audited.

Auditors communicated other, less significant issues related to financial and performance data, as well as certain information technology controls, to Board management separately in writing.

Summary of Management’s Response

At the end of each chapter in this report, auditors made recommendations to address the issues identified during this audit. The Board agreed with the recommendations in this report.
Audit Objectives and Scope

The objectives of this audit were to:

- Determine whether the Board has processes and related controls to help ensure the accuracy and completeness of financial and performance data.
- Evaluate the Board’s processes for setting fees and penalties.

The scope of this audit covered financial and performance information, applicable processes, and other supporting documentation from September 1, 2015, through August 31, 2017.
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Detailed Results

Chapter 1

The Board Established Processes and Controls to Ensure the Accuracy and Completeness of Its Financial Data; However, It Should Improve Controls Over Its Performance Data

Overall, the Texas Board of Architectural Examiners (Board) had effective processes over its financial data and reported accurate financial information. However, it should improve certain controls over its performance data to ensure that it reports all required information and that its performance measures are reported accurately.

Chapter 1-A

The Board Established Processes and Controls to Ensure the Accuracy and Completeness of Its Financial Data

The Board had effective financial processes and controls over financial reporting to help ensure that it accurately reported key financial statement balances. However, the Board should strengthen certain aspects of its financial reconciliation process to ensure the continued accuracy of its financial information.

Financial Data

The Board’s fiscal year 2016 and fiscal year 2017 annual financial report balances, including its revenues, expenditures, and fund balances, were accurate, complete, and properly reported. In addition, the Board established appropriate segregation of duties among the individuals who entered and posted revenue and expenditure transactions in the Uniform Statewide Accounting System.

Auditors tested two monthly revenue reconciliations for fiscal year 2017. Those reconciliations were adequately supported, mathematically accurate, and matched the amounts of the revenue deposits received and recorded by the Texas Treasury Safekeeping Trust Company. However, for both revenue reconciliations tested, the Board did not document its review of the reconciliations. Having a documented process in place for the preparation and review of monthly reconciliations would help the Board ensure the continued accuracy of revenue amounts collected through the Texas

1 The risk related to the issues discussed in Chapter 1-A is rated as low if the audit identified strengths that support the audited entity’s ability to administer the program(s)/function(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity’s ability to effectively administer the program(s)/function(s) audited.
Treasury Safekeeping Trust Company and recorded in the Board’s licensing and enforcement system (TBAsE).

Recommendation

The Board should implement a process to review its monthly reconciliations, including documentation of that review.

Management’s Response

On January 3, 2018, the Finance Manager updated the Board’s policies to require the review and documentation of monthly reconciliations.

Chapter 1-B
The Board Generally Complied with SDSI Reporting Requirements; However, It Should Improve Controls Over Its Performance Measure Reporting

Overall, the Board complied with most self-directed, semi-independent (SDSI) reporting requirements of Texas Government Code, Section 472.104 (see text box for additional information). However, it did not include certain required information and reported inaccurate results for two performance measures tested.

SDSI Required Reports

The Board complied with most of its statutory reporting requirements and submitted its annual SDSI report for fiscal year 2016 in a timely manner and to the appropriate parties. However, the Board did not include in that report all required information. The Board combined the required reporting information it would have included in its biennial report into its annual SDSI report for fiscal year 2016. As a result, the Board:

- Omitted one year of information related to new rules adopted or repealed for the biennium.

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Chapter 1-B Rating: Medium

Required SDSI Reports

Texas Government Code, Section 472.104, requires the Board to:

- Submit a biennial report with specific information to the Legislature and the governor by the first day of each legislative session.
- Submit, by November 1, an annual report with specific information to the governor, the committee of each house of the Legislature that has jurisdiction over appropriations, and the Legislative Budget Board. The annual report must include the results of a number of performance measures, in addition to other required information.

2 The risk related to the issues discussed in Chapter 1-B is rated as medium because they present risks or results that if not addressed could moderately affect the audited entity’s ability to effectively administer program(s)/function(s) audited. Action is needed to address the noted concern and reduce risks to a more desirable level.
- Did not include its annual financial report for fiscal year 2016 as required; however, it did include a schedule of its revenues and expenditures for fiscal year 2016. In previous reporting periods, the Board had included its complete annual financial report.

Including all required information is important because it helps present a more comprehensive picture of key Board information for the recipients of that report.

Performance Measures

The Board did not accurately report results for the two annual performance measures tested. Those two performance measures were included in the Board’s annual SDSI report for fiscal year 2016. It also did not consistently retain the results of data extracts to support the results it used to report the two annual performance measures tested. However, the Board accurately reported results for two quarterly performance measures tested for the third quarter of fiscal year 2017.

Number of Registrants by Type and Status

The Board reported inaccurate results for the Number of Registrants by Type and Status performance measure in its fiscal year 2016 annual SDSI report. Total registrants are reported for each of the Board’s registrant types and, according to Board policies, should include (1) business registrants that are active or pending and (2) individual registrants. However, the Board did not include all business registrants in its calculation, and it did not extract the data used to support the number of active and pending business registrants in a timely manner. In addition, it did not retain an extract of the underlying data/records that supported the number of individual registrants it reported. Specifically:

- Business Registrants - The Board excluded 174 pending business registrations from its calculation. In addition, Board policy required the Board to run on the first day of the new fiscal year (September 1, 2016) the report that it used to obtain the number of business registrants; however, the Board did not run that report until October 18, 2016. As a result, the number of registrants for the reporting period (as of September 1) may not be accurate. In addition, because the report that should have been used to calculate the number of business registrants cannot be re-created, auditors were unable to determine the number of business registrants the Board should have reported for fiscal year 2016.

- Individual Registrants - For fiscal year 2016, the Board accurately reported the number of individual registrants, including architects, landscape architects, and interior designers. However, the system-generated report
it used to calculate that performance measure was as of the time and date the Board ran that report, and the Board did not retain the underlying data/records that supported the numbers in that report. Because the report could not be re-created, it was not possible for auditors to validate the reported results. However, auditors verified that the query used to extract the data for that report produces accurate results. Auditors also reviewed a copy of the report that the Board ran on September 1, 2016, and confirmed that it matched the Number of Individuals Licensed that the Board reported in its fiscal year 2016 annual SDSI report.

**Average Time for Complaint Resolution**

The Board reported inaccurate results for the Average Time for Complaint Resolution performance measure in its fiscal year 2016 annual SDSI report because it did not include all complaints in its calculation. The Board understated the number of days to resolve a complaint in its fiscal year 2016 annual SDSI report by 16 days (10 percent). The average time for complaint resolution the Board reported was 149 days, but it should have reported 165 days. The difference occurred because the query the Board used to extract the complaint data included only internal complaints that the Board generated and excluded complaints received from external parties.

**Quarterly Measures**

In addition to its annual SDSI reports, the Board submitted quarterly reports on selected performance measures to the Legislature, Office of the Governor, and Legislative Budget Board even though those reports are not required by statute. Auditors reviewed the Board’s report for the third quarter of fiscal year 2017 and determined that the Board reported accurate results for two quarterly performance measures tested—Number of Cases Closed and Number of Registrants.

**Recommendations**

The Board should:

- Include all required financial and performance data in its SDSI reports.
- 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 reports that it uses to report performance measures.
• Include all complaints closed for the reporting period when calculating results for its complaint-related performance measures.

Management’s Response

By January 31, 2018, the Communications Manager will update the Board’s policies to require that:

• required financial and performance data are included in the SDSI reports;
• data used to support the performance measures be extracted in a timely manner;
• performance measure calculations include required information; and
• extracts of the underlying data/records that support the result of system-generated reports used to report performance measures be retained for audit purposes.

Additionally, the Communications Manager will review and update the performance measure definitions and calculations to comply with the recommendations. The performance measure review and updates will be completed and submitted with the next Strategic Plan.
Chapter 2

The Board Established Processes for Setting Fees and Assessing Administrative Penalties; However, It Should Develop Procedures for Monitoring Its Fund Balance as Required

The Board has established processes for setting fees, establishing its budgets, and assessing administrative penalties. The Board has not raised its fees in 12 years. However, it should develop procedures for monitoring its fund balance as required by its policy.

Chapter 2-A

The Board Had a Process for Establishing Its Fees and Accurately Calculated and Collected Fees in Compliance With Its Rules; However, It Should Develop Procedures for Monitoring Its Fund Balance as Required

Overall, the Board had an established process for setting its fees, collected those fees in accordance with its approved fee schedule, and transferred its required SDSI fees. In addition, it had documented policies and procedures to establish its budgets, and its governing board approved those budgets in fiscal year 2016 and fiscal year 2017 as required by Texas Government Code, Chapter 472. The Board also ensured that it had the minimum fund balance needed to maintain its operations as required by its policy. However, it did not comply with certain requirements in its fund balance policy.

Fees and Transfers

Fee Setting. The Board had an established process for setting fees and has not increased its fees for 12 years. In addition, based on an analysis of fees collected in fiscal years 2016 and 2017, the Board collected fees in accordance with the approved fee schedule limits established in the Texas Occupations Code and Texas Administrative Code. The Board collected a total of $5.96 million in fees between September 1, 2015, and August 31, 2017.

Payment of Required SDSI fees. The Board transferred its annual SDSI fee of $510,000 to the General Revenue Fund in both fiscal year 2016 and fiscal year 2017 as required by Texas Government Code, Chapter 472.

3 The risk related to the issues discussed in Chapter 2-A is rated as low if the audit identified strengths that support the audited entity’s ability to administer the program(s)/function(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity’s ability to effectively administer the program(s)/function(s) audited.
Fund Balance Monitoring

The Board had a documented policy that described the criteria for the utilization of its fund balance, as well as the minimum balance it is required to maintain. In addition, it complied with that minimum fund balance requirement. However, it had not documented detailed procedures for monitoring its fund balance as required by that policy (see text box for additional details). During this audit, the Board asserted that it was in the process of using the best practices and a risk tool recommended by the Government Finance Officers Association to reevaluate the reserves it needs to maintain its operations in the event of a revenue short fall or unanticipated expenditures.

Recommendation

The Board should establish documented, detailed procedures to monitor its fund balance as required by its policies.

Management’s Response

The Executive Director will document detailed procedures to monitor the Board’s reserve fund balance in conjunction with the adoption of the budget at the Board’s August 2018 meeting.

Excerpts from Board Fund Balance Policy

- The minimal balance of the fund will be maintained at an amount equal to eight months of agency operations, which includes the SDSI payment [to the General Revenue Fund].
- The executive director will order the creation of internal procedures to monitor the reserve fund balance and will report the fund balance to the Board at least quarterly.

Source: The Board’s fund balance policy.
Chapter 2-B

The Board Assessed Administrative Penalties Consistently and Transferred Penalties Collected as Required

Penalty Assessments. The Board had a documented process to assess administrative penalties consistently and in compliance with its statutory requirements. Auditors tested 27 administrative penalties totaling $83,300 that the Board assessed from September 1, 2015, through August 31, 2017. For all 27 penalties tested, the Board had support showing that it assessed the penalties in a consistent manner and in compliance with statute and Board policy. In addition, the members of the Texas Board of Architectural Examiners governing board approved the penalties tested. However, for four penalties tested, the Board did not have documentation of a required internal review by the managing investigator and/or the Board’s executive director, as required by Board policies and procedures, before the penalties were submitted to the governing board for approval. The Board’s policy requires an internal review to help ensure that administrative penalties are (1) assessed in a consistent manner, (2) based on appropriate factors as outlined in statute and administrative rules, and (3) adequately documented in the Board’s enforcement files.

Transfers to General Revenue. The Board transferred $289,044 in administrative penalties and professional fees collected in fiscal year 2016 to the State’s General Revenue Fund as required by statute.

Recommendation

The Board should consistently document its internal review of administrative penalty assessments as required by its policies and procedures.

Management’s Response

In August 2017, the General Counsel implemented measures to ensure that the internal review of administrative penalty assessments is documented.

4 The risk related to the issues discussed in Chapter 2-B is rated as low if the audit identified strengths that support the audited entity’s ability to administer the program(s)/function(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity’s ability to effectively administer the program(s)/function(s) audited.
Chapter 3

The Board Had Adequate Information Technology System Controls in Place to Ensure the Reliability of Financial and Performance Data

Auditors performed a limited review of general and application controls over TBAsE, the information technology system the Board uses to track licensing and enforcement information. The controls reviewed were adequate to ensure that the information in TBAsE was complete, accurate, and reliable for the purposes of this audit. However, the Board should improve certain controls over change management.

The Board had an adequate change management process in place; however, it did not consistently follow that process. Specifically, for 5 (42 percent) of 12 changes tested, the Board did not have documentation to support that those changes had been reviewed and tested prior to implementation. In addition, for 1 (8 percent) of the 12 changes tested, the Board did not have documentation to support that the change was reviewed by an employee who did not create the change before it was moved into production.

Recommendation

The Board should ensure that it documents changes made to its licensing and enforcement system to demonstrate that appropriate testing and approval have occurred prior to moving a change into production.

Management’s Response

On January 3, 2018, the Information Technology Manager implemented enhancements to the Board’s task tracking application to document changes to the licensing and enforcement system to demonstrate that appropriate testing and approval occurred prior to moving a change into production.

5 The risk related to the issues discussed in Chapter 3 is rated as low if the audit identified strengths that support the audited entity’s ability to administer the program(s)/function(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity’s ability to effectively administer the program(s)/function(s) audited.
Appendices

Appendix 1
Objectives, Scope, and Methodology

Objectives

The objectives of this audit were to:

- Determine whether the Texas Board of Architectural Examiners (Board) has processes and related controls to help ensure the accuracy and completeness of financial and performance data.
- Evaluate the Board’s processes for setting fees and penalties.

Scope

The scope of this audit covered financial and performance information, applicable processes, and other supporting documentation from September 1, 2015, through August 31, 2017.

Methodology

The audit methodology included collecting information and documentation, performing selected tests and other procedures on the information obtained, analyzing and evaluating the results of tests, and conducting interviews with Board management and staff. In addition, the methodology included performing a limited review of the general and application controls over the information technology system that the Board used to manage and report financial data and performance measure data.

Data Reliability and Completeness

Auditors used revenue, registration, and enforcement data from the Board’s licensing and enforcement system (TBAsE). To determine the reliability of financial and performance information in TBAsE, auditors (1) tested access to that system, (2) tested change management for that system, (3) reviewed record completeness, (4) reviewed data fields and their contents for accuracy and validity, and (5) tested certain application controls. Auditors determined that the data in TBAsE was sufficiently reliable for the purposes of this audit.

Sampling Methodology

To assess the Board’s financial reconciliation processes, auditors selected a risk-based sample of monthly reconciliations that the Board performed in fiscal year 2017. The sample items were generally not representative of the
population and, therefore, it would not be appropriate to project those test results to the population.

To test complaints with administrative penalty collections, auditors selected a nonstatistical sample of closed complaints from TBAsE for which an administrative penalty payment was made between September 1, 2015, and August 31, 2017, through random selection designed to be representative of the population. In addition, auditors selected based on risk two closed complaints with administrative penalties. Those two additional sample items generally were not representative of the population. The test results as presented in this report did not identify which items were selected randomly or risk-based. Therefore, it would not be appropriate to project those test results to the population.

Information collected and reviewed included the following:

- The Board’s policies and procedures.
- The Board’s fiscal year 2016 and fiscal year 2017 annual financial reports.
- Board reconciliations for revenues collected and deposits.
- Board meeting packets, budget information, and supporting documentation for the Board’s budget and fee setting process.
- Data and supporting documents for the Board’s closed complaints, including those resulting in administrative penalties.
- The Board’s required fiscal year 2016 annual report for self-directed, semi-independent (SDSI) agencies.
- Data and supporting documents for selected performance measures.

Procedures and tests conducted included the following:

- Interviewed Board staff to identify the Board’s financial and operational processes, including financial and administrative controls.
- Tested internal controls and selected significant accounts, including testing of detailed supporting documentation, to determine the accuracy of selected financial data in the Board’s annual financial report for fiscal year 2016 and fiscal year 2017.
- Reviewed and evaluated the Board’s processes for setting fees and administrative penalties.
• Analyzed fees collected in fiscal year 2016 and fiscal year 2017 to determine whether the Board made and recorded the payments in accordance with its established fee schedule.

• Tested selected administrative penalty transactions to determine whether the Board accurately calculated and appropriately assessed those penalties.

• Tested the Board’s compliance with transfer requirements related to its SDSI fees, professional fees, and administrative penalties.

• Analyzed and tested the Board’s compliance with its fund balance policy.

• Tested selected performance measure data that the Board reported in its required annual SDSI report for fiscal year 2016 and quarterly report for the third quarter of fiscal year 2017.

• Reviewed supporting documentation related to the general controls and application controls over the Board’s network and TBAsE.

Criteria used included the following:

• Texas Government Code, Chapter 472.

• Texas Occupations Code, Chapter 1051.

• Title 22, Texas Administrative Code, Part 22.

• Title 1, Texas Administrative Code, Chapter 202.

• The Office of the Comptroller of Public Accounts’ financial reporting requirements.

• The Board’s policies and procedures.

Project Information

Audit fieldwork was conducted from August 2017 through January 2018. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.
The following members of the State Auditor’s staff performed the audit:

- Stacey Williams, CGAP (Project Manager)
- Shahpar Michelle Hernandez, CPA, M/SBT, CISA (Assistant Project Manager)
- Charlotte Carpenter, CPA
- Joseph Smith, MBA, CISA
- Richard Wyrick
- Dennis Ray Bushnell, CPA (Quality Control Reviewer)
- Audrey O’Neill, CIA, CFE, CGAP (Audit Manager)
Appendix 2

Issue Rating Classifications and Descriptions

Auditors used professional judgement and rated the audit findings identified in this report. Those issue ratings are summarized in the report chapters/sub-chapters. The issue ratings were determined based on the degree of risk or effect of the findings in relation to the audit objective(s).

In determining the ratings of audit findings, auditors considered factors such as financial impact; potential failure to meet program/function objectives; noncompliance with state statute(s), rules, regulations, and other requirements or criteria; and the inadequacy of the design and/or operating effectiveness of internal controls. In addition, evidence of potential fraud, waste, or abuse; significant control environment issues; and little to no corrective action for issues previously identified could increase the ratings for audit findings. Auditors also identified and considered other factors when appropriate.

Table 2 provides a description of the issue ratings presented in this report.

Table 2

<table>
<thead>
<tr>
<th>Issue Rating</th>
<th>Description of Rating</th>
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<tbody>
<tr>
<td>Low</td>
<td>The audit identified strengths that support the audited entity’s ability to administer the program(s)/function(s) audited or the issues identified do not present significant risks or effects that would negatively affect the audited entity’s ability to effectively administer the program(s)/function(s) audited.</td>
</tr>
<tr>
<td>Medium</td>
<td>Issues identified present risks or effects that if not addressed could moderately affect the audited entity’s ability to effectively administer program(s)/function(s) audited. Action is needed to address the noted concern(s) and reduce risks to a more desirable level.</td>
</tr>
<tr>
<td>High</td>
<td>Issues identified present risks or effects that if not addressed could substantially affect the audited entity’s ability to effectively administer the program(s)/function(s) audited. Prompt action is essential to address the noted concern(s) and reduce risks to the audited entity.</td>
</tr>
<tr>
<td>Priority</td>
<td>Issues identified present risks or effects that if not addressed could critically affect the audited entity’s ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern(s) and reduce risks to the audited entity.</td>
</tr>
</tbody>
</table>
## Appendix 3

### Related State Auditor’s Office Work

<table>
<thead>
<tr>
<th>Number</th>
<th>Product Name</th>
<th>Release Date</th>
</tr>
</thead>
</table>
Copies of this report have been distributed to the following:

**Legislative Audit Committee**
The Honorable Dan Patrick, Lieutenant Governor, Joint Chair
The Honorable Joe Straus III, Speaker of the House, Joint Chair
The Honorable Jane Nelson, Senate Finance Committee
The Honorable Robert Nichols, Member, Texas Senate
The Honorable John Zerwas, House Appropriations Committee
The Honorable Dennis Bonnen, House Ways and Means Committee

**Office of the Governor**
The Honorable Greg Abbott, Governor

**Texas Board of Architectural Examiners**
Members of the Texas Board of Architectural Examiners
   Ms. Debra Dockery, Board Chair
   Mr. Charles Anastos
   Mr. Corbett Chase Bearden
   Mr. Michael Chad Davis
   Ms. Paula Ann Miller
   Ms. Sonya B. Odell
   Ms. Jennifer Nicole Walker
   Mr. Bob Wetmore
Ms. Julie Hildebrand, Executive Director
October 8, 2019

Dear State Agency Heads:

Reforming Texas’s occupational-licensing rules must be a priority for all state leaders. Sensible licensing rules, when necessary, can protect the public from legitimate harm, but overbroad rules stymie innovation, raise consumer prices, and limit economic opportunity. Overly burdensome licensing rules also discourage individuals from pursuing professions or prevent the unemployed — or former inmates who have paid their debt to society — from building a better life.

I commend legislators for their efforts to roll back onerous licensing rules this past session, and I was proud to sign legislation that will significantly ease those burdens on our citizens. But every Texan deserves the opportunity to earn a living free from unnecessary state intrusion, and there is more work to be done to eliminate barriers to work in Texas.

Today I ask you, as leaders of our state agencies, to take all appropriate actions under existing statutory authority to help Texans in this important effort. Executive branch agencies that issue and administer occupational licenses should act administratively to reduce unnecessary and burdensome licensing regulations that hurt workers and consumers, including by:

- Assessing whether existing licensing regulations help or hinder Texans’ right to earn a living;
- Identifying less-restrictive alternatives to licensure, such as bonding, insurance, registration, or certification;
- Identifying other jurisdictions with licensing requirements that are substantially equivalent to Texas’s licensing requirements, as required by last session’s Senate Bill 1200;
- Recognizing substantially equivalent out-of-state occupational licenses for people who are in good standing in all states where they are licensed; and
- Accepting professional experience as a substitute for licensure in cases where a person moves to Texas from a state that does not license his or her occupation.

In addition, executive branch agencies should reduce fees and burdensome educational requirements whenever possible, including by:

- Developing and implementing plans to reduce license application fees to 75% or less of the national average for equivalent or comparable occupations;¹

¹ All licensing agencies, including self-directed and semi-independent agencies, should provide the Office of the Governor with a list of those fees and their amounts; show what percentage of generated fees go to the General Revenue Fund as opposed to their costs of operations; and, if fees were to be reduced, explain the impact.
• Reducing excessive educational and work experience requirements, absent compelling evidence that doing so would not adequately protect the public interest;
• Considering reductions in licensure and examination fees for Texas residents who are eligible for certain public assistance programs; and
• Expanding the acceptance of online continuing education credits for residents who cannot attend continuing education classes in person.

Finally, executive branch agencies should remove barriers to licenses for people with criminal records where appropriate, including by:

• Rather than relying on blanket exclusions for people with criminal records, publishing lists of specific criminal offenses that disqualify applicants from obtaining or maintaining an occupational license, or at least limiting the exclusion to only those offenses that directly relate to the duties and responsibilities of the occupation; and
• Exempting arrests that did not result in conviction or placement on deferred adjudication community supervision for the purposes of determining a person’s fitness for a licensed occupation, consistent with last session’s Senate Bill 1217.

Executive branch agencies should review their occupational-licensing rules and identify which of these administrative actions will be pursued, and report their findings to the Office of the Governor by no later than December 1, 2019.

Thank you for your cooperation with this initiative and for your continued service to the State. Easing licensing regulations will stay true to the Texas Constitution’s protection for economic liberty and will ensure that Texas remains a pro-growth, pro-opportunity, and freedom-loving state.

Sincerely,

Greg Abbott
Governor

GA:shk
Where are we now?
Where do we want to go?
How do we get there?
How do we know we got there?
Introduction to the Strategic Plan

• As of 1991, all state agencies are required by law to participate in the state’s comprehensive process of strategic planning.

• Although the process is primarily set up for appropriated agencies, we are required to submit a Strategic Plan to the Legislative Budget Board.

• We are required to plan for a five year horizon (i.e., the second year of the biennium and the next two biennia).

• We must complete and submit a plan every two years; however, we can engage in planning on a continual basis and may adjust the plan internally to fit our individual needs.
The Strategic Planning process enhances our decision-making by increasing our knowledge base, improving communication with stakeholders and identifying goals and the factors affecting our operations.

It guides our budget preparation and establishes a basis for measuring success.

It leads to priority-based resource allocation decisions.
Purposes of Strategic Planning:

- To accommodate the future by identifying issues, opportunities, and problems.
- To provide a starting point for aligning resources in a rational manner to address the critical issues we are facing now and in the future.
- To make government more responsive to the needs of stakeholders by placing greater emphasis on benefits and results rather than on simple service efforts and workload.
- To bring focused issues to our attention for review and debate.
- To provide a context to link the budget process and other processes with priority issues and to improve accountability for the use of state resources.
- To establish a means of coordinating our policy concerns with implementation efforts and to build stakeholder partnerships.
Strategic Planning Template Overview

- TBAE Mission
- Agency Overview and Organizational Aspects (*Optional*)
- Current Year Activities (*Optional*)
- External/Internal Assessment Issues and Trends (*Optional*)
- Goals and Action Plan
- Redundancies and Impediments
- Budget Structure and Performance Measures
- Performance Measure Definitions
Strategic Planning Process Timeline

- Board Member Learning and Assessment – November 19, 2019
- Internal Assessment and Current Year Activities (Staff) – November and December 2019
- External Assessment – January and February 2020
- Board Member Update – February 20, 2020
- Additional Required Sections (Staff) – March and April 2020
- Budget Development (Staff) – May 2020
- Board Approval of Final Strategic Plan – May 21, 2020
- Board Approval of Final Budget – August 25, 2020
- Monitor Performance Measures – November Board Meeting Annually
Mission Development Guides

The mission succinctly identifies what we do, why and for whom. The mission should at a minimum answer the following four questions:

- Who are we as an organization and whom do we serve?
- What are the basic purposes for which we exist, and what basic problems are we established to address?
- What makes our purpose unique?
- Is our mission in harmony with our enabling statutes?
The mission of the Texas Board of Architectural Examiners is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.
External/Internal Assessment Guides

- The external/internal assessment is an evaluation of key factors that influence the board. It addresses economic, political, technological, demographic and social factors affecting the board.

- A complete assessment of such factors includes both historical and future perspectives with reviews of past performance and forecasts of trends in our environment.

- As part of the assessment process, we solicit comments and collect information from individuals and groups that have an interest in, or are affected by, board policies and programs.
External/Internal Assessment Questions

The external/internal assessment should answer, at a minimum, the following questions:

**Customers** - What are the demands and needs of our customers?

**Customer Service** - What is the public’s perception of the quality of our services?

**Environmental Scan** - What major issues, conditions or problems in the external environment are relevant to the delivery of the board’s services?

**Current Strategic Plan** - What progress has been made by the board toward achieving the objectives and desired outcomes described in the current strategic plan?

**Remove Barriers** - What rules do we have in place that unnecessarily impede competition or create regulatory burdens?

**Self-Assessment** - How successful are internal board processes for meeting the needs of the public and licensees?

**SWOT** - What strengths, weaknesses, opportunities or obstacles characterize our internal operations?

**Employee Engagement** - What are our employees’ attitudes toward our agency?
Goals and Performance Measures

• Licensing Goal
  1. Number of Registrants by Type and Status
  2. Average Time to Issue a Registration
  3. Number of Examination Candidates

• Enforcement Goal
  1. Number of Cases Opened by Staff and Public
  2. Number of Cases Closed by Dismissal and Enforcement Action
  3. Number of Enforcement Actions by Sanction Type
  4. Number of Cases Closed through Voluntary Compliance
  5. Amount of Administrative penalties assessed and the rate of collection of assessed administrative penalties
  6. Number of Cases Opened that Allege HSW and Disposition
  7. Average Time to Resolve a Complaint
Action Items

• TBAE is required to identify key action items necessary to ensure that each goal is accomplished.

• Any new issues or initiatives will be addressed as an action item under the relevant goal.
BOARD INPUT ON ASSESSMENT
NEXT STEPS
Draft Amendments to Rules 1.5, 1.65, 3.5, 3.65, 5.5, and 5.75

Relating to the Effect of Student Loan Default on Registration Renewal

Background

Recently, SB 37 was enacted, which repealed previous law relating the effect of student loan default on the renewal of a professional license in Texas. Under former Tex. Education Code §57.491, licensing agencies, including TBAE, were prohibited from renewing the license of a person who was in default on loans guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC). Additionally, licensing agencies were required to adopt rules to carry out the licensing agency's duties under the previous law. Pursuant to these requirements, the Board adopted Rules 1.65(d), 3.65(d), and 5.75(d), which identified the procedures used by the Board to implement the requirement in former Education Code §57.491. In support of these rules, the Board adopted related definitions in Rules 1.5, 3.5, and 5.5.

However, under SB 37, which became effective on June 7, 2019, the legislature repealed Education Code §57.491. Instead, the legislature has enacted Occupations Code §56.003, which prohibits licensing authorities from taking disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract, including denying renewal. Therefore, Board Rules 1.5(69)&(70), 1.65(d), 3.5(61)&(62), 3.65(d), 5.5(55)&(56), and 5.75(d) are obsolete and conflict with the amended laws.

Staff has prepared draft rules for the Board’s review. Additionally, the Board materials include a copy of SB 37.

Draft Amendments

The draft rules repeal Board Rules 1.65(d), 3.65(d), and 5.75(d). These subsections identify the process used by the Board to deny registration renewal for registrants who have defaulted on the repayment of a loan guaranteed by the TGSLC. Since the Board is no longer required to deny the renewal of such individuals, and is in fact prohibited from doing so, these provisions are obsolete and contrary to the amended law. Additionally, the draft rules repeal the definitions for “Texas Guaranteed Student Loan Corporation” and “TGSLC” located in Board Rules 1.5, 3.5, and
5.5. Since these terms are only addressed in Board Rules 1.65(d), 3.65(d), and 5.75(d), adoption of the draft amendments to these rules would render their definition in board rule obsolete.

**Staff Recommendation**

Move to approve the draft amendments to 22 Tex. Admin. Code §§ 1.5, 1.65, 3.5, 3.65, 5.5, and 5.75 for publication and proposal in the Texas register, with authority for the general counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.
TITLE 22 EXAMINING BOARDS

PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 1 ARCHITECTS

SUBCHAPTER A SCOPE; DEFINITIONS

RULE §1.5 Terms Defined Herein

(1) - (68) NO CHANGE

(69) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(70) TGSLC--Texas Guaranteed Student Loan Corporation.

(71) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

SUBCHAPTER D CERTIFICATION AND ANNUAL REGISTRATION

RULE §1.65 Annual Renewal Procedure

(a) The Board shall send via email an annual registration renewal notice to each Architect. An Architect must notify the Board in writing (email, fax, on the Board's Web site, or by U.S. mail) each time the Architect's email address or mailing address of record changes. The written notice of the Architect's change of address must be submitted to the Board within thirty (30) days after the effective date of the change of address.

(b) An Architect may renew his/her registration prior to its specified annual expiration date by:

(1) remitting the correct fee to the Board; and

(2) providing the information or documentation requested by the annual registration renewal notice.

(c) If an Architect fails to remit a completed registration renewal form and the prescribed fee on or before the specified expiration date of the Architect's registration, the Board shall impose a late payment penalty that must be paid before the Architect's registration may be renewed.

(d) If the Board receives official notice that an Architect has defaulted on the repayment of a loan guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC), the Board may not renew the Architect's registration unless:

(1) the renewal is the first renewal following the Board's receipt of official notice regarding the default;

(2) the Architect presents to the Board a certificate from TGSLC certifying that the Architect has entered into a repayment agreement for the defaulted loan; or
(3) the Architect presents to the Board a certificate from TGSLC certifying that the Architect is not in default on a loan guaranteed by TGSLC.

(ed) If the Board receives official notice that an Architect has failed to pay court ordered child support, the Board may be prohibited from renewing the Architect's registration.

(fe) If a registration is not renewed within 2 years after the specified registration expiration date, the registration shall be cancelled by operation of law on the two-year anniversary of its expiration without an opportunity for a formal hearing. If a registration is cancelled pursuant to this subsection, the registration may not be reinstated. In order to obtain a new certificate of registration, a person whose registration was cancelled pursuant to this subsection must:

(1) submit an application for registration and satisfy all requirements for registration pursuant to §1.21 of this title (relating to Registration by Examination), including the successful completion of the registration examination;

(2) submit an application for registration by reciprocal transfer and satisfy all requirements for registration by reciprocal transfer pursuant to §1.22 of this title (relating to Registration by Reciprocal Transfer); or

(3) submit an application for registration and demonstrate that he/she moved to another state and is currently licensed or registered and has been in practice in the other state for at least the 2 years immediately preceding the date of the application.
CHAPTER 3  LANDSCAPE ARCHITECTS

SUBCHAPTER A  SCOPE; DEFINITIONS

RULE §3.5  Terms Defined Herein

(1) – (60) NO CHANGE

(61) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(62) TGSLC--Texas Guaranteed Student Loan Corporation.

(63) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board’s presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

SUBCHAPTER D  CERTIFICATION AND ANNUAL REGISTRATION

RULE §3.65  Annual Renewal Procedure

(a) The Board shall send via email an annual registration renewal notice to each Landscape Architect. A Landscape Architect must notify the Board in writing (email, fax, on the Board’s Web site, or by U.S. mail) each time the Landscape Architect's email address or mailing address of record changes. The written notice of the Landscape Architect's change of address must be submitted to the Board within thirty (30) days after the effective date of the change of address.

(b) A Landscape Architect may renew his/her registration prior to its specified annual expiration date by:

(1) remitting the correct fee to the Board; and

(2) providing the information and documentation requested by the annual registration renewal notice.

(c) If a Landscape Architect fails to remit a completed registration renewal form and the prescribed fee on or before the specified expiration date of the Landscape Architect's registration, the Board shall impose a late payment penalty that must be paid before the Landscape Architect's registration may be renewed.

(d) If the Board receives official notice that a Landscape Architect has defaulted on the repayment of a loan guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC), the Board may not renew the Landscape Architect's registration unless:

(1) the renewal is the first renewal following the Board's receipt of official notice regarding the default;

(2) the Landscape Architect presents to the Board a certificate from TGSLC certifying that the Landscape Architect has entered into a repayment agreement for the defaulted loan; or
Draft Rules
Student Loans and Effect on Renewal
All Chapters

(3) the Landscape Architect presents to the Board a certificate from TGSLC certifying that the
Landscape Architect is not in default on a loan guaranteed by TGSLC.

(ed) If the Board receives official notice that a Landscape Architect has failed to pay court ordered child
support, the Board may be prohibited from renewing the Landscape Architect’s registration.

(fe) If a registration is not renewed within 2 years after the specified registration expiration date, the
registration shall be cancelled by operation of law on the two-year anniversary of its expiration without
an opportunity for a formal hearing. If a registration is cancelled pursuant to this subsection, the
registration may not be reinstated. In order to obtain a new certificate of registration, a person whose
registration was cancelled pursuant to this subsection must:

1. submit an application for registration and satisfy all requirements for registration pursuant to §3.21
   of this title (regarding Registration by Examination), including the successful completion of the
   registration examination;
2. submit an application for registration by reciprocal transfer and satisfy all requirements for
   registration by reciprocal transfer pursuant to §3.22 of this title (regarding Registration by Reciprocal
   Transfer); or
3. submit an application for registration and demonstrate that he/she moved to another state and is
   currently licensed or registered and has been in practice in the other state for at least the 2 years
   immediately preceding the date of the application.
CHAPTER 5 REGISTERED INTERIOR DESIGNERS

SUBCHAPTER A SCOPE; DEFINITIONS

RULE §5.5 Terms Defined Herein

(1) – (54) NO CHANGE

(55) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(56) TGSLC--Texas Guaranteed Student Loan Corporation.

(57) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

SUBCHAPTER D CERTIFICATION AND ANNUAL REGISTRATION

RULE §5.75 Annual Renewal Procedure

(a) The Board shall send via email an annual registration renewal notice to each Registered Interior Designer. A Registered Interior Designer must notify the Board in writing (email, fax, on the Board's Web site, or by U.S. mail) each time the Registered Interior Designer's email address or mailing address of record changes. The written notice of the Registered Interior Designer's change of address must be submitted to the Board within thirty (30) days after the effective date of the change of address.

(b) A Registered Interior Designer may renew his/her registration prior to its specified annual expiration date by:

(1) remitting the correct fee to the Board; and

(2) providing the information or documentation requested by the annual registration renewal notice.

(c) If a Registered Interior Designer fails to remit a completed registration renewal form and the prescribed fee on or before the specified expiration date of the Registered Interior Designer's registration, the Board shall impose a late payment penalty that must be paid before the Registered Interior Designer's registration may be renewed.

(d) If the Board receives official notice that a Registered Interior Designer has defaulted on the repayment of a loan guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC), the Board may not renew the Registered Interior Designer's registration unless:

(1) the renewal is the first renewal following the Board's receipt of official notice regarding the default;
(2) the Registered Interior Designer presents to the Board a certificate from TGSLC certifying that the
Registered Interior Designer has entered into a repayment agreement for the defaulted loan; or
(3) the Registered Interior Designer presents to the Board a certificate from TGSLC certifying that the
Registered Interior Designer is not in default on a loan guaranteed by TGSLC.

If the Board receives official notice that a Registered Interior Designer has failed to pay court
ordered child support, the Board may be prohibited from renewing the Registered Interior Designer’s
registration.

If a registration is not renewed within two (2) years after the specified registration expiration date,
the registration shall be cancelled by operation of law on the two-year anniversary of its expiration
without an opportunity for a formal hearing. If a registration is cancelled pursuant to this subsection, the
registration may not be reinstated. In order to obtain a new certificate of registration, a person whose
registration was cancelled pursuant to this subsection must:

(1) submit an application for registration and satisfy all requirements for registration pursuant to §5.31
of this title (relating to Registration by Examination), including the successful completion of the
registration examination;

(2) submit an application for registration by reciprocal transfer and satisfy all requirements for
registration by reciprocal transfer pursuant to §5.32 of this title (relating to Registration by Reciprocal
Transfer); or

(3) submit an application for registration and demonstrate that he/she moved to another state and is
currently licensed or registered and has been in practice in the other state for at least the 2 years
immediately preceding the date of the application.
AN ACT

relating to a prohibition on the use of student loan default or breach of a student loan repayment or scholarship contract as a ground for refusal to grant or renew an occupational license or other disciplinary action in relation to an occupational license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 56, Occupations Code, is amended to read as follows:

CHAPTER 56. DISCIPLINARY ACTION AGAINST RECIPIENTS OF STUDENT FINANCIAL ASSISTANCE PROHIBITED

SECTION 2. Sections 56.001(3), (4), (5), and (6), Occupations Code, are amended to read as follows:

(3) "Licensing authority" means a department, commission, board, office, or other agency of the state or of a political subdivision of the state that issues a license.

(4) "Scholarship contract" means an agreement by this state, an agency of this state, a political subdivision of this state, or the United States to make a grant to a person to support the person while attending a public or private institution of higher education or other postsecondary educational establishment
in exchange for the person's agreement to perform a service obligation.

(5) "Student loan" means a loan made to a person by a public or private entity to support the person while attending a public or private institution of higher education or other postsecondary educational establishment [that is:

[(A) owed to this state, an agency of this state, or the United States; or

[(B) guaranteed by this state, an agency of this state, or the United States].

(6) "Student loan repayment contract" means an agreement by this state, an agency of this state, a political subdivision of this state, or the United States to repay all or part of a person's student loan in exchange for the person's agreement to perform a service obligation.

SECTION 3. Section 56.003, Occupations Code, is amended to read as follows:

Sec. 56.003. DISCIPLINARY [AUTHORITY TO TAKE] ACTION IN EVENT OF DEFAULT OR BREACH PROHIBITED. A [On receipt of information from an administering entity that a person has defaulted on a student loan or has breached a student loan repayment contract or scholarship contract by failing to perform the person's service obligation under the contract, a] licensing authority may not take disciplinary action against a person based on the person's default
on a student loan or breach of a student loan repayment contract or scholarship contract, including by:

(1) denying [deny] the person's application for a license or license renewal;

(2) suspending [suspend] the person's license; or

(3) taking [take] other disciplinary action against the person.

SECTION 4. Sections 157.015(f) and (g), Finance Code, are amended to read as follows:

(f) The commissioner may deny the renewal application for a residential mortgage loan originator license for the same reasons and grounds on which the commissioner could have denied an original application for a license, other than on the basis of the person's default on a student loan.

(g) The commissioner may deny the renewal application for a residential mortgage loan originator license if:

(1) the person seeking the renewal of the residential mortgage loan originator license is in violation of this chapter, Chapter 156, or Chapter 180, an applicable rule adopted under this chapter, Chapter 156, or Chapter 180, or any order previously issued to the person by the commissioner;

(2) the person seeking renewal of the residential mortgage loan originator license is in default in the payment of any administrative penalty, fee, charge, or other indebtedness owed
under this title; or

(3) [the person seeking the renewal of the residential mortgage loan originator license is in default on a student loan administered by the Texas Guaranteed Student Loan Corporation, under Section 57.491, Education Code; or

[+4+] during the current term of the license, the commissioner becomes aware of any fact that would have been grounds for denial of an original license if the fact had been known by the commissioner on the date the license was granted.

SECTION 5. Section 180.055(d), Finance Code, is amended to read as follows:

(d) For purposes of Subsection (a)(3), an individual is considered not to be financially responsible if the individual has shown a lack of regard in managing the individual's own financial affairs or condition. A determination that an individual has not shown financial responsibility may not be based on the individual's default on a student loan but may include:

(1) an outstanding judgment against the individual, other than a judgment imposed solely as a result of medical expenses;

(2) an outstanding tax lien or other governmental liens and filings;

(3) a foreclosure during the three-year period preceding the date of the license application; and
(4) a pattern of seriously delinquent accounts, other than student loan accounts, during the three-year period preceding the date of the application.

SECTION 6. Sections 466.155(a) and (g), Government Code, are amended to read as follows:

(a) After a hearing, the director shall deny an application for a license or the commission shall suspend or revoke a license if the director or commission, as applicable, finds that the applicant or sales agent:

(1) is an individual who:

(A) has been convicted of a felony, criminal fraud, gambling or a gambling-related offense, or a misdemeanor involving moral turpitude, if less than 10 years has elapsed since the termination of the sentence, parole, mandatory supervision, or probation served for the offense;

(B) is or has been a professional gambler;

(C) is married to an individual:

   (i) described in Paragraph (A) or (B); or

   (ii) who is currently delinquent in the payment of any state tax;

(D) is an officer or employee of the commission or a lottery operator; or

(E) is a spouse, child, brother, sister, or parent residing as a member of the same household in the principal place
of residence of a person described by Paragraph (D);

(2) is not an individual, and an individual described in Subdivision (1):

(A) is an officer or director of the applicant or sales agent;

(B) holds more than 10 percent of the stock in the applicant or sales agent;

(C) holds an equitable interest greater than 10 percent in the applicant or sales agent;

(D) is a creditor of the applicant or sales agent who holds more than 10 percent of the applicant's or sales agent's outstanding debt;

(E) is the owner or lessee of a business that the applicant or sales agent conducts or through which the applicant will conduct a ticket sales agency;

(F) shares or will share in the profits, other than stock dividends, of the applicant or sales agent; or

(G) participates in managing the affairs of the applicant or sales agent;

(3) has been finally determined to be[+]

[+]

[(A)] delinquent in the payment of a tax or other money collected by the comptroller, the Texas Workforce Commission, or the Texas Alcoholic Beverage Commission;

[(B) in default on a loan made under Chapter 52,
is a person whose location for the sales agency is:

(A) a location licensed for games of bingo under Chapter 2001, Occupations Code;

(B) on land that is owned by:

(i) this state; or

(ii) a political subdivision of this state and

on which is located a public primary or secondary school, an institution of higher education, or an agency of the state; or

(C) a location for which a person holds a wine and beer retailer's permit, mixed beverage permit, mixed beverage late hours permit, private club registration permit, or private club late hours permit issued under Chapter 25, 28, 29, 32, or 33, Alcoholic Beverage Code, other than a location for which a person holds a wine and beer retailer's permit issued under Chapter 25, Alcoholic Beverage Code, that derives less than 30 percent of the location's gross receipts from the sale or service of alcoholic beverages; or

(5) has violated this chapter or a rule adopted under this chapter.

(g) For purposes of Subsection (a)(3), the comptroller, Texas Workforce Commission, and Texas Alcoholic Beverage Commission[
Texas Higher Education Coordinating Board, and Texas Guaranteed
Student Loan Corporation] shall each provide the executive director
with a report of persons who have been finally determined to be
delinquent in the payment of any money owed to or collected by that
agency. The commission shall adopt rules regarding the form and
frequency of reports under this subsection.

SECTION 7. The following laws are repealed:

(1) Section 57.491, Education Code;
(2) Section 82.022(c), Government Code;
(3) Section 154.110(e), Government Code; and
(4) Sections 56.001(1), 56.002, 56.004, 56.005, and
56.006, Occupations Code.

SECTION 8. A disciplinary action proceeding under Chapter 56,
Occupations Code, that was initiated before the effective date of
this Act and that is pending on the effective date of this Act is
terminated on that date.

SECTION 9. This Act takes effect immediately if it receives a
vote of two-thirds of all the members elected to each house, as
provided by Section 39, Article III, Texas Constitution. If this
Act does not receive the vote necessary for immediate effect, this
Act takes effect September 1, 2019.
President of the Senate             Speaker of the House

I hereby certify that S.B. No. 37 passed the Senate on April 16, 2019, by the following vote:  Yeas 29, Nays 2.

______________________________
Secretary of the Senate

I hereby certify that S.B. No. 37 passed the House on May 21, 2019, by the following vote:  Yeas 146, Nays 0, one present not voting.

______________________________
Chief Clerk of the House

Approved:

______________________________
Date

______________________________
Governor
Draft Amendments to Rules 1.29, 3.29, and 5.39

Relating to Temporary Registration of Military Spouses

Background

Recently, SB 1200 was enacted, which adopts provisions that make it easier for a military spouse to engage in a business or occupation in Texas. Under newly adopted Tex. Occ. Code §55.0041(a), a military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to Texas requirements. A military spouse seeking to practice under this program is required to notify the licensing entity, submit proof of residency and military identification, and receive confirmation of qualification to practice from the state agency. See Tex. Occ. Code §55.0041(b). The law also authorizes state agencies to adopt rules to issue a license to an individual who qualifies to practice their profession under §55.0041(a). See Tex. Occ. Code §55.0041(f). A license issued under that provision must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license. Military spouses subject to this law are required to comply with all other laws and regulations applicable to the business or occupation in this state. See Tex. Occ. Code §55.0041(c).

Section 55.0041 has been enacted in Chapter 55 of the Occupations Code, which includes other exceptions and amendments to licensing laws which affect military service members, military veterans, and military spouses. Previously, the Board has adopted Board Rules 1.29, 3.29, and 5.39 to implement the various provisions contained within Chapter 55. Staff has prepared amendments to these rules to implement Section 55.0041, which are attached. Additionally, the Board materials include a copy of SB 1200.

Draft Amendments

The draft amendments would incorporate subsection (c) to Board Rules 1.29, 3.29, and 5.39, impacting architects, landscape architects, and registered interior designers, respectively. These amendments would have the following effect:
The draft amendments provide for temporary registration for qualifying military spouses, rather than providing “authorization” to practice. Under Section 55.0041, the Board has two options for meeting the requirement to allow military spouses to practice on out-of-state licenses. First, the Board may review the spouse’s out-of-state licensure and “authorize” the spouse to engage in the business or occupation without being licensed in Texas. Alternatively, the Board may issue a temporary, three-year registration to qualifying spouses. It is staff’s recommendation that TBAE issue a temporary registration to qualifying spouses. Issuing registrations rather than “authorizing” practice will help to ameliorate issues that arise from the centrality of sealing documents in the practices of architecture, landscape architecture, and interior design. Military spouses who qualify to practice under §55.0041 are required to comply with the laws and regulations applicable to the profession, including sealing requirements. However, if a spouse is not registered, and therefore does not have a Texas seal, it is difficult to find a good solution for how the spouse would comply with this requirement. Potential solutions could include use of the out-of-state seal, or the development of a special seal for “authorized” professionals, but there are drawbacks to each. The simplest solution is to exercise the Board’s discretion to issue a registration to qualifying military spouses. The draft amendments do so.

A temporary registration issued under this rule would not require a fingerprint-based background check.

- Generally, applicants for registration are required to submit to a fingerprint-based criminal background check. However, SB 1200 describes several criteria that must be met by a military spouse in order to qualify for recognition under the new law. Background checks are not identified as one of those criteria.
- Military spouses that become registered temporarily under the draft rules would be registered for three years. After that, the registration would expire and become non-renewable, and any further practice would require going through the standard application process, including fingerprinting.

The draft rule would implement Tex. Occ. Code §55.0041, as follows:

- The military spouse would be required to meet the qualification criteria identified in subsection (c)(1) and provide documentation identified in subsection (c)(3) in order to become registered. See Tex. Occ. Code §55.0041(a)(b)&(d).
Summary of Draft Rules
Re: Military Spouses

- A temporary registration expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. *See* Tex. Occ. Code §55.0041(f).

- A temporary registration may not be renewed. *See* Tex. Occ. Code §55.0041(f).

- A temporary registration may be revoked if:
  - the military spouse fails to comply all applicable laws, rules, and standards governing the profession; or
  - the military spouse’s out-of-state license expires or is suspended or revoked. *See* Tex. Occ. Code §55.0041(a)&(c)

- A temporary registration is not subject to application, registration, or renewal fees. *See* Tex. Occ. Code §55.0041(f).

**Staff Recommendation**

Move to approve the draft amendments to 22 Tex. Admin. Code §§ 1.29, 3.29, and 5.39 for publication and proposal in the Texas register, with authority for the general counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.
TITLE 22  EXAMINING BOARDS
PART 1  TEXAS BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 1  ARCHITECTS
SUBCHAPTER B  ELIGIBILITY FOR REGISTRATION

RULE §1.29  Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Architectural registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

   (A) Holds an active architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration in this state; or

   (B) Held an active architectural registration in this state within the five years preceding the application.

(3) As soon as practicable after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for military spouses.
(1) A military spouse may qualify for a temporary architectural registration if the spouse:

(A) holds a current architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for architectural registration in this state;

(B) notifies the Board in writing of the spouse’s intent to practice Architecture in this state;

(C) submits to the Board required information to demonstrate eligibility for temporary architectural registration; and

(D) receives a verification letter from the Board that:

(i) the Board has verified the spouse's license or registration in the other jurisdiction; and

(ii) the spouse is issued a temporary architectural registration.

(2) The Board will review and evaluate the following criteria when determining whether another state’s licensing requirements are substantially equivalent to the requirements for an architectural registration in Texas:

(A) whether the other state requires an applicant to pass the Architect Registration Examination (ARE);

(B) any experience qualifications required by the state to obtain the license or registration; and

(C) any education credentials required by the state to obtain the license or registration.

(3) The military spouse must submit the following information to the Board to demonstrate eligibility for temporary architectural registration:

(A) a written request for the Board to review the military spouse’s eligibility for temporary architectural registration;

(B) sufficient documentation to verify that the military spouse is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the military spouse’s identification card; and

(E) proof the military service member is stationed at a military installation in Texas.

(4) A temporary architectural registration issued under this subsection expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(5) Except as provided under the subsection, a military spouse who receives a temporary architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the Practice of Architecture in this state.
(6) A temporary architectural registration issued under this subsection may be revoked if the military spouse:
   (A) fails to comply with subsection (c)(5) of this section; or
   (B) the military spouse's license or registration required under subsection (c)(1)(a) of this section expires or is suspended or revoked.

(7) The Board shall not charge a fee for the issuance of a temporary architectural registration under this subsection.

CHAPTER 3 LANDSCAPE ARCHITECTS

SUBCHAPTER B ELIGIBILITY FOR REGISTRATION

RULE §3.29 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Landscape architectural registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

   (A) Holds an active landscape architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for the license in this state; or

   (B) Held an active landscape architectural registration in this state within the five years preceding the application.
(3) As soon as practicable after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for military spouses.

(1) A military spouse may qualify for a temporary landscape architectural registration if the spouse:

(A) holds a current landscape architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for landscape architectural registration in this state;

(B) notifies the Board in writing of the spouse’s intent to practice Landscape Architecture in this state;

(C) submits to the Board required information to demonstrate eligibility for temporary landscape architectural registration; and

(D) receives a verification letter from the Board that:

(i) the Board has verified the spouse’s license or registration in the other jurisdiction; and

(ii) the spouse is issued a temporary landscape architectural registration.

(2) The Board will review and evaluate the following criteria when determining whether another state’s licensing requirements are substantially equivalent to the requirements for a landscape architectural registration in Texas:

(A) whether the other state requires an applicant to pass the Landscape Architect Registration Examination (LARE);

(B) any experience qualifications required by the state to obtain the license or registration; and

(C) any education credentials required by the state to obtain the license or registration.

(3) The military spouse must submit the following information to the Board to demonstrate eligibility for temporary landscape architectural registration:

(A) a written request for the Board to review the military spouse’s eligibility for temporary landscape architectural registration;

(B) sufficient documentation to verify that the military spouse is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the military spouse’s identification card; and

(E) proof the military service member is stationed at a military installation in Texas.
(4) A temporary landscape architectural registration issued under this subsection expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(5) Except as provided under the subsection, a military spouse who receives a temporary landscape architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Landscape Architecture in this state.

(6) A temporary landscape architectural registration issued under this subsection may be revoked if the military spouse:

(A) fails to comply with subsection (c)(5) of this section; or

(B) the military spouse's license or registration required under subsection (c)(1)(a) of this section expires or is suspended or revoked.

(7) The Board shall not charge a fee for the issuance of a temporary landscape architectural registration under this subsection.

CHAPTER 5 REGISTERED INTERIOR DESIGNERS

SUBCHAPTER B ELIGIBILITY FOR REGISTRATION

RULE §5.39 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Interior design registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:
(A) Holds an active interior design registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for the license in this state; or

(B) Held an active interior design registration in this state within the five years preceding the application.

(3) As soon as practicable after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for military spouses.

  (1) A military spouse may qualify for a temporary Interior Design registration if the spouse:

  (A) holds a current interior design license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for Interior Design registration in this state;

  (B) notifies the Board in writing of the spouse’s intent to practice Interior Design in this state;

  (C) submits to the Board required information to demonstrate eligibility for temporary Interior Design registration; and

  (D) receives a verification letter from the Board that:

  (i) the Board has verified the spouse’s license or registration in the other jurisdiction; and

  (ii) the spouse is issued a temporary Interior Design registration.

  (2) The Board will review and evaluate the following criteria when determining whether another state’s licensing requirements are substantially equivalent to the requirements for an Interior Design registration in Texas:

  (A) whether the other state requires an applicant to pass the Council for Interior Design Qualification (CIDQ) examination;

  (B) any experience qualifications required by the state to obtain the license or registration; and

  (C) any education credentials required by the state to obtain the license or registration.

  (3) The military spouse must submit the following information to the Board to demonstrate eligibility for temporary Interior Design registration:

  (A) a written request for the Board to review the military spouse’s eligibility for temporary Interior Design registration;
(B) sufficient documentation to verify that the military spouse is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the military spouse's identification card; and

(E) proof the military service member is stationed at a military installation in Texas.

(4) A temporary Interior Design registration issued under this subsection expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(5) Except as provided under the subsection, a military spouse who receives a temporary Interior Design registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Interior Design in this state.

(6) A temporary Interior Design registration issued under this subsection may be revoked if the military spouse:

(A) fails to comply with subsection (c)(5) of this section; or

(B) the military spouse's license or registration required under subsection (c)(1)(a) of this section expires or is suspended or revoked.

(7) The Board shall not charge a fee for the issuance of a temporary Interior Design registration under this subsection.
AN ACT

relating to the authority of certain military spouses to engage in a business or occupation in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 55, Occupations Code, is amended by adding Section 55.0041 to read as follows:

Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE. (a) Notwithstanding any other law, a military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b) Before engaging in the practice of the business or occupation, the military spouse must:

(1) notify the applicable state agency of the spouse's intent to practice in this state;

(2) submit to the agency proof of the spouse's residency in this state and a copy of the spouse's military identification
card; and

(3) receive from the agency confirmation that:

(A) the agency has verified the spouse's license in the other jurisdiction; and

(B) the spouse is authorized to engage in the business or occupation in accordance with this section.

(c) The military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.

(d) A military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member to whom the military spouse is married is stationed at a military installation in this state but not to exceed three years from the date the spouse receives the confirmation described by Subsection (b)(3).

(e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to:

(1) identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state; and

(2) verify that a military spouse is licensed in good standing in a jurisdiction described by Subdivision (1).
(f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.

SECTION 2. Not later than December 1, 2019, a state agency to which Section 55.0041, Occupations Code, as added by this Act, applies, shall adopt rules to implement that section.

SECTION 3. This Act takes effect September 1, 2019.
amendment, on May 22, 2019, by the following vote: Yeas 144, Nays 0, two present not voting.

______________________________
Chief Clerk of the House

Approved:

______________________________
Date

______________________________
Governor
Draft Amendments to Board Rules 1.26, 1.27, 1.149, 1.153, 3.26, 3.27, 3.149, 3.153, 5.36, 5.37, 5.158, and 5.162

Relating to the Effect of Certain Criminal Offenses on Eligibility for Registration

Background

Recently, the legislature enacted HB 1342. This bill amended Chapter 53 of the Occupations Code, which addresses the consequences of criminal convictions on occupational licenses. In summary, the HB 1342 amendments to Chapter 53 removed the authority of licensing agencies to take action on certain criminal offenses and increased the procedural requirements for an agency contemplating taking action on criminal history. Changes to the law brought about by HB 1342 include the following:

- The legislature expressed a policy that licensing agencies should be selective and cautious in taking licensure action against individuals with criminal history, stating that “It is the intent of the legislature to enhance opportunities for a person to obtain gainful employment after the person has:
  1. been convicted of an offense; and
  2. discharged the sentence for the offense. See Tex. Occ. Code §53.003

- Elimination of the authority of licensing agencies to take licensure action for offenses that are not directly related to the duties and responsibilities of the licensed occupation. See amended Tex. Occ. Code §53.021(a)

- Clarification of and addition to the factors that licensing agencies are required to consider in determining whether a conviction is directly related to the duties and responsibilities of the licensed occupation and, if so, whether licensure action should be taken. See Tex. Occ. Code §§53.022 and 53.023.

- Elimination of the requirement that an applicant provide evidence to the licensing agency proving that the applicant has maintained a record of steady employment; supported the applicant's dependents; maintained a record of good conduct; and paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

- Adoption of processes that require licensing agencies to provide certain information to a person who is subject to licensure action for criminal history and allow the person an opportunity to respond to the notice with relevant information. See Tex. Occ. Code §§53.0231, 53.051(1), and 53.104(b).

These statutory changes have resulted in the need to amend certain Board Rules relating to the consideration of criminal convictions in licensing decisions.

Staff has provided copies of the draft amendments, sorted by profession, as well as a copy of HB 1342 in the Board materials. Finally, since it can be difficult to understand the amended laws without the context of the preexisting statutory language, a full “clean” version of Texas Occupations Code Chapter 53 is also attached.
Draft Amendments

The draft amendments encompass the following rules:

- **Rules 1.26, 3.26, and 5.36** (Relating to a preliminary evaluation of criminal history for an applicant, candidate, or person enrolled or planning to enroll in an educational program)
  - Implements amended Tex. Occ. Code §53.051(1), by requiring the executive director to identify the statutorily required factors that served as the basis for a determination that a person requesting an evaluation is ineligible for a registration.

- **Rules 1.27, 3.27, and 5.37**
  - The rules are amended to address the loss of authority in Tex. Occ. Code §53.021(a) for licensing agencies to take licensure action based on a conviction not directly related to the profession if it was committed less than five years before the filing of an application.
  - These rules distinguish between crimes that were and were not committed within five years of the filing of an application. Since this distinction no longer exists in Tex. Occ. Code §53.021, it is unnecessary for this distinction to be made in Rules 1.27, 3.27, and 5.37.

- **Rules 1.149, 3.149, and 5.158**
  - Subsections (a) are amended to implement the loss of authority in Tex. Occ. Code §53.021(a) for licensing agencies to take licensure action for a conviction not directly related to the profession if it was committed less than five years before the filing of an application.
  - Subsections (b)(3)&(4) are amended to implement changes to Tex. Occ. Code §§ 53.0231, 53.051(1), and 53.104(b) that require licensing agencies to provide certain information to a person who is subject to licensure action for criminal history, and allow the person an opportunity to respond to the notice with relevant information.
  - Subsections (d) are amended to implement changes to Tex. Occ. Code §§53.022 and 53.023 that clarified and amended the factors that licensing agencies are required to consider in determining whether a conviction is directly related to the duties and responsibilities of a licensed occupation and, if so, whether licensure action should be taken.
  - Subsections (h)(1) are amended to implement changes to Tex. Occ. Code 53.051, relating to information that must be provided to a person subject to suspension, revocation, or denial of licensure.

- **Rules 1.153, 3.153, and 5.162**
  - These rules address the limited circumstances under Tex. Occ. Code §53.021(d) in which the Board may take licensure action if a person has been placed on deferred adjudication for a crime, rather than convicted. The rules are amended to implement previous changes to §53.021(d) that had not yet been implemented in Board rules.
Staff Recommendation

Move to approve the proposed amendments to 22 Tex. Admin. Code §§ 1.26, 1.27, 1.149, 1.153, 3.26, 3.27, 3.149, 3.153, 5.36, 5.37, 5.158, and 5.162 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.
(a) An Applicant, Candidate or a person enrolled or planning to enroll in an accredited architectural educational program may make a written request to the Board’s executive director for a preliminary criminal history evaluation letter which states the person’s eligibility for registration under §1.149 of this chapter (relating to Criminal Convictions).

(b) A person who requests a criminal history evaluation shall provide the following information:

1. a statement describing the offenses for which the requestor has a criminal history;
2. any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, if applicable;
3. the names and contact information of the parole or probation department, if any, to which the requestor reports; and
4. the required fee for determining eligibility.

(c) Within 90 days after receiving a request which complies with subsection (b) of this section, the executive director shall issue a criminal history evaluation letter which states:

1. a determination that a ground for ineligibility based upon criminal conduct does not exist; or
2. a determination that the requestor is ineligible due to criminal conduct and a specific explanation of the basis for that determination, including any factor considered under Board Rule 1.149(c) or (d) that served as the basis for the determination the relationship between the conduct in question and the Practice of Architecture.

(d) For purposes of determining eligibility for registration, a record of conviction is conclusive evidence of guilt. The Board may not consider a conviction in determining eligibility for registration upon receipt of proof that the conviction or an order of probation with or without adjudication of guilt has been reversed or set aside.

(e) In the absence of evidence that was not disclosed by the requestor or reasonably available when a request for a criminal history evaluation was under consideration, the executive director's criminal history evaluation letter is a final determination regarding the requestor's eligibility for registration. If found to be ineligible for registration, a requestor may not apply for registration until one year after the date the letter is issued. A requestor who is determined to be ineligible may:

1. submit a request for reconsideration of the determination of ineligibility based upon evidence that was not disclosed or reasonably available to the agency at the time the determination was made;
(2) submit a new request for an evaluation no sooner than one year after the date upon which the criminal history evaluation letter was issued; or

(3) request a hearing on the determination made in the executive director's criminal history evaluation letter. A hearing conducted pursuant to this section is subject to the Administrative Procedure Act, Chapter 2001, Government Code.

(f) The Board shall issue a final order on the determination made in the criminal history evaluation after consideration of a proposal for decision issued by an administrative law judge at the State Office of Administrative Hearings. The Board's final order must specify findings of fact and conclusions of law, stated separately, regarding the person's eligibility for registration in light of his or her criminal history record.

(g) A person who is found to be ineligible by a final order of the Board may not file another request for a criminal history evaluation or apply for registration until three (3) years after the date of the Board's final order. However, a person may request reconsideration of the final order based upon evidence that was not disclosed or reasonably available to the Board at the time the final order was issued.

RULE §1.27 Provisional Licensure

(a) The Board shall grant a Certificate of Registration or a provisional Certificate of Registration to an otherwise qualified Candidate who has been convicted of an offense that:

(1) is not directly related to the Practice of Architecture as determined by the executive directory under §1.149 of this chapter (relating to Criminal Convictions);

(2) was committed earlier than five (5) years before the date the Candidate filed an application for registration;

(3) is not an offense listed in §3g, Article 42.12, Code of Criminal Procedure; and

(4) is not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

(b) A provisional Certificate of Registration expires six (6) months after the date it is issued.

(c) A provisional Certificate of Registration may be Revoked for the following reasons:

(1) The provisional Registrant commits another offense during the 6-month provisional registration period;

(2) The provisional Registrant's community supervision, mandatory supervision, or parole is Revoked; or

(3) The provisional Registrant violates a statute or rule enforced by the Board.

(d) A provisional Registrant who is subject to community supervision, mandatory supervision, or parole shall provide the Board name and contact information of the probation or parole department to which the provisional Registrant reports. The Board shall provided notice to the department upon the issuance
of the provisional Certificate of Registration, as well as any terms, conditions or limitations upon the
provisional Registrant's practice.

(e) Upon successful completion of the provisional Registration period, the Board shall issue a Certificate
of Registration to the provisional Registrant. If a provisional Registrant's provisional Certificate is
Revoked, the provisional Registrant is disqualified from receiving a Certificate of Registration and may
not apply for a Certificate of Registration for a period of three (3) years from the date of Revocation.

SUBCHAPTER H PROFESSIONAL CONDUCT

RULE §1.149 Criminal Convictions

(a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board
may suspend or revoke an existing certificate of registration, disqualify a person from receiving a
certificate of registration, issue a provisional license subject to the terms and limitations of §1.27 of this
chapter (relating to Provisional Licensure), or deny to a person the opportunity to be examined for a
certificate of registration because of the person's conviction for committing an offense if:

(1) the offense directly relates to the duties and responsibilities of an Architect;

(2) the offense does not directly relate to the duties and responsibilities of an Architect and was
committed within five (5) years before the date the person applied for registration as an Architect;

(3) the offense is listed in Article 42A.054§3g, Article 42.12, Texas Code of Criminal Procedure; or

(4) the offense is a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal
Procedure.

(b) The following procedures will apply in the consideration of an application for registration as an
Architect or in the consideration of a Registrant's criminal history:

(1) Effective January 1, 2014, each Applicant shall submit a complete and legible set of fingerprints to
the Department of Public Safety or a vendor under contract with the Department for the purpose of
obtaining criminal history record information from the Department and the Federal Bureau of
Investigation. The Applicant shall pay the cost of conducting the criminal history background check to
the Department or the vendor on behalf of the Department. An Applicant who does not submit
fingerprints in accordance with this subsection is ineligible for registration.

(2) Effective January 1, 2014, each Registrant on active status or returning to active status who has not
submitted a set of fingerprints pursuant to paragraph (1) of this subsection shall submit a complete and
legible set of fingerprints to the Department of Public Safety or a vendor under contract with the
Department for the purpose of obtaining criminal history record information from the Department and
the Federal Bureau of Investigation. The Registrant shall pay the cost of conducting the criminal history
background check to the Department or the vendor on behalf of the Department. A Registrant who does
not submit fingerprints in accordance with this subsection is ineligible for renewal of, or returning to,
active registration. A Registrant is not required to submit fingerprints under this paragraph for the
renewal of, or returning to, active registration if the Registrant previously submitted fingerprints under
paragraph (1) of this subsection for initial registration or under this paragraph for a previous renewal of, or return to, active registration.

(3) The executive director may contact an Applicant or Registrant regarding any information about a criminal conviction, other than a minor traffic offense, disclosed in the Applicant’s or Registrant’s criminal history record. If the executive director intends to pursue revocation or suspension of a registration, or denial of a registration or opportunity to be examined for a registration because of a person’s prior conviction of an offense, the executive director must:

(A) provide written notice to the person of the reason for the intended denial; and

(B) allow the person not less than 30 days to submit any relevant information to the Board. The executive director shall allow the Applicant or Registrant no less than 30 days to provide a written response in sufficient detail to allow the executive director to determine whether the conduct at issue appears to directly relate to the duties and responsibilities of an Architect.

(4) The notice provided by the executive director under this subsection must contain:

(A) a statement that the person is disqualified from being registered or being examined for registration because of the person’s prior conviction of an offense specified in the notice; or

(B) a statement that:

(i) the final decision of the Board to revoke or suspend the registration or deny the person a registration or the opportunity to be examined for the registration will be based on the factors listed in subsection (d) of this section; and

(ii) it is the person’s responsibility to obtain and provide to the Board evidence regarding the factors listed in subsection (d) of this section.

(5) If the executive director determines the conviction might be directly related to the duties and responsibilities of an Architect, the Board's staff will obtain sufficient details regarding the conviction to allow the Board to determine the effect of the conviction on the Applicant's eligibility for registration or on the Registrant's fitness for continued registration.

(c) In determining whether a criminal conviction is directly related to the duties and responsibilities of an Architect, the executive director and the Board shall consider each of the following factors:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to practice architecture;

(3) the extent to which architectural registration might offer an opportunity to engage in further criminal activity of the same type as that in which the Applicant or Registrant had been involved; and

(4) the relationship of the crime to the ability, or capacity, or fitness required to perform the duties and discharge the responsibilities of an Architect; and

(5) any correlation between the elements of the crime and the duties and responsibilities of an Architect.
(d) If the executive director or the Board determines under subsection (c) that a criminal conviction directly relates to the duties and responsibilities of an Architect, in addition to the factors that may be considered under subsection (c) of this section, the executive director and the Board shall consider the following in determining whether to suspend or revoke a registration, disqualify a person from receiving a registration, or deny to a person the opportunity to take a registration examination:

1. the extent and nature of the Applicant's or Registrant's past criminal activity;
2. the age of the Applicant or Registrant at the time the crime was committed;
3. the amount of time that has elapsed since the Applicant's or Registrant's last criminal activity;
4. the conduct and work activity of the Applicant or Registrant prior to and following the criminal activity;
5. evidence of the Applicant's or Registrant's rehabilitation or rehabilitative effort while incarcerated or after release;
6. evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
7. other evidence of the Applicant's or Registrant's present fitness to practice as an Architect, including letters of recommendation from law enforcement officials involved in the prosecution or incarceration of the Applicant or Registrant or other persons in contact with the Applicant or Registrant;
8. proof that the Applicant or Registrant has maintained steady employment and has supported his/her dependents and otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered.

(e) Crimes directly related to the duties and responsibilities of a Registered Architect include any crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld for the professional Practice of Architecture, such as the following:

1. criminal negligence;
2. soliciting, offering, giving, or receiving any form of bribe;
3. the unauthorized use of property, funds, or proprietary information belonging to a client or employer;
4. acts relating to the malicious acquisition, use, or dissemination of confidential information related to architecture; and
5. any intentional violation as an individual or as a consenting party of any provision of the Act.

(f) The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration of any Registrant whose felony probation, parole, or mandatory supervision is revoked.
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Chapter 1 – Architects

(g) If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the Applicant for registration during the period of incarceration. If an Applicant’s felony probation, parole, or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the Applicant successfully completes the sentence imposed as a result of the revocation.

(h) If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall provide the Applicant or Registrant with the following information in writing:

(1) the reason for rejecting the application or taking action against the Registrant's certificate of registration, including any factor considered under subsections (c) or (d) that served as the basis for the action;

(2) notice that upon exhaustion of the administrative remedies provided by the Administrative Procedure Act, Chapter 2001, Government Code, an action may be filed in a district court of Travis County for review of the evidence presented to the Board and its decision. The person must begin the judicial review by filing a petition with the court within 30 days after the Board's decision is final; and

(3) the earliest date the person may appeal.

(i) All proceedings pursuant to this section shall be governed by the Administrative Procedure Act, Chapter 2001, Government Code.

RULE §1.153 Deferred Adjudication

(a) For purposes of §1.27 and §1.149 of this chapter (relating to Provisional Licensure and Criminal Convictions), a person is not convicted for committing a criminal offense if:

(1) the person entered a plea of guilty or nolo contendere;

(2) the court deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer of the court; and

(3) at the conclusion of a period of supervision, the judge dismissed the proceedings and discharged the person.

(b) Notwithstanding subsection (a) of this section, the executive director or the Board may consider a person to have been convicted of committing a criminal offense regardless of whether the proceedings were dismissed and the person was discharged as described by subsection (a) if upon a finding that:

(1) the person was charged with

   (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

   (B) an offense other than an offense described by Paragraph (A) if:

   (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for registration; or
(ii) a conviction for the offense would make the person ineligible for registration by operation of law; and

(2) after consideration of the factors described by Board Rule 1.149(c) or (d), the executive director or the Board determines that:

(A) the person may pose a continued threat to the public safety; or

(B) employment of the person as an Architect registration would create a situation in which the person has an opportunity to repeat the prohibited conduct and an opportunity for the person to engage in the same type of criminal activity as that for which the person pled guilty or nolo contendere.

(c) If a person pleads guilty or nolo contendere to conduct which is a violation of a law enforced by the Board, regardless of whether adjudication is deferred, the Board may take disciplinary action.
(a) An Applicant, Candidate or a person enrolled or planning to enroll in an accredited landscape architectural educational program may make a written request to the Board's executive director for a preliminary criminal history evaluation letter which states the person's eligibility for registration under §3.149 of this chapter (relating to Criminal Convictions).

(b) A person who requests a criminal history evaluation shall provide the following information:

(1) a statement describing the offenses for which the requestor has a criminal history;

(2) any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, if applicable;

(3) the names and contact information of the parole or probation department, if any, to which the requestor reports; and

(4) the required fee for determining eligibility.

(c) Within 90 days after receiving a request which complies with subsection (b) of this section, the executive director shall issue a criminal history evaluation letter which states:

(1) a determination that a ground for ineligibility based upon criminal conduct does not exist; or

(2) a determination that the requestor is ineligible due to criminal conduct and a specific explanation of the basis for that determination, including any factor considered under Board Rule 3.149(c) or (d) that served as the basis for the determination the relationship between the conduct in question and the practice of Landscape Architecture.

(d) For purposes of determining eligibility for registration, a record of conviction is conclusive evidence of guilt. The Board may not consider a conviction in determining eligibility for registration upon receipt of proof that the conviction or an order of probation with or without adjudication of guilt has been reversed or set aside.

(e) In the absence of evidence that was not disclosed by the requestor or reasonably available when a request for a criminal history evaluation was under consideration, the executive director's criminal history evaluation letter is a final determination regarding the requestor's eligibility for registration. If found to be ineligible for registration, a requestor may not apply for registration until one year after the date the letter is issued. A requestor who is determined to be ineligible may:

(1) submit a request for reconsideration of the determination of ineligibility based upon evidence that was not disclosed or reasonably available to the agency at the time the determination was made;
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(2) submit a new request for an evaluation no sooner than one year after the date upon which the criminal history evaluation letter was issued; or

(3) request a hearing on the determination made in the executive director's criminal history evaluation letter. A hearing conducted pursuant to this section is subject to the Administrative Procedure Act, Chapter 2001, Government Code.

(f) The Board shall issue a final order on the determination made in the criminal history evaluation after consideration of a proposal for decision issued by an administrative law judge at the State Office of Administrative Hearings. The Board's final order must specify findings of fact and conclusions of law, stated separately, regarding the person's eligibility for registration in light of his or her criminal history record.

(g) A person who is found to be ineligible by a final order of the Board may not file another request for a criminal history evaluation or apply for registration until three (3) years after the date of the Board's final order. However, a person may request reconsideration of the final order based upon evidence that was not disclosed or reasonably available to the Board at the time the final order was issued.

RULE §3.27 Provisional Licensure

(a) The Board shall grant a Certificate of Registration or a provisional Certificate of Registration to an otherwise qualified Candidate who has been convicted of an offense that:

(1) is not directly related to the Practice of Landscape Architecture as determined by the executive director under §3.149 of this chapter (relating to Criminal Convictions);

(2) was committed earlier than five (5) years before the date the Candidate filed an application for registration;

(3) is not an offense listed in §3g, Article 42.12, Code of Criminal Procedure; and

(4) is not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

(b) A provisional Certificate of Registration expires six (6) months after the date it is issued.

(c) A provisional Certificate of Registration may be Revoked for the following reasons:

(1) the provisional Registrant commits another offense during the 6-month provisional Registration period;

(2) the provisional Registrant's community supervision, mandatory supervision, or parole is Revoked; or

(3) the provisional Registrant violates a statute or rule enforced by the Board.

(d) A provisional Registrant who is subject to community supervision, mandatory supervision, or parole shall provide the Board name and contact information of the probation or parole department to which the provisional Registrant reports. The Board shall provide notice to the department upon the issuance of the provisional Certificate of Registration, as well as any terms, conditions or limitations upon the provisional Registrant's practice.
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Chapter 3 – Landscape Architects

(e) Upon successful completion of the provisional Registration period, the Board shall issue a Certificate of Registration to the provisional Registrant. If a provisional Registrant's provisional Certificate is Revoked, the provisional Registrant is disqualified from receiving a Certificate of Registration and may not apply for a Certificate of Registration for a period of three (3) years from the date of Revocation.

SUBCHAPTER H PROFESSIONAL CONDUCT

RULE §3.149 Criminal Convictions

(a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board may suspend or revoke an existing certificate of registration, disqualify a person from receiving a certificate of registration, issue a provisional license subject to the terms and limitations of §3.27 of this chapter (relating to Provisional Licensure), or deny to a person the opportunity to be examined for a certificate of registration because of the person's conviction for committing an offense if:

(1) the offense directly relates to the duties and responsibilities of a Landscape Architect;

(2) the offense does not directly relate to the duties and responsibilities of a Landscape Architect and was committed within five (5) years before the date the person applied for registration as a Landscape Architect;

(3) the offense is listed in Article 42A.054g, Article 42.12, Texas Code of Criminal Procedure; or

(4) the offense is a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure.

(b) The following procedures will apply in the consideration of an application for registration as a Landscape Architect or in the consideration of a Registrant's criminal history:

(1) Effective January 1, 2014, each Applicant shall submit a complete and legible set of fingerprints to the Department of Public Safety or a vendor under contract with the Department for the purpose of obtaining criminal history record information from the Department and the Federal Bureau of Investigation. The Applicant shall pay the cost of conducting the criminal history background check to the Department or the vendor on behalf of the Department. An Applicant who does not submit fingerprints in accordance with this subsection is ineligible for registration.

(2) Effective January 1, 2014, each Registrant on active status or returning to active status who has not submitted a set of fingerprints pursuant to paragraph (1) of this subsection shall submit a complete and legible set of fingerprints to the Department of Public Safety or a vendor under contract with the Department for the purpose of obtaining criminal history record information from the Department and the Federal Bureau of Investigation. The Registrant shall pay the cost of conducting the criminal history background check to the Department or the vendor on behalf of the Department. A Registrant who does not submit fingerprints in accordance with this subsection is ineligible for renewal of, or returning to, active registration. A Registrant is not required to submit fingerprints under this paragraph for the renewal of, or returning to, active registration if the Registrant previously submitted fingerprints under paragraph (1) of this subsection for initial registration or under this paragraph for a previous renewal of, or return to, active registration.
(3) The executive director may contact the Applicant or Registrant regarding any information about a criminal conviction, other than a minor traffic offense, disclosed in the Applicant's or Registrant's criminal history record. If the executive director intends to pursue revocation or suspension of a registration, or denial of a registration or opportunity to be examined for a registration because of a person's prior conviction of an offense, the executive director must:

(A) provide written notice to the person of the reason for the intended denial; and

(B) allow the person not less than 30 days to submit any relevant information to the Board. The executive director shall allow the Applicant or Registrant no less than 30 days to provide a written response in sufficient detail to allow the executive director to determine whether the conduct at issue appears to directly relate to the duties and responsibilities of a Landscape Architect.

(4) The notice provided by the executive director under this subsection must contain:

(A) a statement that the person is disqualified from being registered or being examined for registration because of the person's prior conviction of an offense specified in the notice; or

(B) a statement that:

(i) the final decision of the Board to revoke or suspend the registration or deny the person a registration or the opportunity to be examined for the registration will be based on the factors listed in subsection (d) of this section; and

(ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the factors listed in subsection (d) of this section.

(5) If the executive director determines the conviction might be directly related to the duties and responsibilities of a Landscape Architect, the Board's staff will obtain sufficient details regarding the conviction to allow the Board to determine the effect of the conviction on the Applicant's eligibility for registration or on the Registrant's fitness for continued registration.

c) In determining whether a criminal conviction is directly related to the duties and responsibilities of a Landscape Architect, the executive director and the Board shall consider each of the following factors:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to practice Landscape Architecture;

(3) the extent to which landscape architectural registration might offer an opportunity to engage in further criminal activity of the same type as that in which the Applicant or Registrant had been involved; and

(4) the relationship of the crime to the ability, or capacity, or fitness required to perform the duties and discharge the responsibilities of a Landscape Architect; and

(5) any correlation between the elements of the crime and the duties and responsibilities of a Landscape Architect.
(d) If the executive director or the Board determines under subsection (c) that a criminal conviction directly relates to the duties and responsibilities of a Landscape Architect in addition to the factors that may be considered under subsection (c) of this section, the executive director and the Board shall consider the following in determining whether to suspend or revoke a registration, disqualify a person from receiving a registration, or deny to a person the opportunity to take a registration examination:

- (1) the extent and nature of the Applicant's or Registrant's past criminal activity;
- (2) the age of the Applicant or Registrant at the time the crime was committed;
- (3) and the amount of time that has elapsed since the Applicant's or Registrant's last criminal activity;
- (4) the conduct and work activity of the Applicant or Registrant prior to and following the criminal activity;
- (5) evidence of the Applicant's or Registrant's rehabilitation or rehabilitative effort while incarcerated or after release;
- (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
- (7) other evidence of the Applicant's or Registrant's present fitness to practice as a Landscape Architect, including letters of recommendation from law enforcement officials involved in the prosecution or incarceration of the Applicant or Registrant or other persons in contact with the Applicant or Registrant; and
- (8) proof that the Applicant or Registrant has maintained steady employment and has supported his/her dependents and otherwise maintained a record of good conduct and has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered.

(e) Crimes directly related to the duties and responsibilities of a Landscape Architect include any crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld for the professional practice of Landscape Architecture, such as the following:

- (1) criminal negligence;
- (2) soliciting, offering, giving, or receiving any form of bribe;
- (3) the unauthorized use of property, funds, or proprietary information belonging to a client or employer;
- (4) acts relating to the malicious acquisition, use, or dissemination of confidential information related to Landscape Architecture; and
- (5) any intentional violation as an individual or as a consenting party of any provision of the Act.

(f) The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration of any Registrant whose felony probation, parole, or mandatory supervision is revoked.
Draft Rules Re: Criminal Convictions
Chapter 3 – Landscape Architects

(g) If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the Applicant for registration during the period of incarceration. If an Applicant's felony probation, parole, or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the Applicant successfully completes the sentence imposed as a result of the revocation.

(h) If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall provide the Applicant or Registrant with the following information in writing:

1. the reason for rejecting the application or taking action against the Registrant's certificate of registration, including any factor considered under subsections (c) or (d) that served as the basis for the action;
2. notice that upon exhaustion of the administrative remedies provided by the Administrative Procedure Act, Chapter 2001, Government Code, an action may be filed in a district court of Travis County for review of the evidence presented to the Board and its decision. The person must begin the judicial review by filing a petition with the court within 30 days after the Board's decision is final; and
3. the earliest date the person may appeal.

(i) All proceedings pursuant to this section shall be governed by the Administrative Procedure Act, Chapter 2001, Government Code.

RULE §3.153 Deferred Adjudication

(a) For purposes of §3.27 and §3.149 of this chapter (relating to Provisional Licensure and Criminal Convictions), a person is not convicted for committing a criminal offense if:

1. the person entered a plea of guilty or nolo contendere;
2. the court deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer of the court; and
3. at the conclusion of a period of supervision, the judge dismissed the proceedings and discharged the person.

(b) Notwithstanding subsection (a) of this section, the executive director or the Board may consider a person to have been convicted of committing a criminal offense regardless of whether the proceedings were dismissed and the person was discharged as described by subsection (a) if upon a finding that:

1. the person was charged with
   (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or
   (B) an offense other than an offense described by Paragraph (A) if:
     (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for registration; or
(ii) a conviction for the offense would make the person ineligible for registration by operation of
law; and
(2) after consideration of the factors described by Board Rule 3.149(c) or (d), the executive director or
the Board determines that:
(A) the person may pose a continued threat to the public; or
(B) employment of the person as a Landscape Architect registration would create a situation in
which the person has an opportunity to repeat the prohibited conduct; or
an opportunity for the person to
engage in the same type of criminal activity as that for which the person pled guilty or nolo contendere.
(c) If a person pleads guilty or nolo contendere to conduct which is a violation of a law enforced by the
Board, regardless of whether adjudication is deferred, the Board may take disciplinary action.
Draft Rules Re: Criminal Convictions
Chapter 5 – Interior Design

TITLE 22  EXAMINING BOARDS
PART 1  TEXAS BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 5  REGISTERED INTERIOR DESIGNERS
SUBCHAPTER B  ELIGIBILITY FOR REGISTRATION

RULE §5.36  Preliminary Evaluation of Criminal History

(a) An Applicant, Candidate or a person enrolled or planning to enroll in a qualifying Interior Design educational program may make a written request to the Board’s executive director for a preliminary criminal history evaluation letter which states the person’s eligibility for registration under §5.158 of this chapter (relating to Criminal Convictions).

(b) A person who requests a criminal history evaluation shall provide the following information:

(1) a statement describing the offenses for which the requestor has a criminal history;

(2) any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, if applicable;

(3) the names and contact information of the parole or probation department, if any, to which the requestor reports; and

(4) the required fee for determining eligibility.

(c) Within 90 days after receiving a request which complies with subsection (b) of this section, the executive director shall issue a criminal history evaluation letter which states:

(1) a determination that a ground for ineligibility based upon criminal conduct does not exist; or

(2) a determination that the requestor is ineligible due to criminal conduct and a specific explanation of the basis for that determination, including any factor considered under Board Rule 5.158(c) or (d) that served as the basis for the determination the relationship between the conduct in question and the practice of Interior Design.

(d) For purposes of determining eligibility for registration, a record of conviction is conclusive evidence of guilt. The Board may not consider a conviction in determining eligibility for registration upon receipt of proof that the conviction or an order of probation with or without adjudication of guilt has been reversed or set aside.

(e) In the absence of evidence that was not disclosed by the requestor or reasonably available when a request for a criminal history evaluation was under consideration, the executive director's criminal history evaluation letter is a final determination regarding the requestor's eligibility for registration. If found to be ineligible for registration, a requestor may not apply for registration until one year after the date the letter is issued. A requestor who is determined to be ineligible may:

(1) submit a request for reconsideration of the determination of ineligibility based upon evidence that was not disclosed or reasonably available to the agency at the time the determination was made;
(2) submit a new request for an evaluation no sooner than one year after the date upon which the criminal history evaluation letter was issued; or

(3) request a hearing on the determination made in the executive director's criminal history evaluation letter. A hearing conducted pursuant to this section is subject to the Administrative Procedure Act, Chapter 2001, Government Code.

(f) The Board shall issue a final order on the determination made in the criminal history evaluation after consideration of a proposal for decision issued by an administrative law judge at the State Office of Administrative Hearings. The Board's final order must specify findings of fact and conclusions of law, stated separately, regarding the person's eligibility for registration in light of his or her criminal history record.

(g) A person who is found to be ineligible by a final order of the Board may not file another request for a criminal history evaluation or apply for registration until three years after the date of the Board's final order. However, a person may request reconsideration of the final order based upon evidence that was not disclosed or reasonably available to the Board at the time the final order was issued.

**RULE §5.37 Provisional Licensure**

(a) The Board shall grant a Certificate of Registration or a provisional Certificate of Registration to an otherwise qualified Applicant who has been convicted of an offense that:

(1) is not directly related to the Practice of Interior Design as determined by the executive director under §5.158 of this chapter (relating to Criminal Convictions);

(2) was committed earlier than five (5) years before the date the Applicant filed an application for registration;

(3) is not an offense listed in §3g, Article 42.12, Code of Criminal Procedure; and

(4) is not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

(b) A provisional Certificate of Registration expires six (6) months after the date it is issued.

(c) A provisional Certificate of Registration may be Revoked for the following reasons:

(1) the provisional Registrant commits another offense during the 6-month provisional Registration period;

(2) the provisional Registrant's community supervision, mandatory supervision, or parole is Revoked; or

(3) the provisional Registrant violates a statute or rule enforced by the Board.

(d) A provisional Registrant who is subject to community supervision, mandatory supervision, or parole shall provide the Board name and contact information of the probation or parole department to which the provisional Registrant reports. The Board shall provide notice to the department upon the issuance of the provisional Certificate of Registration, as well as any terms, conditions or limitations upon the provisional Registrant's practice.
(e) Upon successful completion of the provisional Registration period, the Board shall issue a Certificate of Registration to the provisional Registrant. If a provisional Registrant's provisional Certificate is Revoked, the provisional Registrant is disqualified from receiving a Certificate of Registration and may not apply for a Certificate of Registration for a period of three (3) years from the date of Revocation.

SUBCHAPTER H PROFESSIONAL CONDUCT

RULE §5.158 Criminal Convictions

(a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board may suspend or revoke an existing certificate of registration, disqualify a person from receiving a certificate of registration, issue a provisional license subject to the terms and limitations of §5.37 of this chapter (relating to Provisional Licensure), or deny to a person the opportunity to be examined for a certificate of registration because of the person's conviction for committing an offense if:

(1) the offense directly relates to the duties and responsibilities of a Registered Interior Designer;

(2) the offense does not directly relate to the duties and responsibilities of a Registered Interior Designer and was committed within five (5) years before the date the person applied for registration as a Registered Interior Designer;

(3) the offense is listed in Article 42A.054g, Article 42.12, Texas Code of Criminal Procedure; or

(4) the offense is a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure.

(b) The following procedures will apply in the consideration of an application for registration as a Registered Interior Designer or in the consideration of a Registrant's criminal history:

(1) Effective January 1, 2014, each Applicant shall submit a complete and legible set of fingerprints to the Department of Public Safety or a vendor under contract with the Department for the purpose of obtaining criminal history record information from the Department and the Federal Bureau of Investigation. The Applicant shall pay the cost of conducting the criminal history background check to the Department or the vendor on behalf of the Department. An Applicant who does not submit fingerprints in accordance with this subsection is ineligible for registration.

(2) Effective January 1, 2014, each Registrant on active status or returning to active status who has not submitted a set of fingerprints pursuant to paragraph (1) of this subsection shall submit a complete and legible set of fingerprints to the Department of Public Safety or a vendor under contract with the Department for the purpose of obtaining criminal history record information from the Department and the Federal Bureau of Investigation. The Registrant shall pay the cost of conducting the criminal history background check to the Department or the vendor on behalf of the Department. A Registrant who does not submit fingerprints in accordance with this subsection is ineligible for renewal of, or returning to, active registration. A Registrant is not required to submit fingerprints under this paragraph for the renewal of, or returning to, active registration if the Registrant previously submitted fingerprints under paragraph (1) of this subsection for initial registration or under this paragraph for a previous renewal of, or return to, active registration.
(3) The executive director may contact the Applicant or Registrant regarding any information about a 
criminal conviction, other than a minor traffic offense, disclosed in the Applicant's or Registrant's 
criminal history record. If the executive director intends to pursue revocation or suspension of a 
registration, or denial of a registration or opportunity to be examined for a registration because of a 
person’s prior conviction of an offense, the executive director must:

(A) provide written notice to the person of the reason for the intended denial; and

(B) allow the person not less than 30 days to submit any relevant information to the Board.

The executive director shall allow the Applicant or Registrant no less than 30 days to provide a written 
response in sufficient detail to allow the executive director to determine whether the conduct at issue 
appears to directly relate to the duties and responsibilities of a Registered Interior Designer.

(4) The notice provided by the executive director under this subsection must contain:

(A) a statement that the person is disqualified from being registered or being examined for 
registration because of the person's prior conviction of an offense specified in the notice; or

(B) a statement that:

(i) the final decision of the Board to revoke or suspend the registration or deny the person a 
registration or the opportunity to be examined for the registration will be based on the factors listed in 
subsection (d) of this section; and

(ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the 
factors listed in subsection (d) of this section.

(5) If the executive director determines the conviction might be directly related to the duties and 
responsibilities of a Registered Interior Designer, the Board's staff will obtain sufficient details regarding 
the conviction to allow the Board to determine the effect of the conviction on the Applicant's eligibility 
for registration or on the Registrant's fitness for continued registration.

(c) In determining whether a criminal conviction is directly related to the duties and responsibilities of a 
Registered Interior Designer, the executive director and the Board shall consider each of the 
following factors:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to practice Interior Design;

(3) the extent to which Interior Design registration might offer an opportunity to engage in further 
criminal activity of the same type as that in which the Applicant or Registrant had been involved; and

(4) the relationship of the crime to the ability, or capacity, or fitness required to perform the duties and 
discharge the responsibilities of a Registered Interior Designer; and

(5) any correlation between the elements of the crime and the duties and responsibilities of a 
Registered Interior Designer.

(d) If the executive director or the Board determines under subsection (c) that a criminal conviction 
directly relates to the duties and responsibilities of a Registered Interior Designer in addition to the
factors that may be considered under subsection (c) of this section, the executive director and the Board shall consider the following in determining whether to suspend or revoke a registration, disqualify a person from receiving a registration, or deny to a person the opportunity to take a registration examination:

(1) the extent and nature of the Applicant's or Registrant's past criminal activity;
(2) the age of the Applicant or Registrant at the time the crime was committed;
(3) the amount of time that has elapsed since the Applicant's or Registrant's last criminal activity;
(4) the conduct and work activity of the Applicant or Registrant prior to and following the criminal activity;
(5) evidence of the Applicant's or Registrant's rehabilitation or rehabilitative effort while incarcerated or after release;
(6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
(7) other evidence of the Applicant's or Registrant's present fitness to practice as a Registered Interior Designer, including letters of recommendation from law enforcement officials involved in the prosecution or incarceration of the Applicant or Registrant or other persons in contact with the Applicant or Registrant; and
(e) Crimes directly related to the duties and responsibilities of a Registered Interior Designer include any crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld for the professional practice of Interior Design, such as the following:
(1) criminal negligence;
(2) soliciting, offering, giving, or receiving any form of bribe;
(3) the unauthorized use of property, funds, or proprietary information belonging to a client or employer;
(4) acts relating to the malicious acquisition, use, or dissemination of confidential information related to Interior Design; and
(5) any intentional violation as an individual or as a consenting party of any provision of the Act.
(f) The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration of any Registrant whose felony probation, parole, or mandatory supervision is revoked.
(g) If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the Applicant for registration during the period of incarceration. If an Applicant’s felony probation, parole,
or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the
Applicant successfully completes the sentence imposed as a result of the revocation.

(h) If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall
provide the Applicant or Registrant with the following information in writing:

1. the reason for rejecting the application or taking action against the Registrant's certificate of
registration, including any factor considered under subsections (c) or (d) that served as the basis for the
action;

2. notice that upon exhaustion of the administrative remedies provided by the Administrative
Procedure Act, Chapter 2001, Government Code, an action may be filed in a district court of Travis
County for review of the evidence presented to the Board and its decision. The person must begin the
judicial review by filing a petition with the court within 30 days after the Board's decision is final; and

3. the earliest date the person may appeal.

(i) All proceedings pursuant to this section shall be governed by the Administrative Procedure Act,

RULE §5.162 Deferred Adjudication

(a) For purposes of §5.37 and §5.158 of this chapter (relating to Provisional Licensure and Criminal
Convictions), a person is not convicted for committing a criminal offense if:

1. the person entered a plea of guilty or nolo contendere;

2. the court deferred further proceedings without entering an adjudication of guilt and placed the
person under the supervision of the court or an officer of the court; and

3. at the conclusion of a period of supervision, the judge dismissed the proceedings and discharged
the person.

(b) Notwithstanding subsection (a) of this section, the executive director or the Board may consider a
person to have been convicted of committing a criminal offense regardless of whether the
proceedings were dismissed and the person was discharged as described by subsection (a) if upon a
finding that:

1. the person was charged with

   (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

   (B) an offense other than an offense described by Paragraph (A) if:

      (i) the person has not completed the period of supervision or the person completed the period
      of supervision less than five years before the date the person applied for registration; or

      (ii) a conviction for the offense would make the person ineligible for registration by operation of
      law; and
(2) after consideration of the factors described by Board Rule 1.149(c) or (d), the executive director or the Board determines that:

(A) the person may pose a continued threat to the public safety; or

(B) employment of the person as a Registered Interior Designer registration would create a situation in which the person has an opportunity to repeat the prohibited conduct—an opportunity for the person to engage in the same type of criminal activity as that for which the person pled guilty or nolo contendere.

(c) If a person pleads guilty or nolo contendere to conduct which is a violation of a law enforced by the Board, regardless of whether adjudication is deferred, the Board may take disciplinary action.
AN ACT

relating to a person's eligibility for an occupational license; providing an administrative penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.355, Occupations Code, is amended to read as follows:

Sec. 51.355. LICENSE ELIGIBILITY OF PERSON WHOSE LICENSE HAS BEEN REVOKED. (a) Except as otherwise provided by this section, a person whose license has been revoked by order of the commission or executive director is not eligible for a new license until the first anniversary of the date of the revocation.

(b) Notwithstanding Subsection (a), a person whose license has been revoked by order of the commission or executive director is eligible to apply for a new license before the first anniversary of the date of the revocation if:

(1) the revocation was based solely on the person's failure to pay an administrative penalty; and

(2) the person:

(A) has paid the administrative penalty in full;
or

(B) is paying the administrative penalty under a payment plan with the department and is in good standing with respect to that plan.

SECTION 2. Subchapter G, Chapter 51, Occupations Code, is amended by adding Sections 51.357 and 51.358 to read as follows:

Sec. 51.357. RESTRICTED LICENSES FOR CERTAIN OCCUPATIONS.
(a) As an alternative to denying, revoking, suspending, or refusing to issue or renew a license under Section 51.356 or 51.4012(a) or Chapter 53, the commission or executive director may issue a restricted license to an applicant for a license under:

(1) Chapter 1302; or
(2) Chapter 1305.

(b) The department may impose reasonable conditions on a holder of a restricted license, including requiring the license holder to:

(1) limit the scope or location of the license holder's practice;
(2) be supervised; and
(3) report to the department, including notifying the department promptly of any change in the license holder's supervision.

(c) The department may:

(1) include on the face of a license and in the
department's records a statement:

(A) that the license is restricted; and
(B) of any condition of the restricted license;

and

(2) use a distinctive design for a restricted license.

(d) A license holder who supervises the holder of a restricted license shall use reasonable care to ensure that the license holder complies with any condition imposed under this section.

(e) The commission or executive director may impose an administrative penalty or other sanction on the holder of a restricted license or on a license holder who supervises the person for a violation of this section.

Sec. 51.358. RESTRICTED LICENSE TERM. (a) A restricted license issued under Section 51.357 is valid for the term provided for an unrestricted license of the same type.

(b) A restricted license may be renewed by complying with the requirements for the renewal of an unrestricted license of the same type.

(c) On the expiration of the term of a restricted license and the receipt by the department of a license renewal application, there is a rebuttable presumption that the applicant is entitled to issuance by the department of an unrestricted license.

(d) The presumption under Subsection (c) may be rebutted by
the department's determination that:

(1) the applicant failed to comply with any condition imposed under Section 51.357;

(2) the applicant is not in good standing with the department; or

(3) issuing an unrestricted license to the applicant would result in an increased risk of harm to any person or property.

SECTION 3. Section 51.4041, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other law, the alternative means adopted under Subsection (a) may include accepting as sufficient evidence of a person's eligibility for a license relevant education, training, or experience obtained while the person was imprisoned if the person:

(1) previously held a license of the same type for which the person is applying and the license was revoked under Section 53.021(b);

(2) has not been convicted of, placed on deferred adjudication for, or entered a plea of guilty or nolo contendere to:

(A) an offense listed in Article 42A.054, Code of Criminal Procedure;

(B) a sexually violent offense, as defined by
Article 62.001, Code of Criminal Procedure; or

(C) an offense under Chapter 21 or 43, Penal Code;

and

(3) while imprisoned, maintained a record of good behavior and:

(A) successfully participated in a program acceptable to the department to prepare the person for reentry into the workforce in the occupation for which the person seeks a license; or

(B) performed work on a regular basis in the occupation for which the person seeks a license.

SECTION 4. Subchapter A, Chapter 53, Occupations Code, is amended by adding Section 53.003 to read as follows:

Sec. 53.003. LEGISLATIVE INTENT; LIBERAL CONSTRUCTION OF SUBCHAPTER. (a) It is the intent of the legislature to enhance opportunities for a person to obtain gainful employment after the person has:

(1) been convicted of an offense; and

(2) discharged the sentence for the offense.

(b) This chapter shall be liberally construed to carry out the intent of the legislature.

SECTION 5. Section 53.021(a), Occupations Code, is amended to read as follows:

(a) Subject to Section 53.0231, a [A] licensing authority
may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:

(1) an offense that directly relates to the duties and responsibilities of the licensed occupation;

(2) an offense that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license;

(3) an offense listed in Article 42A.054, Code of Criminal Procedure; or

(4) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

SECTION 6. Section 53.022, Occupations Code, is amended to read as follows:

Sec. 53.022. FACTORS IN DETERMINING WHETHER CONVICTION DIRECTLY RELATES TO OCCUPATION. In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;

(3) the extent to which a license might offer an
opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and

(4) the relationship of the crime to the ability or capacity or fitness required to perform the duties and discharge the responsibilities of the licensed occupation; and

(5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

SECTION 7. The heading to Section 53.023, Occupations Code, is amended to read as follows:

Sec. 53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER AFTER DETERMINING CONVICTION DIRECTLY RELATES TO OCCUPATION.

SECTION 8. Sections 53.023(a) and (b), Occupations Code, are amended to read as follows:

(a) If a licensing authority determines under Section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021 [in addition to the factors listed in Section 53.022]:

(1) the extent and nature of the person's past criminal
activity;

(2) the age of the person when the crime was committed;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person before and after the criminal activity;

(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; [and]

(6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and

(7) other evidence of the person's fitness, including letters of recommendation [from:

[(A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;]

[(B) the sheriff or chief of police in the community where the person resides; and]

[(C) any other person in contact with the convicted person].

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described [of the prosecution, law enforcement, and correctional authorities as required] by Subsection (a)(7)
SECTION 9.  Subchapter B, Chapter 53, Occupations Code, is amended by adding Sections 53.0231 and 53.026 to read as follows:

Sec. 53.0231.  NOTICE OF PENDING DENIAL OF LICENSE.  (a) Notwithstanding any other law, a licensing authority may not deny a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense unless the licensing authority:

(1) provides written notice to the person of the reason for the intended denial; and

(2) allows the person not less than 30 days to submit any relevant information to the licensing authority.

(b) A notice required under Subsection (a) must contain, as applicable:

(1) a statement that the person is disqualified from receiving the license or being examined for the license because of the person's prior conviction of an offense specified in the notice; or

(2) a statement that:

(A) the final decision of the licensing authority to deny the person a license or the opportunity to be examined for the license will be based on the factors listed in Section 53.023(a); and

(B) it is the person's responsibility to obtain
and provide to the licensing authority evidence regarding the factors listed in Section 53.023(a).

Sec. 53.026.  APPLICANT BEST PRACTICES GUIDE.  (a) The state auditor shall, in collaboration with licensing authorities, develop a guide of best practices for an applicant with a prior conviction to use when applying for a license. The state auditor shall publish the guide on the state auditor's Internet website.

(b) A licensing authority shall include a link to the guide on the authority's Internet website and in each notice described by Section 53.051 and letter described by Section 53.104.

SECTION 10.  Section 53.051, Occupations Code, is amended to read as follows:

Sec. 53.051.  NOTICE.  A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense [a crime and the relationship of the crime to the license] shall notify the person in writing of:

(1)  the reason for the suspension, revocation, denial, or disqualification, including any factor considered under Section 53.022 or 53.023 that served as the basis for the suspension, revocation, denial, or disqualification;

(2)  the review procedure provided by Section 53.052; and

(3)  the earliest date the person may appeal the action
of the licensing authority.

SECTION 11. Section 53.104(b), Occupations Code, is amended to read as follows:

(b) If a licensing authority determines that the requestor is ineligible for a license, the licensing authority shall issue a letter setting out each basis for potential ineligibility, including any factor considered under Section 53.022 or 53.023 that served as the basis for potential ineligibility, and the authority's determination as to eligibility. In the absence of new evidence known to but not disclosed by the requestor or not reasonably available to the licensing authority at the time the letter is issued, the authority's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

SECTION 12. Section 53.023(c), Occupations Code, is repealed.

SECTION 13. Not later than September 1, 2020, the state auditor shall develop and publish the guide as required by Section 53.026, Occupations Code, as added by this Act.

SECTION 14. The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is
continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2019.
H.B. No. 1342

President of the Senate  Speaker of the House

I certify that H.B. No. 1342 was passed by the House on May 8, 2019, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1342 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: ________________________

Date

Governor
OCCUPATIONS CODE

TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING

CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 53.001. APPLICABILITY OF CERTAIN DEFINITIONS. The definitions provided by Chapter 2001, Government Code, apply to this chapter.

Sec. 53.002. APPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) the Supreme Court of Texas, a person licensed under the court’s authority on behalf of the judicial department of government, or an applicant for a license issued under the court’s authority on behalf of the judicial department of government;

(2) a person licensed or an applicant for a license under Chapter 1701;

(3) an applicant for certification as emergency medical services personnel under Chapter 773, Health and Safety Code; or

(4) a person who:

(A) is licensed by the Texas Medical Board, the Texas State Board of Pharmacy, the State Board of Dental Examiners, or the State Board of Veterinary Medical Examiners; and

(B) has been convicted of a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code.

Sec. 53.003. LEGISLATIVE INTENT; LIBERAL CONSTRUCTION OF SUBCHAPTER. (a) It is the intent of the legislature to enhance opportunities for a person to obtain gainful employment after the person has:

(1) been convicted of an offense; and

(2) discharged the sentence for the offense.

(b) This chapter shall be liberally construed to carry out the intent of the legislature.

SUBCHAPTER B. INELIGIBILITY FOR LICENSE

Sec. 53.021. AUTHORITY TO REVOKE, SUSPEND, OR DENY LICENSE.
(a) Subject to Section 53.0231, a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:

(1) an offense that directly relates to the duties and responsibilities of the licensed occupation;

(2) an offense listed in Article 42A.054, Code of Criminal Procedure; or

(3) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

(a-1) Subsection (a) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:

(1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and

(2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.

(b) A license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

(c) Except as provided by Subsections (d) and (e), notwithstanding any other law, a licensing authority may not consider a person to have been convicted of an offense for purposes of this section if, regardless of the statutory authorization:

(1) the person entered a plea of guilty or nolo contendere;

(2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and

(3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.

(d) A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if:

(1) the person was charged with:

(A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

(B) an offense other than an offense described by Paragraph (A) if:

(i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or

(ii) a conviction for the offense would make the person ineligible for the license by operation of law; and
(2) after consideration of the factors described by Sections 53.022 and 53.023(a), the licensing authority determines that:

(A) the person may pose a continued threat to public safety; or

(B) employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.

(e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide:

(1) law enforcement or public health, education, or safety services; or

(2) financial services in an industry regulated by a person listed in Section 411.0765(b)(18), Government Code.

Sec. 53.0211. LICENSING OF CERTAIN APPLICANTS WITH PRIOR CRIMINAL CONVICTIONS. (a) This section does not apply to an applicant for a license that would allow the applicant to provide:

(1) law enforcement services;

(2) public health, education, or safety services; or

(3) financial services in an industry regulated by the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner.

(b) Notwithstanding any law other than Subsection (a) and unless the applicant has been convicted of an offense described by Section 53.021(a), a licensing authority shall issue to an otherwise qualified applicant who has been convicted of an offense:

(1) the license for which the applicant applied; or

(2) a provisional license described by Subsection (c).

(c) A licensing authority may issue a provisional license for a term of six months to an applicant who has been convicted of an offense.

(d) The licensing authority shall revoke a provisional license if the provisional license holder:

(1) commits a new offense;

(2) commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or

(3) violates the law or rules governing the practice of the occupation for which the provisional license is issued.

(e) The licensing authority shall issue the license for which the applicant originally applied to a provisional license holder on the expiration of the provisional license term if the provisional license holder does not engage in conduct described by Subsection (d).
(f) If the licensing authority revokes a provisional license under Subsection (d), the provisional license holder is disqualified from receiving the license for which the applicant originally applied.

(g) An applicant who is on community supervision, mandatory supervision, or parole and who is issued a provisional license under this section shall provide to the licensing authority the name and contact information of the probation or parole department to which the person reports. The licensing authority shall notify the probation or parole department that a provisional license has been issued. The probation or parole department shall notify the licensing authority if the person's community supervision, mandatory supervision, or parole supervision is revoked during the term of the provisional license.

Sec. 53.022. FACTORS IN DETERMINING WHETHER CONVICTION DIRECTLY RELATES TO OCCUPATION. In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;

(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;

(4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and

(5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

Sec. 53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER AFTER DETERMINING CONVICTION DIRECTLY RELATES TO OCCUPATION. (a) If a licensing authority determines under Section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021:

(1) the extent and nature of the person's past criminal activity;

(2) the age of the person when the crime was committed;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person before and after the criminal activity;

(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;

(6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and

(7) other evidence of the person's fitness, including letters of recommendation.
(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described by Subsection (a)(7).

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. 1342), Sec. 12, eff. September 1, 2019.

Text of section as added by Acts 2019, 86th Leg., R.S., Ch. 984 (S.B. 1217), Sec. 1
For text of section as added by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. 1342), Sec. 9, see other Sec. 53.0231.

Sec. 53.0231. LIMITATION REGARDING CONSIDERATION OF CERTAIN ARRESTS. For purposes of determining a person's fitness to perform the duties and discharge the responsibilities of the licensed occupation, a licensing authority may not consider an arrest that did not result in the person's conviction or placement on deferred adjudication community supervision.

Text of section as added by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. 1342), Sec. 9
For text of section as added by Acts 2019, 86th Leg., R.S., Ch. 984 (S.B. 1217), Sec. 1, see other Sec. 53.0231.

Sec. 53.0231. NOTICE OF PENDING DENIAL OF LICENSE. (a) Notwithstanding any other law, a licensing authority may not deny a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense unless the licensing authority:

(1) provides written notice to the person of the reason for the intended denial; and

(2) allows the person not less than 30 days to submit any relevant information to the licensing authority.

(b) A notice required under Subsection (a) must contain, as applicable:

(1) a statement that the person is disqualified from receiving the license or being examined for the license because of the person's prior conviction of an offense specified in the notice; or

(2) a statement that:

(A) the final decision of the licensing authority to deny the person a license or the opportunity to be examined for the license will be based on the factors listed in Section 53.023(a); and

(B) it is the person's responsibility to obtain and provide to the licensing authority evidence regarding the factors listed in Section 53.023(a).

Sec. 53.024. PROCEEDINGS GOVERNED BY ADMINISTRATIVE PROCEDURE ACT. A proceeding before a licensing authority to establish factors required to be considered under this subchapter is governed by Chapter 2001, Government Code.
Sec. 53.025. GUIDELINES. (a) Each licensing authority shall issue guidelines relating to the practice of the licensing authority under this chapter. The guidelines must state the reasons a particular crime is considered to relate to a particular license and any other criterion that affects the decisions of the licensing authority.

(b) A state licensing authority that issues guidelines under this section shall file the guidelines with the secretary of state for publication in the Texas Register.

(c) A local or county licensing authority that issues guidelines under this section shall post the guidelines at the courthouse for the county in which the licensing authority is located or publish the guidelines in a newspaper having countywide circulation in that county.

(d) Amendments to the guidelines, if any, shall be issued annually.

Sec. 53.026. APPLICANT BEST PRACTICES GUIDE. (a) The state auditor shall, in collaboration with licensing authorities, develop a guide of best practices for an applicant with a prior conviction to use when applying for a license. The state auditor shall publish the guide on the state auditor’s Internet website.

(b) A licensing authority shall include a link to the guide on the authority’s Internet website and in each notice described by Section 53.051 and letter described by Section 53.104.

SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF LICENSE

Sec. 53.051. NOTICE. A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense shall notify the person in writing of:

(1) the reason for the suspension, revocation, denial, or disqualification, including any factor considered under Section 53.022 or 53.023 that served as the basis for the suspension, revocation, denial, or disqualification;

(2) the review procedure provided by Section 53.052; and

(3) the earliest date the person may appeal the action of the licensing authority.

Sec. 53.052. JUDICIAL REVIEW. (a) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under Section 53.021 and who has exhausted the person's administrative appeals may file an action in the district court in the county in which the licensing authority is located for review of the evidence presented to the licensing authority and the decision of the licensing authority.
(b) The petition for an action under Subsection (a) must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

SUBCHAPTER D. PRELIMINARY EVALUATION OF LICENSE ELIGIBILITY

Sec. 53.101. DEFINITIONS. In this subchapter:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) a person must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

Sec. 53.102. REQUEST FOR CRIMINAL HISTORY EVALUATION LETTER. (a) A person may request a licensing authority to issue a criminal history evaluation letter regarding the person's eligibility for a license issued by that authority if the person:

(1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license or is planning to take an examination for an initial license; and

(2) has reason to believe that the person is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense.

(b) The request must state the basis for the person's potential ineligibility.

Sec. 53.103. AUTHORITY TO INVESTIGATE. A licensing authority has the same powers to investigate a request submitted under this subchapter and the requestor's eligibility that the authority has to investigate a person applying for a license.

Sec. 53.104. DETERMINATION OF ELIGIBILITY; LETTER. (a) If a licensing authority determines that a ground for ineligibility does not exist, the authority shall notify the requestor in writing of the authority's determination on each ground of potential ineligibility.

(b) If a licensing authority determines that the requestor is ineligible for a license, the licensing authority shall issue a letter setting out each basis for potential ineligibility, including any factor considered under Section 53.022 or 53.023 that served as the basis for potential ineligibility, and the authority's determination as to eligibility. In the absence of new evidence known to but not disclosed by the requestor or not reasonably available to the licensing authority at the time the letter is issued, the
authority's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

(c) A licensing authority must provide notice under Subsection (a) or issue a letter under Subsection (b) not later than the 90th day after the date the authority receives the request.

Sec. 53.105. FEES. A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

Sec. 53.151. DEFINITIONS. Notwithstanding Section 53.001, in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section 58.001.

Sec. 53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS. (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

(1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;

(2) the current guidelines issued under Section 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;

(3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and

(4) the right to request a criminal history evaluation letter under Section 53.102.

(b) The entity shall provide the notice required under Subsection (a) to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

Sec. 53.153. REFUND AND ORDERED PAYMENTS. A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section 53.152 to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

(1) refund the amount of any tuition paid by the individual to the entity; and
(2) pay to the individual an amount equal to the total of the following, as applicable:

(A) the amount of any application fees paid by the individual to the licensing authority; and

(B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.
Draft Amendments to Rule 5.183

Relating to the Elimination of Administrative Penalties for Nonregistrant Interior Designers and Repeal of Criminal Liability for Violations of Occupations Code Chapter 1053

Background

Recently, the legislature enacted HB 2847. This bill made two changes to the law impacting TBAE. First, amendments to Tex. Occ. Code §1051.451 eliminated the Board’s authority to impose administrative penalties against a nonregistrant for conduct related to the practice of interior design. Second, the bill repealed Tex. Occ. Code §1053.351, which previously made it a Class C misdemeanor criminal offense to knowingly violate Occupations Code §1053.151 (use of the term “registered interior designer” or words that imply a person is a registered interior designer by a nonregistrant) or a standard of conduct adopted under Occupations Code Chapter 1053 (the chapter regulating registered interior designers). Previously the Board had adopted provisions in Board Rule 5.183 implementing its former authority to impose administrative penalties against nonregistrants and addressing criminal liability as a potential remedy for violations of Chapter 1053. Therefore, it is necessary for the Board to engage in rulemaking to update these obsolete provisions.

Staff has prepared draft amendments that are included in the Board materials. Additionally, relevant excerpts from HB 2847 are provided for your review.

Draft Amendments

The draft amendments would make the following changes to Board Rule 5.183:

- Under subsection (a), “Criminal prosecution in a court of appropriate jurisdiction” and “imposition of an administrative penalty” are repealed as potential remedies for a nonregistrant who violates Occupations Code Chapter 1053 or 22 Texas Administrative Code Chapter 5. Additionally, “denial of registration as a Registered Interior Designer, if
applicable,” is added as a possible remedy, to clarify preexisting authority granted to the Board under Tex. Occ. Code §1053.251(c).

- Former subsections (c) and (d) are repealed, as they describe the Board’s procedures to impose an administrative penalty against a nonregistrant. In place of these provisions, amended subsection (c) is proposed. Subsection (c) describes the procedure the Board would use to issue a cease and desist order if a nonregistrant is violating Occupations Code Chapter 1053 or 22 Texas Administrative Code Chapter 5. This amended rule and the process it adopts are based on preexisting authority of the Board contained in Tex. Occ. Code §1051.504.
  
  o Adoption of this amendment will enable the Board to meet its statutory obligation under Tex. Occ. Code §1051.501 to ensure that enforcement action is taken against an individual who violates a law under the Board’s jurisdiction.

- Subsection (d) implements the statutory repeal of administrative penalties against nonregistrants, and states that, if a nonregistrant commits a violation that would otherwise result in an administrative penalty under Board Rules 5.187 and/or 5.242, the person would be subject to a remedy described in subsection (a) instead.

- Since “Nonregistrant” is a defined term in Board Rule 5.5, this term has been substituted for “person who is not a registered interior designer” throughout the rule to provide for consistency.

**Staff Recommendation**

Move to approve the draft amendments to 22 Tex. Admin. Code §5.183 for publication and proposal in the Texas register, with authority for the general counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.
(a) A Nonregistrantperson who is not a Registered Interior Designer who violates Texas Occupations Code Chapter 1053 or this Chapterany of the laws or rules over which the Board has jurisdiction is subject to any or all of the following:

(1) judicial proceedings for injunctive relief;
(2) criminal prosecution in a court of appropriate jurisdiction;
(3) imposition of an administrative penalty;
(4) issuance of a cease and desist order from the Board; or
(5) denial of registration as a Registered Interior Designer, if applicable.

(b) In taking action against a Nonregistrantperson who is not a Registered Interior Designer, the Board may be represented by agency staff, the Texas Attorney General, by a county or district attorney, or by other counsel as necessary.

(c) The Executive Director may recommend and the Board may, after notice and an opportunity for hearing, impose an administrative penalty in the manner prescribed in Subchapter I of the Architects’ Practice Act and otherwise as permitted by law and Board rules.

(d) A person charged with a violation may request a hearing to contest a proposed administrative penalty that has been recommended by the Executive Director:

(1) A request for a hearing must be received in the Board’s office no later than the 20th day after the date the person receives notice that the Executive Director has recommended the imposition of an administrative penalty.

(2) The hearing shall be conducted by an Administrative Law Judge at the State Office of Administrative Hearings under provision of the Administrative Procedure Act, Texas Government Code Annotated, Chapter 2001, and this subchapter.

(e) If a person charged with a violation agrees to a proposed administrative penalty recommended by the Executive Director, the Board may approve the Executive Director’s recommendation and order payment of the proposed penalty without a hearing.
Draft Rules Re: Repeal of Nonregistrant Administrative Penalties and Criminal Liability
Chapter 5 – Registered Interior Designers

(f) Within thirty (30) days after the date on which the Board's order imposing an administrative penalty or taking other final agency action in a contested case proceeding becomes final, the person charged must pay the administrative penalty and otherwise ensure compliance with the terms set forth in the Board's Final Order or file a petition for judicial review with a district court in Travis County as provided by Subchapter G, Chapter 2001, Government Code.

(g) (c) The following process shall be used to issue a cease and desist order to a Nonregistrant:

(1) If the Executive Director determines that a Nonregistrant is violating, or has violated, Texas Occupations Code Chapter 1053 or this Chapter a statutory provision or rule enforced by the Board, the Executive Director may:

(1) issue to the Nonregistrant a written notice describing the alleged violation and the Executive Director's intention to request that the Board impose administrative penalties and issue a cease and desist order. The written notice shall offer the Nonregistrant an opportunity to resolve all matters contained in the written notice by means of an agreed order or other instrument deemed appropriate by the Executive Director and of the Nonregistrant's ability to request an informal conference as well as of his or her right to request a hearing before an Administrative Law Judge at the State Office of Administrative Hearings; and

(2) take any other action and impose any other penalty described in this section or permitted by law.

(2) If the Nonregistrant does not request a hearing before the 22nd day after the date of receiving notice, the board may:

(A) issue a cease and desist order; and

(B) refer the violation to the attorney general for further action;

(3) If the Nonregistrant requests a hearing before the 22nd day after the date of receiving notice, the board shall hold the hearing at the State Office of Administrative Hearings not later than the 30th day after the date the board receives the request for the hearing. A hearing under this section is subject to Chapter 2001, Government Code.

(d) Notwithstanding any other law or rule, the Board shall not impose an administrative penalty against a Nonregistrant for a violation of Texas Occupations Code Chapter 1053 or this Chapter. If a Nonregistrant has committed a violation that would otherwise result in the imposition of an administrative penalty under Board Rules §5.187 and/or §5.242, the Board shall consider a remedy described in subsection (a) of this section in lieu of an administrative penalty.
AN ACT
relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

(Articles 1 through 12 not relevant to TBAE)

ARTICLE 13. INTERIOR DESIGNERS

SECTION 13.001. Section 1051.451, Occupations Code, is amended to read as follows:

Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. (a) Except as provided by Subsection (b), the board may impose an administrative penalty on a person who engages in conduct for which the person is subject to disciplinary action under this subtitle, regardless of whether the person holds a certificate of registration issued under this subtitle.

(b) The board may not impose an administrative penalty under
this subtitle on a person for conduct related to the practice of interior design unless the person holds a certificate of registration as an interior designer.

SECTION 13.002. Section 1053.251(a), Occupations Code, is amended to read as follows:

(a) On a determination that a ground for disciplinary action exists under Section 1053.252, the board shall:

(1) revoke, suspend, or refuse to renew a certification of registration;

(2) reprimand a certificate holder; or

(3) impose an administrative penalty on a certificate holder under Subchapter I, Chapter 1051.

SECTION 13.003. Subchapter H, Chapter 1053, Occupations Code, is repealed.

SECTION 13.004. Sections 1051.451 and 1053.251(a), Occupations Code, as amended by this article, apply only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. The imposition of an administrative penalty for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 13.005. The repeal by this article of Subchapter H,
Chapter 1053, Occupations Code, does not apply to an offense committed under that subchapter before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

(Articles 14 and 15 not relevant to TBAE)

ARTICLE 16. IMPLEMENTATION; EFFECTIVE DATE

SECTION 16.001. The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission and the department may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 16.002. This Act takes effect September 1, 2019.
I certify that H.B. No. 2847 was passed by the House on April 25, 2019, by the following vote: Yeas 130, Nays 5, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2847 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2847 on May 26, 2019, by the following vote: Yeas 100, Nays 42, 1 present, not voting.

Chief Clerk of the House
I certify that H.B. No. 2847 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2847 on May 26, 2019, by the following vote: Yeas 29, Nays 2.

________________________________________
Secretary of the Senate

APPROVED: __________________________

Date

______________________________
Governor
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 277-19A  
Respondent: Kirk Randal Acheson  
Location of Respondent: Flint, TX  
Location of Project(s): Tyler, TX  
Nature of Violation: Violation of Architectural Barriers Act (TDLR)  
Instrument: Report and Notice of Violation

Findings:
- Kirk Randal Acheson (hereafter “Respondent”) is registered as an architect in Texas with registration number 17231.
- Previous History
  - On March 27, 2017, the Executive Director issued a Warning to the Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review.
  - On July 17, 2019, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “Mercedes Pre-Owned” located in Tyler, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on March 7, 2018 and were submitted to TDLR on April 12, 2019.

Applicable Statutory Provisions and Rules:
- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated Texas Occupations Code §1051.752(2) and Board Rule 1.170(a).

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1,000 as set forth in the Report and Notice of Violation dated September 30, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

Case Number: 240-17N
Respondent: Dan Adhamy
Location of Respondent: Dallas, TX
Instrument: Revised Report and Notice of Violation

Findings:
- Dan Adhamy (hereafter “Respondent”) is not and has never been registered as an architect in Texas.
- Respondent is the President of ADHACO Construction, which is not registered with the Board as a firm which may practice or offer to engage in the practice of architecture in the State of Texas.
- On or about June 20, 2016, Respondent provided design services and supervised and controlled the preparation of architectural plans and specifications for a project identified as Parker Preston Professional Building, a 32,226 square foot commercial building located in Plano, Texas.

Applicable Statutory Provisions and Rules:
- By engaging or offering to engage in the practice of architecture on a project despite not being registered as an architect, Respondent violated Tex. Occ. Code §1051.701.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $10,000 as set forth in the Revised Report and Notice of Violation dated October 23, 2019.
TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 112-19A
Respondent: Stephanie Nicole Behring
Location of Respondent: Dallas
Location of Project(s): Frisco
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Revised Report and Notice of Violation

Findings:

- Stephanie Nicole Behring (hereafter “Respondent”) is registered as an architect in Texas with registration number 24656.
- On December 3, 2018, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “Alta Frisco Square” located in Frisco, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on December 13, 2016 and were submitted to TDLR on October 19, 2018.
- On January 8, 2019, the Board notified Respondent of the investigation. The letter requested that Respondent provide a reply to the Board within 30 days describing the circumstances surrounding the submission of plans for the project “Alta Frisco Square” for TAS review.
- Respondent did not respond to this letter.
- On March 19, 2019, the Board sent an email to Respondent noting that the Board had not received a reply to the previous letter. The Board again requested that Respondent provide a reply to the Board within 30 days describing the circumstances surrounding the submission of plans for the project “Alta Frisco Square” for TAS review.
- Respondent did not respond to this email within 30 days.

Applicable Statutory Provisions and Rules:

- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated Texas Occupations Code §1051.752(2) and Board Rule 1.170(a).
- By failing to respond to two Board inquires within 30 days of receipt, Respondent violated 22 Tex. Admin. Code §1.171.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1,500 as set forth in the Report and Notice of Violation dated July 29, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise, and assist the Board in addressing this uncontested case.

Case Number: 164-17A
Respondent: John J. Grable
Location of Respondent: San Antonio, TX
Date of Complaint Received: January 9, 2017
Instrument: Report and Notice of Violation

Findings:
- John J. Grable (hereafter “Respondent”) is a registered architect in Texas with registration number 10915.
- On or about November 22, 2013, Respondent entered into a contract to provide architectural services for a project located on Morningside Drive in Terrell Hills, Texas. The scope of the project included the renovation of an existing casita into new studio space with possible dual guestroom functionality along with the addition of a new two-car carport tied to the casita structure.
- On or about December 15, 2014, Respondent and/or firm employees working under the Respondent’s direction issued a site plan sheet for the casita project located on Morningside Drive in Terrell Hills. However, Respondent failed to seal the plan sheet or indicate on the plan sheet that it was not for regulatory approval, permitting or construction. The plan sheet was released to the contractor and/or the City of Terrell Hills and was used to secure permitting for the project.

Applicable Statutory Provisions and Rules:
- By failing to affix his seal or indicate on the plan sheet that it was not for regulatory approval, permitting or construction, Respondent violated Board Rule 1.101 and/or 1.103(a).

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1,000 as set forth in the Report and Notice of Violation dated August 21, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 253-19N  
Respondent: Robert Dunham Runyon  
Location of Respondent: McKinney, Texas  
Date of Complaint Received: April 30, 2019  
Instrument: Revised Report and Notice of Violation

Findings:
- Robert Dunham Runyon (hereafter “Respondent”) was first registered to engage in the practice of architecture in 1982 bearing architectural registration number 9074.
- On December 31, 2016, Respondent’s Texas architectural registration expired due to his failure to submit renewal materials and fees. On December 31, 2018, Respondent’s architectural registration became cancelled/non-renewable due to a failure to renew registration for two years from the date of expiration.
- On or about February 1, 2019, Respondent sealed and issued construction documents for a project identified as Creekview Apartments in Austin, Texas. At the time Respondent provided architectural services for this project, his registration was cancelled and non-renewable and he was not authorized to provide architectural services.
- On or about June 18, 2019, Respondent utilized the title “Architect” to describe himself and/or his business, Runyon & Associates, LLC, on his LinkedIn webpage.

Applicable Statutory Provisions and Rules:
- By issuing plans bearing an architect’s seal at a time when his certificate of registration was cancelled and non-renewable, Respondent violated Tex. Occ. Code §§ 1051.351(a), 1051.606, 1051.701, 1051.702(b) and 22 Tex. Admin. Code §§ 1.82(b), 1.104(c), and 1.148(c).
- By utilizing the title “Architect” to describe services offered by him and his firm on his LinkedIn webpage, Respondent violated Board Rule 1.123.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $5,000 as set forth in the Revised Report and Notice of Violation dated September 30, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 281-19A  
Respondent: Gerald A. Ward  
Location of Respondent: Colleyville, TX  
Location of Project(s): Rockwall, TX  
Nature of Violation: Violation of Architectural Barriers Act (TDLR)  
Instrument: Report and Notice of Violation

Findings:
- Gerald A. Ward (hereafter “Respondent”) is registered as an architect in Texas with registration number 11748.
- Previous History
  - On March 8, 2017, the Executive Director issued a Warning to the Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review.
  - On July 17, 2019, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “7-Eleven Store #38421” located in Rockwall, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on August 13, 2018 and were submitted to TDLR on October 12, 2018.

Applicable Statutory Provisions and Rules:
- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated Texas Occupations Code §1051.752(2) and Board Rule 1.170(a).

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1,000 as set forth in the Report and Notice of Violation dated September 30, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 267-19A
Respondent: Laura Jean Adair
Location of Respondent: Grapevine, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Laura Jean Adair (hereafter “Respondent”) is registered as an architect in Texas with registration number 17603.
- On June 17, 2019, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2018 through December 31, 2018.
- On July 9, 2019, Respondent replied that due to a loss of computerized records, she could not produce her continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2018 through December 31, 2018, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated July 24, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 251-19I
Respondent: Tracy Puga Alanis
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Tracy Puga Alanis (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10714.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2017 through December 31, 2017 but completed them prior to the renewal of her interior design registration.

Applicable Statutory Provisions and Rules:
- By failing to timely complete the required continuing education program hours during the audit period, Respondent violated Board Rule 5.79(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $500 as set forth in the Report and Notice of Violation dated July 2, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 270-19A
Respondent: Derek Scott Barcinski
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Derek Scott Barcinski (hereafter “Respondent”) is registered as an architect in Texas with registration number 17566.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2017 through December 31, 2017, but completed them prior to the renewal of his architectural registration.

Applicable Statutory Provisions and Rules:
- By failing to timely complete the required continuing education program hours during the audit period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $500 as set forth in the Report and Notice of Violation dated August 22, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 271-19A
Respondent: Mary Thornhill Burton
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Mary Thornhill Burton (hereafter “Respondent”) is registered as an architect in Texas with registration number 11977.
- On April 15, 2019, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On July 11, 2019, Respondent replied that due to a loss of computerized records, she could not produce her continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated August 6, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 248-19A  
Respondent: Harry Hobson Crow III  
Location of Respondent: Dallas, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Harry Hobson Crow III (hereafter “Respondent”) is a registered architect in Texas with registration number 17604.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.

Applicable Statutory Provisions and Rules:
- By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated June 18, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 264-19A
Respondent: Gabriel Andres Cuellar
Location of Respondent: Minneapolis, MN
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Gabriel Andres Cuellar (hereafter “Respondent”) is registered as an architect in Texas with registration number 26214.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2018 through December 31, 2018, but completed them prior to the renewal of his architectural registration.

Applicable Statutory Provisions and Rules:
- By failing to timely complete the required continuing education program hours during the audit period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $500 as set forth in the Report and Notice of Violation dated July 24, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 273-19I
Respondent: Tamie Michele Glass
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Tamie Michele Glass (hereafter “Respondent”) was formerly a registered interior designer in Texas with registration number 11342, which she voluntarily surrendered.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

Applicable Statutory Provisions and Rules:
- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 5.79. The Board’s standard assessment for providing false information is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated August 6, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 368-19L
Respondent: Chris Carroll Kaden
Location of Respondent: Gainesville, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
• Chris Carroll Kaden (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 814.
• Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2018 through December 31, 2018.
• In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
• During the course of staff’s investigation regarding Respondent’s continuing education credits, Respondent failed to respond to two written requests for information.

Applicable Statutory Provisions and Rules:
• By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 3.69(g). The Board’s standard assessment for providing false information is $700.
• By failing to timely complete the required continuing education program hours, Respondent violated Board rule 3.69(f). The standard administrative penalty assessed for this violation is $500.
• By failing to respond to two written requests for information within 30 days of staff’s requests, Respondent violated Board rule 3.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of $250 totaling $500.

Action Recommended by Executive Director:
• Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1,700 as set forth in the Report and Notice of Violation dated September 30, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 309-19A
Respondent: Jeffrey Robert McComas
Location of Respondent: Orlando, FL
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Jeffrey Robert McComas (hereafter “Respondent”) is registered as an architect in Texas with registration number 16067.
- On June 17, 2019, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On July 19, 2019, Respondent replied that due to a move he could not produce his continuing education certificates.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated September 6, 2019.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 266-19L  
Respondent: Blaze Kenneth May  
Location of Respondent: Vega, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Blaze Kenneth May (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 2610.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2018 through December 31, 2018.
- In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his landscape architectural registration.

Applicable Statutory Provisions and Rules:
- By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 3.69. The Board’s standard assessment for providing false information is $700.
- By failing to timely complete the required continuing education program hours, Respondent violated Board Rule 3.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1,200 as set forth in the Report and Notice of Violation dated July 24, 2019.
Case Number: 272-19A  
Respondent: Ruth Siegel  
Location of Respondent: Pflugerville, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Ruth Siegel (hereafter “Respondent”) is registered as an architect in Texas with registration number 20398.
- On June 17, 2019, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On July 3, 2019, Respondent replied that she could not locate her continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated August 6, 2019.
## TBAE Event Calendar 2019

### January 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>New Year’s Day (Closed)</td>
</tr>
<tr>
<td>08</td>
<td>86th Legislative Session Begins</td>
</tr>
<tr>
<td>21</td>
<td>M.L. King Day (Closed)</td>
</tr>
</tbody>
</table>

### February 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>04</td>
<td>CLARB MBE Comm. Mtg. Reston, VA</td>
</tr>
<tr>
<td>18</td>
<td>Presidents Day (Closed)</td>
</tr>
<tr>
<td>21</td>
<td>Board Meeting</td>
</tr>
</tbody>
</table>

### March 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>07</td>
<td>NCARB Regional Summit – Nashville, TN (Debra, Lance, Joyce)</td>
</tr>
<tr>
<td>08</td>
<td>CLARB Board Meeting San Antonio</td>
</tr>
</tbody>
</table>

### April 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Good Friday (4 hrs. Skeleton)</td>
</tr>
<tr>
<td>24</td>
<td>Texas ASLA Conference Irving</td>
</tr>
<tr>
<td>30</td>
<td>Personal Financial Statement Filing Deadline</td>
</tr>
</tbody>
</table>

### May 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>NCARB Model Law Task Force – Julie Washington, DC</td>
</tr>
<tr>
<td>27</td>
<td>Memorial Day (Closed)</td>
</tr>
</tbody>
</table>

### June 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>07</td>
<td>CLARB Board Meeting Vancouver, BC</td>
</tr>
<tr>
<td>13</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>19</td>
<td>Emancipation Day (Skeleton)</td>
</tr>
<tr>
<td>20</td>
<td>NCARB Annual Business Meeting - Washington, DC</td>
</tr>
</tbody>
</table>

### July 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>04</td>
<td>Independence Day (Closed)</td>
</tr>
<tr>
<td>05</td>
<td>TBAE Holiday (Skeleton)</td>
</tr>
</tbody>
</table>

### August 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>NCARB Licensing Advisors Summit – Minneapolis MN</td>
</tr>
<tr>
<td>08</td>
<td>METROCON19, Dallas</td>
</tr>
<tr>
<td>13</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>23</td>
<td>NCARB Model Law Task Force Force (Julie) Washington, D.C.</td>
</tr>
<tr>
<td>27</td>
<td>LBJ’s Birthday (Skeleton)</td>
</tr>
</tbody>
</table>

### September 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>Labor Day (Closed)</td>
</tr>
<tr>
<td>26</td>
<td>2019 LRGV-AIA Comm. Conference &amp; Expo - South Padre Island</td>
</tr>
<tr>
<td>25</td>
<td>CLARB Annual/Board Meeting – St. Louis, MI</td>
</tr>
</tbody>
</table>

### October 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>TxA 2019 80th Annual Conference &amp; Design Expo - Galveston</td>
</tr>
</tbody>
</table>

### November 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>08</td>
<td>2019 CIDQ Council of Delegates Meeting – San Antonio</td>
</tr>
<tr>
<td>08</td>
<td>NCARB Model Law Task Force</td>
</tr>
<tr>
<td>09</td>
<td>Veterans Day (Closed)</td>
</tr>
<tr>
<td>19</td>
<td>Board Meeting</td>
</tr>
<tr>
<td>25</td>
<td>Staff Training</td>
</tr>
<tr>
<td>27</td>
<td>Agency Holiday (Skeleton)</td>
</tr>
<tr>
<td>28</td>
<td>Thanksgiving Day (Closed)</td>
</tr>
<tr>
<td>29</td>
<td>Day after Thanksgiving (Closed)</td>
</tr>
</tbody>
</table>

### December 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>CLARB Board Mtg Reston, VA</td>
</tr>
<tr>
<td>12</td>
<td>2019 Govt Law &amp; Liability Conf.</td>
</tr>
<tr>
<td>24</td>
<td>Christmas Eve (Closed)</td>
</tr>
<tr>
<td>25</td>
<td>Christmas Day (Closed)</td>
</tr>
<tr>
<td>26</td>
<td>Day after Christmas (Closed)</td>
</tr>
<tr>
<td>27</td>
<td>Agency Holiday (Skeleton)</td>
</tr>
<tr>
<td>30</td>
<td>Agency Holiday (Skeleton)</td>
</tr>
<tr>
<td>31</td>
<td>Agency Holiday (Skeleton)</td>
</tr>
</tbody>
</table>