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

2. Approval of the August 17, 2016 Board Meeting Minutes (Action)

3. Executive Director Report
   A. Summary of Executive Accomplishments (Information)
   B. Fiscal Year 2016 4th Quarter Operating Budget (Information)
   C. Trend Analysis Presentation on Agency Performance and Operations (Information)
   D. Texas Freedom by Design

   Report on Conferences and Meetings (Information)
   C. TDLR – Texas Accessibility Academy – Oct 11-12, 2016
   D. Biennial Legislative Communication Conference – Oct 13
   E. NCARB Member Board Chairs and Member Board Executives Summit Oct 28-29, 2016
   F. TxA Conference – Nov 3-5, 2016
   G. 2016 Annual CIDQ Council of Delegates Meeting – Nov 11-12, 2016

   Report on Upcoming Conferences and Meetings (Information)
   A. NCARB Committee Summit – Dec 9-10, 2016
   B. Texas Legislature Convenes – Jan 10, 2017

4. General Counsel Report
   Proposed Rule for Adoption (Action)
   A. Amendments to Rule 7.10, relating to approval of surcharge to fund the Architect Registration Examination Financial Assistance Fund and changes to online payment fees charged by texas.gov.
   B. Amendments to Rules 5.31 and 5.51, relating to elimination of eligibility for interior design registration by architects who pass the Architect Registration Examination
Adoption of Proposed Rules Relating to Review of 22 Tex. Admin. Code Chapters 1 and 3 (Action)
   A. Revise Rules 1.5 and 3.5 relating to definitions of “actual signature,” “authorship” (repeal), “Architectural Barriers Act,” and “E-mail Directory” (repeal).
   B. Revise Rule 1.5 relating to definition of “EPH” and “Architect’s Registration Law.”
   C. Revise Rule 3.5 relating to definition of “Landscape Architect’s Registration Law.”
   D. Repeal Rules 1.24 and 3.24 relating to Fees.
   E. Revise Rule 1.148 to replace obsolete reference to “Section 10 of the Act.”

Approval of Agency Review of 22 Tex. Admin. Code Chapters 5 and 7 and Proposal of Rules (Action)
   B. Repeal Rule 5.34 relating to Fees
   C. Readopt all other rules in 22 Tex. Admin. Code Chapters 5 and 7

Regulatory Case Law Update (Information)

5. Enforcement Cases (Action)
   Review and possibly adopt Executive Director’s recommendation in the following enforcement cases:
   A. Licensure Eligibility Determination:
      Hernandez, Rojelio (#031-17N)
   B. Registrant Cases
      Barnett, Randolph C. (#076-15A)
   C. CE Cases
      Bell, Matthew M. (#110-16I)
      Brannan, Elizabeth Ann (#023-17I)
      Dumont, Edward Abdo (#025-17I)
      Hyndman, Dennis Emmanuel (#075-16A)
      Jackson, Alana Colleen (#106-16I)
      Jankowski, Paul Brian (#002-17I)
      Landry, Barry Anthony (#093-16L)
      Mendel, Stephen A. (#001-17I)
Murff, James A. (#003-17A)
Norman, Stephen T. (#094-16A)
Powers, Christopher J. (#022-17A)
Raffa, Anthony (#071-16I)
Scarborough, David C. (#081-16L)
Schulz, Cory (#091-16L)
Sheeley, Candace K. (#105-16A)

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

6. Proposed Revisions to the CIDQ Bylaws (Action) Sonya Odell/Julie Hildebrand

7. Legislative Committee Update (Information) Chad Davis

8. Upcoming Board Meetings (Information) Debra Dockery
   Thursday, February 16, 2017 – Board Member Training
   Thursday, June 8, 2017
   Thursday, August 17, 2017 – FY18 Budget Approval & Executive Director Annual Performance Appraisal
   Wednesday, November 8, 2017

9. Chair’s Closing Remarks Debra Dockery

10. 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) work days prior to the meeting so that appropriate arrangements can be made
AGENDA ITEMS | DESCRIPTIONS
--- | ---
1A. Call to Order | Ms. Dockery called the meeting to order at 9:00 o’clock a.m.
1B. Roll Call | Ms. Miller called the roll.

Present Board Members
- Debra Dockery: Chair, Architect
- Sonya Odell: Vice-Chair, Registered Interior Designer
- Paula Ann Miller: Secretary-Treasurer, Public Member
- Charles (Chuck) Anastos: Architect
- Chase Bearden: Public Member
- Michael (Chad) Davis: Landscape Architect
- Jennifer Walker: Architect
- Robert (Bob) Wetmore: Architect
- Anthony Giuliani: Public Member

1C. Excused and Unexcused absences

- Chase Bearden: Public Member
- Anthony Giuliani: Public Member

A MOTION WAS MADE AND SECONDED (Anastos/Wetmore) TO APPROVE THE EXCUSED ABSENCES OF CHASE BEARDEN AND ANTHONY GIULIANI. THE MOTION PASSED UNANIMOUSLY.

1D. Determination of a Quorum

A quorum was present.

1E. Recognition of Guests

Ms. Dockery acknowledged the following guests and members of TBAE Staff: David Lancaster, Texas Society of Architects; Marilyn Roberts, Texas Association for Interior Design; Jeri Morey, Corpus Christi Architect; Glenn Garry, Communications Manager; Glenda Best, Operations Manager; Christine Brister, HR Program Specialist; Kenneth Liles, Finance Manager; Jack Stamps, Managing Investigator; Dale Dornfeld, IT Manager; Mike Alvarado, Registration Manager; Katherine Crain, Legal Assistant; and Julio Martinez, Network Specialist.

1F. Chair’s Opening Remarks

Ms. Dockery opened the meeting by mentioning that New Year’s is typically the time for resolutions, but August is the time for new beginnings with new budgets and goals. She thanked the staff for their efficiency and effectiveness to protect the public and encouraged them to continue to strive in their pursuit for further efficiency and effectiveness.
1G. Public Comments

Jeri Morey, architect from Corpus Christi, Texas, shared her concerns regarding the sample building code used in the NCIDQ examination. Ms. Morey stated that the exam should be based on an actual code/codes, and should be open book to allow applicants to consult the actual requirements. Her second concern focused on the proposed disciplinary actions. She recommended to the Board that they consider actual and potential harm for disciplinary actions instead of just actual harm. Ms. Morey recommended that a person who has an architectural education should be subject to higher penalties for unauthorized use of the title “architect.” Ms. Morey also stated that complainants should have an opportunity to submit additional comments and evidence after staff’s investigation, but stated it may not need to be in a rule. Ms. Morey also stated that the graphic in Rule 1.177 should include a description of what “reckless architecture” means. Ms. Morey suggested that the Board think about what day or when a continuing violation begins for purposes of imposing a penalty. Finally, Ms. Morey inquired whether Respondents know that they can request additional time to respond to the Board to avoid a penalty for failure to respond to a violation.

2. Approval of May 26, 2016 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE THE MAY 26, 2016 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director’s Report

A. Summary of Executive Accomplishments

Ms. Hildebrand directed the Board to page 14 of the notebooks. She provided highlights that had been completed since the last Board meeting:
1. Finalized and submitted a Strategic Plan, Customer Service Survey and Quarterly SDSI Report;
2. Finalized and published the Newsletter and received several compliments on the issue;
3. Met with Chase Bearden and a local RAS expert regarding accessibility issues;
4. Update on Hobby Building maintenance and TFC’s focus on safety and security issues;
5. Update on NCARB meeting and the resolutions that were approved. The resolution that would have required certain items to go to the states was defeated. All other items were approved. Ms. Hildebrand also updated the Board on NCARB’s update of its “By the Numbers” report, as described on page 14 of the notebook. Finally, Ms. Hildebrand noted that ARE 5.0 will launch in November, 2016.
6. Ms. Hildebrand notified the Board members that Staff would be doing a presentation at the TxA conference in November, and invited the Board members to share any suggestions they might have for topics to discuss.
7. Ms. Hildebrand shared the results of the Board member survey regarding Board meetings and any suggestions for improvement.
8. Ms. Hildebrand reviewed the most recent registration data as detailed on page 18.
9. Ms. Hildebrand updated the Board on current enforcement information as detailed on page 19. Ms. Hildebrand informed the Board that an indictment had been returned in a case involving falsifying government documents relating to unregistered practice.

B. Fiscal Year 2016 3rd Quarter Operating Budget

Ms. Hildebrand directed the Board to page 20 of the notebook regarding the budget through May 31, 2016 of the fiscal year. She gave a brief overview and mentioned that revenues were slightly lower than 75%, but that she expected that the difference would be made up in the 4th quarter. Additionally, expenditures were 72%, 3% below the expectations and the excess would go into the fund balance. She does not expect the surplus to continue in the future because of the need to hire another investigator.

Ms. Hildebrand also reviewed the proposed budget for 2017 and staff’s projections. She mentioned that staff travel would increase and the telephone system would be replaced at TBAE’s cost. The Board discussed the budget in detail, specifically options on lease space available for the agency outside of the downtown area.

C. Board Approval of the Fiscal Year 2017 Operating Budget

A MOTION WAS MADE AND SECONDED (Anastos/Walker) TO APPROVE THE OPERATING BUDGET FOR FISCAL YEAR 2017.

Mr. Anastos asked who was responsible for requiring agencies to update the phone system. Ms. Hildebrand stated that this was a decision by the Department of Information Resources, due to the antiquated nature of the phone system that impacted agencies that experience large amounts of phone calls.

Mr. Davis inquired about why the office rental went down. Kenneth Liles stated that the contracted amount for office rental is $100,000, a portion of which goes to the Facilities Commission, and a portion goes to the Comptroller and is added to the SWCAP payment.

Mr. Davis asked whether it would be prudent to seek an alternative lease outside of the Hobby building.

Mr. Davis also inquired about the server cost, including whether the Board utilized on-premises servers or virtual servers. Dale Dornfeld responded that the agency utilizes both, and that his department has researched alternatives to the status quo.

Ms. Hildebrand responded that she would look into whether an alternative office space could be beneficial to the agency. She also noted that it might be required for the agency to seek permission to move into a private building. Ms. Dockery and Mr. Wetmore responded that the lease rate...
that the agency has in the Hobby building would be hard to beat. Mr. Anastos noted that it is likely the agency would need to lease additional space if it moved into a private building, due to the loss of common areas such as meeting rooms and bathrooms that are available in the Hobby building.

Ms. Dockery inquired why revenue from licenses and fees is projected to decrease in 2017. Ms. Hildebrand responded that, though the expectation is for increased registration by architects, there could be a decrease in registered interior designers. Mr. Liles also noted that $93,902 is budgeted from the fund balance to balance the budget.

Mr. Anastos noted that the Board has discussed future increases in fees, and inquired when it would be necessary for the Board to implement increases. Mr. Anastos stated that the agency should be proactive about increasing fees prior to the time that the reserve balance decreases below 66% of annual expenditures. He stated that the Board should address this matter in the FY 2018 budget. Ms. Hildebrand noted that the Board’s target for the fund balance is eight months (66%) of annual expenditures. Ms. Hildebrand also noted that, when the Board considers the 2018 budget, it could be looking at a situation that differs greatly from the projections contained in the notebook, due to the difficulty of predicting revenues given the loss rate of grandfathered RIDs.

Ms. Dockery suggested that the Board convene a committee in April or May of 2017 to consider how developments in the legislative session could affect the agency’s projections and the 2018 budget.

Mr. Davis asked whether the possibility of increasing fees should be addressed at the November meeting, to give notice prior to the legislative session about the need for an increase in fees if the status quo persists with respect to the SWCAP payment and the Board’s payment into the general revenue fund.

Ms. Hildebrand stated that she could address this further with the governor’s office, and noted that the issue of the $510,000 payment into general revenue had been included with the Board’s comments in the strategic plan.

THE MOTION PASSED UNANIMOUSLY.

D. Legislative Committee Update

Ms. Hildebrand noted that the $510,000 general revenue payment was addressed in the agency’s strategic plan in response to the governor’s request for the identification of redundancies and impediments. She stated that she will continue to communicate with the governor’s office on this and other issues.
Mr. Davis stated that he is looking forward to any reports published by the legislature relating to interim studies of licensing. Ms. Hildebrand noted that a hearing had been scheduled at the Capitol on licensing issues, but TBAE was not invited to testify.

E. Agency Goal and Objectives

Ms. Hildebrand discussed the agency’s goals and objectives as identified on page 24 of the notebooks. This document is used to set the expectations of staff for the year. She invited the Board to provide any input they might have.

3. Report on Conferences and Meetings

A. NCARB 2016 Annual Meeting – June 15-18

Ms. Dockery and Ms. Hildebrand provided highlights of the NCARB annual meeting to the Board. Ms. Dockery stated that she attended a session on the North Carolina Dental Board Supreme Court case and appropriate regulation by states, and shared that this continues to be a dynamic situation. She also attended a session on budgeting.

B. Executive Leadership Program for Regulators & Driving Results for Regulatory Effectiveness – July 25-28

Ms. Hildebrand attended this meeting and stated that this was a leadership program that was tailored to Executive Directors of licensing boards. She stated that this was a good opportunity to pick up best practices and make contacts with other executive directors. She also attended presentations from Colorado agencies regarding their processes relating to increasing stakeholder input from the regulated community.

C. BOAT Annual Conference – Aug. 3-5

Mr. Brenton and Mr. Stamps attended this conference and Mr. Stamps gave a presentation to the attendees. Mr. Brenton reported that BOAT had set up a statewide network of building officials and other individuals who are willing to respond to disaster areas to assess building condition, and would like to include architects on the phone tree.

D. NCARB 2016 Licensing Advisors Summit – Aug. 5-6

Ms. Hildebrand and Mr. Alvarado attended this meeting, which included licensing advisors from various schools and firms. Ms. Hildebrand stated that this was a valuable opportunity to meet with representatives from Texas programs, who inquired about the potential for students to begin taking the ARE prior to graduation, pursuant to NCARB’s IPAL initiative. Ms. Hildebrand noted that this was not a possibility under current Texas law, which requires graduation prior to taking the exam. Ms. Hildebrand also reported that the big topic was the format of the new Architectural Registration Examination (“ARE”) which will become effective on November 1, 2016.

E. Metrocon16 – Aug. 11-12

Mr. Brenton and Mr. Garry attended this conference and TBAE had a booth at the conference. In addition, Mr. Garry made a presentation and received numerous questions regarding continuing education and grandfathering of interior designers.
3. Report on Upcoming Conferences and Meetings

A. CLARB Annual Meeting – Sept. 22-24
Ms. Hildebrand stated that she would attend the meeting and give a presentation with the Executive Director of Arizona on TBAE’s strategic plan process.

B. 2016 LRGV-AIA BCC Conference – Sept. 29-Oct. 1
Mr. Stamps will attend this meeting.

C. NCARB Member Board Chairs and Member Board Executives Summit – Oct. 28-29
Ms. Hildebrand and Ms. Dockery will attend this summit.

D. TxA Conference— Nov. 3-5
Mr. Garry and Mr. Stamps will attend and make a presentation at this conference. Also, Ms. Hildebrand will attend this event in order to welcome the new Texas architectural registrants.

E. 2016 Annual CIDQ Council of Delegates Meeting – Nov. 11-12
Ms. Hildebrand and Ms. Odell will attend this meeting.

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

4. General Counsel Report
Mr. Brenton directed the Board to page 30 and gave the following report on the proposed amendments for adoption and draft amendments for proposal.

4A. Proposed Amendments for Adoption
A. Amendments to rules 1.165, 3.165, 5.175, 1.177, 3.177, 5.187, 1.232, 3.232, and 5.242, relating to administrative penalties, warnings, and other sanctions.

Mr. Brenton presented information on the proposed amendments to the rules as described on page 30 of the Board materials and Staff’s recommendation to approve the proposed amendments. Mr. Brenton noted that actual and potential damages are considered in determining the specific amount of an administrative penalty under Rule 1.177. In response to Ms. Morey’s question about why Rule 1.232 did not define reckless practice and conflict of interest, Mr. Brenton stated that Rule 1.232 describes what penalty is imposed if a violation has occurred, and refers to Rules 1.143 and 1.145 to define the conduct.
A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.174, 3.174, 5.184, 1.177, 3.177, 5.1877, 1.232, 3.232, and 5.242 FOR FINAL ADOPTION. THE MOTION PASSED UNANIMOUSLY.

4B. Draft Rules for Proposal

B. Amendments to Rule 7.10, relating to approval of surcharge to fund the Architect Registration Examination Financial Assistance Fund and changes to online payment fees charged by Texas.gov.

Mr. Brenton presented information on draft rules for proposal as described on page 77 of the Board materials. Mr. Brenton explained to the Board that draft rule was considered by the Rules Committee and they made a recommendation for proposal.

A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO APPROVE THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §7.10 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.

C. Amendments to Rules 5.31 and 5.51, relating to qualification for interior design registration by architects who pass the Architect Registration Examination.

Mr. Brenton presented information on draft rules for proposal as described on page 90 of the Board materials. Mr. Brenton explained to the Board that this matter was considered by the Rules Committee during the May 2016 meeting and the draft proposals were accepted by the Committee.

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO APPROVE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§5.31 and 5.51 FOR PROPOSAL AND PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

5. Approval of Rule Review for Chapters 1 and 3 of the Board Rules

Mr. Brenton presented information on the agency rule review and amendment to the following rules, as described on page 132 of the Board materials:

A. Revise Rules 1.5 and 3.5 relating to definitions of “actual signature,” “authorship” (repeal), “Architectural Barriers Act,” and “E-mail Directory” (repeal).
B. Revise Rule 1.5 relating to definition of “EPH” and “Architect’s Registration Law.”

C. Revise Rule 3.5 relating to definition of “Landscape Architect’s Registration Law.”

D. Repeal Rules 1.24 and 3.24 relating to Fees.

E. Revise Rule 1.148 to replace obsolete reference to “Section 10 of the Act.”

F. Propose for re-adoption all other rules in 22 Tex. Admin. Code Chapters 1 and 3.

A MOTION WAS PROPOSED AND SECONDED (Davis/Walker) TO APPROVE THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§ 1.5, 3.5, 1.24, 3.24, and 1.148 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. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS PROPOSED AND SECONDED (Davis/Wetmore) TO READOPT ALL OTHER RULES IN 22 TEX. ADMIN. CODE CHAPTERS 1 AND 3, AS AUTHORIZED UNDER TEXAS GOVERNMENT CODE §2001.039(c). THE MOTION PASSED UNANIMOUSLY.

6. Approval of New Policy GC-006 – Relating to Conflicts of Interest and Recusal of Board Members

Mr. Brenton directed the Board to page 150 regarding the new policy relating to conflicts of interest and recusal of board members. Mr. Brenton explained the policy in detail.

A MOTION WAS MADE AND SECONDED (Odell/Davis) TO APPROVE POLICY NUMBER GC-006 “CONFLICT OF INTEREST AND RECUSAL POLICY” FOR THE BOARD. THE MOTION PASSED UNANIMOUSLY.

7. Consideration for Proposal for Decision – SOAH CASE

SOAH Docket No. 459-16-3577
TBAE vs. Couturier, Dominic (TBAE #144-14N)

Mr. Brenton directed the Board to page 153 regarding the Executive Director’s recommendation incorporating the Proposal for Decision rendered by ALJ Kilgore on June 17, 2016 in the above-referenced matter.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO MOVE TO ACCEPT THE ATTACHED OPINION AND ORDER OF THE BOARD, WHICH INCORPORATES THE PROPOSAL FOR DECISION RENDERED BY ALJ KILGORE ON JUNE 17, 2016, AND IMPOSES AN ADMINISTRATIVE PENALTY IN THE SUM OF $26,000 AND ORDERS THE RESPONDENT TO CEASE AND DESIST FROM USING ANY ARCHITECTURAL TITLE, PRACTICING ARCHITECTURE,
OTHER THAN SUBJECT TO AN EXEMPTION FROM THE ARCHITECT’S PRACTICE ACT, AND FROM ASSOCIATING WITH ANY BUSINESS WHICH OFFERS OR RENDERS ARCHITECTURAL SERVICES, OR WHICH OFFERS ARCHITECTURE OR HOLDS ITSELF OUT TO THE PUBLIC AS AN ARCHITECTURAL FIRM, UNLESS ALL ARCHITECTURE ON BEHALF OF THE FIRM, IS RENDERED BY A REGISTERED ARCHITECT.

Mr. Anastos and Mr. Davis inquired about the recovery of litigation costs by the Board, and Mr. Brenton provided information that this is not authorized under the Board’s enabling legislation.

THE MOTION PASSED UNANIMOUSLY.

7. Enforcement Cases
   A. Registrant Cases

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

   **Haness, Richard O. (#115-14A)**
   Mr. Brenton presented a summary of this matter as described on page 164 of the Board materials.

   A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ACCEPT STAFF’S RECOMMENDATION OF A $6,000 ADMINISTRATIVE PENALTY AND COMPLETION OF THE TDLR ACCESSIBILITY ACADEMY WITHIN ONE (1) YEAR OF THE BOARD’S ORDER. THE MOTION PASSED UNANIMOUSLY.

   **Lambeth, William H. (#037-16A)**
   The Chair recused herself from voting on this case because the Respondent is from San Antonio.

   Ms. Odell took over as Chair and directed the General Counsel to present the case to the Board. Mr. Brenton presented a summary of this matter as described on page 166 of the Board materials.

   A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ACCEPT STAFF’S RECOMMENDATION TO ACCEPT THE VOLUNTARY SURRENDER OF RESPONDENT’S REGISTRATION IN LIEU OF DISCIPLINARY ACTION PURSUANT TO BOARD RULE 1.64 AND 1.66. ANY SUBSEQUENT REINSTATEMENT OF THIS REGISTRATION WILL BE CONTROLLED BY THE LAW IN EFFECT AT THE TIME OF THE REINSTATEMENT.

   Mr. Anastos stated for the record that a monetary penalty may be appropriate for a similar case in the future because THE MOTION PASSED UNANIMOUSLY.
Debra Dockery resumed her position as Chair of the Board. She directed the General Counsel to proceed with the enforcement matters.

Olp, Gary Gene (#016-16A)
Mr. Brenton presented a summary of this matter as described on page 168 of the Board materials.

A MOTION WAS MADE AND SECONDED (Anastos/Wetmore) TO ACCEPT STAFF’S RECOMMENDATION OF A $1,000 ADMINISTRATIVE PENALTY AND RESTITUTION TO THE COMPLAINANT IN THE AMOUNT OF $5,924.40.

Mr. Wetmore asked what the Respondent’s position was and whether the city of Dallas had taken any action. Mr. Brenton responded that the Respondent had questioned whether restitution was appropriate because he claimed a structure had been built based on the plans. Mr. Brenton stated that he informed the Respondent that an administrative penalty based on the Board’s rules would be more than the amount of restitution, and that the Respondent chose to move forward with paying restitution, as agreed.

THE MOTION PASSED UNANIMOUSLY.

B. CE Cases
Mr. Brenton stated that the Board would hear the next 9 cases and vote on them together.

Cassler, David Edward (#070-16L)
Fegale, Kristen Weeks (#083-16L)
Hart, Mark W. (#082-16A)
Miller, David C. (#089-16A)
Mrdja, Dushan (#074-16A)
Rachut, Susanna (#088-16I)
Russell, Christopher A. (#090-16L)
Sigler, Stephen Michael (#068-16L)
Yeung, Lei (#077-16A)

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ADOPT STAFF’S RECOMMENDATION AND PENALTIES TO APPROVE ALL OF THE CASES LISTED ON THE AGENDA UNDER CE CASES WITH THE EXCEPTION OF THE CASE INVOLVING JAY DAVID HARGRAVE. THE MOTION PASSED UNANIMOUSLY.

Mr. Wetmore recused himself from voting on the case involving Jay David Hargrave (#084-16A) because he knows the respondent personally.

Hargrave, Jay David (#084-16A)
A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO ADOPT STAFF’S RECOMMENDATION AND PENALTY TO APPROVE THE CASE
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tr>
<td>9. NCARB Request for Signatories to the new Mutual Recognition Arrangement with Australia and New Zealand</td>
<td>Ms. Dockery stated that the Board would vote on the following resolution for NCARB. A MOTION WAS MADE AND SECONDED (Anastos/Wetmore) TO APPROVE NCARB’S REQUEST FOR SIGNATORIES TO THE NEW MUTUAL RECOGNITION ARRANGEMENT WITH AUSTRALIA AND NEW ZEALAND. THE MOTION PASSED UNANIMOUSLY.</td>
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<tr>
<td>10. Executive Director's Evaluation</td>
<td>The Board went into Executive Session regarding personnel matters at 11:37 a.m. and reconvened in Open Session at 12:14 p.m. Ms. Dockery reopened the Board meeting by stating that each Board member and the executive director had completed an evaluation form regarding the Executive Director’s performance. Ms. Dockery stated that the Board was very pleased with the Executive Director’s performance in her first year at the agency. A MOTION WAS MADE AND SECONDED (Odell/Anastos) TO PROPOSE THAT THE BOARD GIVE A THREE PERCENT (3%) RAISE IN PAY TO THE EXECUTIVE DIRECTOR, BASED ON THE PERFORMANCE EVALUATION. THE MOTION PASSED UNANIMOUSLY.</td>
</tr>
<tr>
<td>11. Approval of the Proposed 2017 Board Meeting Dates</td>
<td>A MOTION WAS MADE AND SECONDED (Davis/Miller) TO APPROVE THE FOLLOWING 2017 BOARD MEETING DATES: FEBRUARY 16, JUNE 8, AUGUST 17, AND NOVEMBER 8. THE MOTION PASSED UNANIMOUSLY.</td>
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| 12. Approval of Resolution Honoring C.W. Clark, PE, Director, Compliance & Enforcement, Texas Board of Professional Engineers | Mr. Stamps presented the next action item and stated that he had worked with C.W. Clark, the Director of Compliance & Enforcement at the Professional Engineering Board since Mr. Stamps was hired by TBAE. Mr. Stamps read the Resolution into the Board meeting minutes as follows: “The Texas Board of Architectural Examiners Be It Known That C.W. Clark, P.E., has distinguished himself through his dedicated and conscious service as the Director of the Compliance and Enforcement Division of the Texas Board of Professional Engineers and Whereas, Mr. Clark has played an important role in working with the enforcement staff of this board in the investigation and resolution of enforcement cases of mutual interest; Whereas, Mr. Clark played an invaluable part in the efforts, over a long period of time, that staff of both boards played in the successful resolution of the sometimes contentious issues regarding both the practices of Engineering and Architecture;
Whereas, because of those efforts, HB2284 was passed, bringing clarity to practitioners of both professions;

Whereas, Mr. Clark has performed his job with professionalism and integrity;

Whereas, Mr. Clark has made a significant contribution to the health, safety and welfare of all citizens of our State.

Now, Therefore, Be It Resolved, that the Texas Board of Architectural Examiners in its Formal Meeting assembled this 17th Day of August, 2016, does publicly acknowledge its appreciation of outstanding service to the State of Texas and have voted unanimously for this Resolution of Commendation to C.W. Clark, P.E., and have caused a copy of this Resolution to be included within the Minutes of this Board.”

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE THE RESOLUTION HONORING C.W. CLARK, PE, DIRECTOR, COMPLIANCE & ENFORCEMENT, TEXAS BOARD OF PROFESSIONAL ENGINEERS. THE MOTION PASSED UNANIMOUSLY.

13. Upcoming Board Meeting

Ms. Dockery reminded the members that the next Board meeting had been moved from October 27, 2016 to November 16, 2016. After discussion, the meeting was set for December 1, 2016 in the TBAE Conference Room in Tower 2, Floor 3. There was discussion amongst the Board about having a Committee meeting in the morning of December 1st followed by an afternoon Board meeting.

14. Chair’s Closing Remarks

Ms. Dockery thanked the Board for their service.

15. Adjournment

A MOTION WAS MADE AND SECONDED (Anastos/Walker) TO ADJOURN THE MEETING AT 12:25 P.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

________________________________________
DEBRA J. DOCKERY, AIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Executive
2. Reviewed and updated employee leave policies to address concerns from the State Auditor’s Office Report on State Agency Administration of Emergency and Administrative Leave.
3. Steve Ramirez was selected for the new Investigator position and Jessica Ramirez was selected to fill Steve’s vacated position, Registration Specialist for reciprocal applications.
4. Prefiling of bills for the 85th Legislative Session began on November 14, 2016.
5. Please see my monthly Executive Director Updates for more details.

Presentations w/ Impressions
TxA Annual Conference – 3 presentations by Jack Stamps, Glenn Garry, and Mike Alvarado for a total of 181 impressions and participation in the Newly Licensed Architects ceremony.

CIDQ
CIDQ is in the process of updating its Bylaws, which will presented for final approval at the 2017 Annual Meeting. As a member of the reviewing committee, I was able to provide suggested revisions and will continue to do so during the updating process.

NCARB
1. Since the adoption of several streamlining efforts, the average time along the path to licensure has dropped by another six months since last measured at the end of December 2015.
2. The NCARB Board of Directors is reviewing the Legislative Guidelines and Model Law and several other informational documents and plans to update the documents as necessary. As a member of the Procedures and Documents committee, it will be my role to review any changes to the documents and make comments as necessary.
3. After four years of development, the latest version of the Architect Registration Examination® (ARE®), ARE 5.0, launched on November 2. The updated exam incorporates the latest testing technologies and features six divisions that align with modern practice. They have also updated several documents related to testing.

CLARB
CLARB conducted a Task Analysis survey in early 2016. The Task Analysis is a scientific study of the profession that ensures the content of L.A.R.E remains legally defensible and relevant, and the results are used to defend the legal scope of landscape architectural practice. The results of the survey determine the tasks that are performed most often, are most important and subsequently instill the knowledge required at the initial point of licensure; thus, the survey results form the basis of the L.A.R.E. Beginning with the April 2017 L.A.R.E. administration, the exam blueprint will be updated to provide greater detail within each section of the exam and will introduce new content focusing on maintenance, historical preservation, performance metrics and specialty plans. These updates will align the exam with current practice.
## Summary of Enforcement Accomplishments

<table>
<thead>
<tr>
<th></th>
<th>Sept</th>
<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
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<th>Apr</th>
<th>May</th>
<th>June</th>
<th>July</th>
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<td>Cases Received and Opened</td>
<td>33</td>
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<tr>
<td>Cases Closed by Investigations</td>
<td>4</td>
<td>11</td>
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<td>Cases Referred to Legal</td>
<td>5</td>
<td>15</td>
<td></td>
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<tr>
<td>Average Number of Days to Investigate</td>
<td>86</td>
<td>57</td>
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<td>Notices of Violation by Legal</td>
<td>5</td>
<td>9</td>
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<td>Voluntary Surrenders by Legal</td>
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<td>Disciplinary Action Entered by the Board</td>
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<td>Warnings from Executive Director</td>
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<td>Complaints Filed at SOAH</td>
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<td>Informal Settlement Conferences Held</td>
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### Summary of Registration Department Accomplishments

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<tr>
<th>Category</th>
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<th>Oct</th>
<th>Nov</th>
<th>Dec</th>
<th>Jan</th>
<th>Feb</th>
<th>Mar</th>
<th>Apr</th>
<th>May</th>
<th>June</th>
<th>July</th>
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<tbody>
<tr>
<td>Examination Applications Received</td>
<td>100</td>
<td>105</td>
<td></td>
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<tr>
<td>Reciprocal Applications Received</td>
<td>31</td>
<td>40</td>
<td></td>
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<tr>
<td><strong>Total Applications Received</strong></td>
<td><strong>131</strong></td>
<td><strong>145</strong></td>
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<td>Exam Scores Received/Entered</td>
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<td>342</td>
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<td>Examination Registrations Issued</td>
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<tr>
<td>Reciprocal Registrations Issued</td>
<td>49</td>
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<td><strong>Total Registrations Issued</strong></td>
<td><strong>75</strong></td>
<td><strong>81</strong></td>
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<tr>
<td>Active Architects</td>
<td>12,040</td>
<td>12,079</td>
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<td>Active Reg. Interior Designers</td>
<td>3,586</td>
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<tr>
<td>Active Landscape Architects</td>
<td>1,508</td>
<td>1,516</td>
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<tr>
<td><strong>Total Active Registrants</strong></td>
<td><strong>17,134</strong></td>
<td><strong>17,169</strong></td>
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<td>CE Audits Conducted</td>
<td>119</td>
<td>122</td>
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<td>CE Audits Referred for Investigation</td>
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<tr>
<td>Approved Scholarship Applications</td>
<td>6</td>
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<td>Certificates of Standing</td>
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<tr>
<td>Revenues:</td>
<td>FY 2016 Approved Budget</td>
<td>FY 2016 Budget Actual through 8-31-16</td>
<td>FY 2016 Percentage Spent</td>
<td></td>
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<tr>
<td>Licenses &amp; Fees</td>
<td>2,601,504</td>
<td>2,627,982</td>
<td>101.02%</td>
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<tr>
<td>Business Registration Fees</td>
<td>75,000</td>
<td>101,769</td>
<td>135.69%</td>
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<td></td>
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<tr>
<td>Late Fee Payments</td>
<td>120,000</td>
<td>120,120</td>
<td>100.10%</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
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<tr>
<td>Other</td>
<td>2,500</td>
<td>5,781</td>
<td>231.26%</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Interest</td>
<td>1,000</td>
<td>4,443</td>
<td>444.33%</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>2,800,004</strong></td>
<td><strong>2,860,095</strong></td>
<td><strong>102.15%</strong></td>
<td></td>
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</tr>
</tbody>
</table>

| Expenditures: | | | |
| Salaries and Wages | 1,456,300 | 1,400,386 | 96.16% |
| Payroll Related Costs | 445,904 | 484,414 | 108.64% |
| Professional Fees & Services | 36,000 | 18,055 | 50.15% |
| Travel | | | |
| Board Travel | 30,000 | 19,355 | 64.52% |
| Staff Travel | 18,000 | 17,125 | 95.14% |
| Office Supplies | 12,000 | 5,185 | 43.21% |
| Postage | 15,000 | 11,553 | 77.02% |
| Communication and Utilities | 18,800 | 12,524 | 66.61% |
| Repairs and Maintenance | 1,000 | 415 | 41.46% |
| Office Rental | 78,000 | 51,000 | 65.38% |
| Equipment Leases--Copiers | 10,000 | 7,728 | 77.28% |
| Printing | 20,000 | 11,637 | 58.18% |
| Operating Expenditures | 41,000 | 29,307 | 71.61% |
| Conference Registration Fees | 4,000 | 4,076 | 101.89% |
| Membership Dues | 20,000 | 20,425 | 102.13% |
| Staff Training | 6,000 | 4,076 | 67.93% |
| SWCAP Payment | 38,000 | 65,142 | 171.43% |
| Payment to GR | 510,000 | 510,000 | 100.00% |
| IT Upgrades With Servers | 40,000 | 42,107 | 105.27% |
| **Total Expenditures** | **2,800,004** | **2,708,509** | **96.73%** |
| **Excess (Deficiency) of Rev over Exp.** | | | |
| | - | 151,586 | |

<table>
<thead>
<tr>
<th></th>
<th>Funding for 8 months</th>
<th>Excess Fund Balance</th>
<th>Total Fund Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Penalties Collected</td>
<td>$131,444</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Revenue Collected</td>
<td>$129,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 1
## Texas Board of Architectural Examiners
### Fiscal Year 2016 Budget
#### Scholarship Fund

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Fund Beginning Fund Balance:</strong></td>
<td>-</td>
<td>-</td>
<td>68,446.18</td>
</tr>
<tr>
<td><strong>Adjusted Beginning Balance</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Scholarship Fund Beginning Balance</strong></td>
<td>98,985.57</td>
<td>98,985.57</td>
<td>68,446.18</td>
</tr>
<tr>
<td><strong>Total Beginning Scholarship Fund Balance</strong></td>
<td>98,985.57</td>
<td>98,985.57</td>
<td>68,446.18</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Operating Expenditures-Scholarship Payments</strong></td>
<td>30,539.39</td>
<td>30,539.39</td>
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</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>30,539.39</td>
<td>30,539.39</td>
<td>-</td>
</tr>
<tr>
<td><strong>Excess/(Deficiency) of Rev. over Exp.</strong></td>
<td>98,985.57</td>
<td>68,446.18</td>
<td>-</td>
</tr>
<tr>
<td><strong>Fund Balance</strong></td>
<td>98,985.57</td>
<td>68,446.18</td>
<td>68,446.18</td>
</tr>
</tbody>
</table>

Number of Scholarships Awarded: **61**

Frequency per Fiscal Year—September 30, January 31, and May 31
For the past few years, TBAE staff have compiled and presented annual trends and statistics to the Board during its autumn meeting. We are pleased this year to provide updated data again, 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 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. The full data-set used to create these charts is available upon request.

We hope you find this report enlightening and useful, and as always, we’re available to answer questions.
TBAE Trends, 2016

Architect registrants

- At least seven consecutive years of growth in the profession overall
- Maps closely to NCARB national growth (2%)
- Uptick in Emeritus registrants may be a reflection of changing demographics

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.
• We’re seeing a continued decline in all statuses but Emeritus, presumably due to changing demographics and the test-passing requirement of 2013.
• Emeritus eligibility became possible in 2012 (after 20 years of enabling legislation).

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.
- Another example of strong year-to-year growth overall
- Downturn in Emeritus registrants
- Inactive trend is somewhat similar to that found with architects

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.
New registrants

- Two ways to become a new registrant: by exam or by reciprocity (out-of-state)
- Total new architects (by exam + reciprocity) at highest since 2009
- Total new landscape architects at highest level since before 2009
- Significant uptick in new RID registrants

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.
• Constant growth in overall candidate numbers since 2012
• Overall licensure candidates appear to be backfilling even more quickly than the new registrants come in

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.
Licensing odds & ends

- A healthy increase in total registrants and firm registrations
- Average days to issue a license was halved since last year, and remains well below the performance measure standard of 10 days

**Total Registrants by Fiscal Year**

**Firm registrations by Fiscal Year**

Firm registration went online in 2013, at which point many defunct and outdated records were purged.

**Avg. days to issue a license by FY**

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.

www.TBAE.state.tx.us | 512-305-9000
- Running efficiently at lower staffing levels, keeping expenditures down
- Fund balance remains healthy year-to-year

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 various agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
TBAE Trends, 2016

Investigations and Enforcement

- Fewer cases were initiated, while more were resolved in 2016
- Slight uptick in voluntary compliance and in case resolution time

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.
• Administrative penalty assessments above $100,000 for the sixth time in eight years
• Beginning in 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.

TBAE Trends, 2016
Investigations and Enforcement

Administrative penalties by FY in $

Litigation costs by Fiscal Year

Assessed

Collected

Judicial proceedings

Administrative hearings
October 26, 2016

Dear Debra Dockery,

During the 2016 Annual Business Meeting, President Dennis Ward announced a new partnership with the American Institute of Architecture Students (AIAS) and its Freedom by Design program. Developed by the AIAS, this volunteer-based program empowers architecture students to improve the safety and accessibility of homes, community spaces, and playgrounds through sensitive design. Through this partnership, NCARB will provide local AIAS chapters with grants for building materials. Additionally, students who participate in Freedom by Design can use their experience to satisfy requirements for the Architectural Experience Program®, (AXP®).

Through this letter we hope to connect Member Boards with participating AIAS chapters to offer support and mentorship.

We have been informed that architecture students at Texas A&M University, University of Texas - San Antonio, University of Texas- Arlington, and University of Houston have expressed interest in delivering a Freedom by Design project in 2017, and the expertise offered by you or your board colleagues will be hugely beneficial to their efforts. We encourage you and your board to consider offering assistance or mentorship to your local AIAS Chapter. If your board is interested, please have one representative reach out to AIAS Executive Director Nick Serfass at nickserfass@aias.org for more information.

Please feel free to share this request with anyone else on your board. Together, we can help prepare the next generation of architects for real-world practice while giving back to the community.

Regards,

Michael J. Armstrong
Chief Executive Officer
NCARB

Nick Serfass, AIA, CAE
Executive Director
AIAS

cc: Julie Hildebrand
November 21, 2016

Dear Members of the Texas Architects, Interior Designers, Landscape Architects:

NCARB is excited to be a partner with the American Institute of Architecture Students (AIAS) on its Freedom by Design program. You may have been in attendance during the 2016 Annual Business Meeting when President Dennis Ward announced this new partnership. Developed by the AIAS, this volunteer-based program empowers architecture students to improve the safety and accessibility of homes, community spaces, and playgrounds through sensitive design. Through this partnership, NCARB will provide local AIAS chapters with grants for building materials. Additionally, students who participate in Freedom by Design can use their experience to satisfy requirements for the Architectural Experience Program® (AXP®).

We have notified Member Board Chairs of the opportunity for their boards to support this initiative with an AIAS chapter in their jurisdiction. We are following up with this letter to each of you so that you are also aware of how this initiative to connect Member Boards with AIAS chapters to offer support and mentorship.

The letter sent to the chair of your board notified them that architecture students at Texas A&M University; University of Texas - San Antonio; University of Texas-Arlington; University of Houston have expressed interest in delivering a Freedom by Design project in 2017. We also had an opportunity to talk about this initiative at our recent Member Board Chairs and Executives Summit in Columbus, OH. We hope that a member of your board will consider offering assistance or mentorship to your local AIAS Chapter. The expertise offered by you or your board colleagues will be hugely beneficial to their efforts. We are hoping to have a representative from your board reach out to AIAS Executive Director Nick Serfass at nickserfass@aias.org for more information.

Together, we can help prepare the next generation of architects for real-world practice while giving back to the community.

Regards,

Michael Armstrong  
NCARB CEO

Nick Serfass, AIA, CAE  
AIAS Executive Director

CC: Julie Hildebrand
Adoption of Proposed Amendments to 22 Tex. Admin. Code §7.10 Relating to
Funding for Architect Registration Examination Financial Assistance Fund (AREFAF)
and Changes to the Fees Charged by Texas.gov

Background

In August, the Board proposed to amend Rule 7.10 to reinstitute a surcharge to fund the Architect Registration Examination Financial Assistance Fund (AREFAF) and modify the fee schedule to reflect upcoming changes to the fees charged by Texas.gov for certain online payments. The proposed amendments were published in the September 30, 2016 edition of the Texas Register (41 TexReg 7657). No comments were received on the proposed rules.

AREFAF Fee

The AREFAF scholarship fund was created in 1999 by the 76th Texas Legislature to promote professional needs of the state, increase the number of architects, encourage economic development, and support architectural applicants. From 2000 to 2003, the fund was seeded with a surcharge of $10 collected from architect registrants, in addition to renewal fees. At its present rate, and without Board action, the AREFAF scholarship fund will be depleted by 2019 (changes in economic conditions, interest rates, demand, or eligibility requirements could affect the rate of depletion). As a statutorily mandated scholarship, allowing the fund to drop to a zero balance would be contrary to the law. The proposed amendment institutes a $3 surcharge on renewals for residents with active and inactive architect registrations.

Changes to Texas.gov Fees

Board fees can be paid by check or through the web. Online payment services are provided by Texas.gov, a third-party provider under contract with the Texas Department of Information Resources. The cost of providing and maintaining these services is covered by an additional charge on payments processed through the Internet. These charges apply to payments made by credit card and through the Automated Clearing House Network (commonly referred to as “ACH”). An ACH payment makes an immediate draw upon the payer’s bank account.

For the second time in a year, Texas.gov is changing the amount that is charged for online payments, decreasing the ACH flat fee from $1 to $0.25. Because the fee schedule in Rule 7.10 includes separate columns which calculate the cost of paying each individual fee by both ACH and credit card, the Board is required to engage in rulemaking so that the fee schedule does not conflict with the charges imposed by Texas.gov. In order to reduce the need for rulemaking if Texas.gov implements further changes to these service charges, it is staff’s recommendation that the rule be amended to eliminate specific calculations of the total charge for each fee with or without electronic payment. This would result in a greater simplification of the Board’s rules. Staff has reviewed the practice of other occupational licensing agencies, and it appears that the general
practice is to not reference specific calculations of fee amounts charged by Texas.gov for online payment.

**Proposed Amendments**

A copy of Rule 7.10 with proposed amendments is attached to this summary. The amendments delete the fee schedule columns that previously included the exact additional fee for online payments. Rather, subsection (d) is added, which states, “Applicants and registrants who submit payments online through Texas.gov will be subject to convenience fees set by the Department of Information Resources, that are in addition to the fees listed in subsection (b)\(^1\)”

Additionally, the amendments implement a $3 AREFAF surcharge by adding subsection (c), which reads, “As authorized under Texas Occupations Code §§ 1051.651 and 1051.355, the fee schedule in subsection (b) includes a $3 fee to be collected from each Texas resident who renews an active or inactive registration as an architect, to fund the examination fee scholarship program under Texas Occupations Code § 1051.653.” This surcharge is reflected in the fee schedule for active and inactive architect renewals for residents.

In addition to the draft amendments, you will find the following supporting documents for your consideration:

- Chart – AREFAF Fund Projections by Fiscal Year
- Statutory Provisions Related to the Scholarship Fund

**Staff’s Recommendation**

Staff recommends that the Board move to approve the proposed amendments to 22 Tex. Admin. Code §7.10 for final adoption, to be effective January 1, 2017.

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\(^1\) Subsection (b) is the fee schedule
RULE §7.10  General Fees

(a) FAILURE TO TIMELY PAY A REGISTRATION RENEWAL WILL RESULT IN THE AUTOMATIC CANCELLATION OF REGISTRATION BY OPERATION OF LAW.

(b) The following fees shall apply to services provided by the Board in addition to any fee established elsewhere by the rules and regulations of the Board or by Texas law. Payment of fees through the Internet is an online service provided by Texas.gov, the official Web site of the State of Texas. The following additional payments for the online service are not retained by the Board:

―(1) A person who uses the online service to pay fees with a credit card must pay an additional $.25 plus 2.25% of the sum of the fee and $.25.

―(2) A person who uses online services to pay fees by utilizing the Automated Clearing House Network ("ACH" sometimes referred to as an "electronic check" or a "direct bank draft") must pay $1.00 per transaction instead of the fee referenced in paragraph (1) of this subsection.

Attached Graphic: Figure 22 TAC §7.10(b)

<table>
<thead>
<tr>
<th>Description</th>
<th>Architects</th>
<th>Landscape Architects</th>
<th>Registered Interior Designers</th>
<th>Total Fee Using Credit Card Payment</th>
<th>Total Fee Using ACH</th>
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<td>Fee 3</td>
<td>Fee 4</td>
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<tr>
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</table>

*Examination fees are set by the Board examination provider, the National Council for Interior Design Qualification (“NCIDQ”). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination is to be given.

**Examination fees are set by the Board’s examination provider, the Council of Landscape Architectural Registration Boards (“CLARB”). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination is to be given.

***Examination fees are set by the Board’s examination provider, the National Council of Architectural Registration Boards (“NCARB”). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination will be given.

****Notwithstanding the amounts shown in each column, a multidisciplinary firm which renders or offers two or more of the regulated professions of architecture, landscape architecture, and interior design is required to pay only a single fee in the same manner as a firm which offers or renders services within a single profession.

(c) As authorized under §§ 1051.355 and 1051.651 of the Texas Occupations Code, the fee schedule in subsection (b) includes a $3 fee to be collected from each Texas resident who renews an active or inactive registration as an architect, to fund the examination fee scholarship program under § 1051.653, Texas Occupations Code.

(d) Applicants and registrants who submit payments online through Texas.gov will be subject to convenience fees set by the Department of Information Resources, that are in addition to the fees listed in subsection (b).

(e) The Board cannot accept cash as payment for any fee.

(f) An official postmark from the U.S. Postal Service or other delivery service receipt may be presented to the Board to demonstrate the timely payment of any fee.

(g) If a check is submitted to the Board to pay a fee and the bank upon which the check is drawn refuses to pay the check due to insufficient funds, errors in routing, or bank account number, the fee shall be considered unpaid and any applicable late fees or other penalties accrue. The Board shall impose a processing fee for any check that is returned unpaid by the bank upon which the check is drawn.

(h) Payment of fees for a military service member, military veteran, or military spouse.
(1) In this subsection, the terms "military service member," "military veteran," and "military spouse" shall have the meanings defined in §§1.29, 3.29, and 5.39 of the Board Rules.

(2) A military service member who is a registrant in Good Standing or was in Good Standing at the time the Registrant entered into military service shall be exempt from the payment of any fee during any period of active duty service. The exemption under this subsection shall continue through the remainder of the fiscal year during which the Registrant's active duty status expires.

(3) A military service member or military veteran whose military service, training, or education substantially meets all requirements of a license shall be exempt from payment of license application and examination fees paid to the state.

(4) A military service member, military veteran or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for registration in this state shall be exempt from payment of license application and examination fees paid to the state.
* As of December 31, 2016.
Sec. 1051.355. INACTIVE STATUS. (a) The board by rule shall establish a procedure by which a person who is registered under this subtitle may place the person's certificate of registration on inactive status. The person must apply for inactive status, on a form prescribed by the board, before the person's certificate of registration expires.

(b) A person whose certificate of registration is on inactive status must pay an annual renewal fee on a date and in a manner prescribed by board rule. The board shall prescribe the renewal fee under this subsection in an amount equal to the sum of:

(1) the amount determined by the board as reasonable and necessary to cover the costs of administering this section; and

(2) except as provided by Subsection (e), the additional amount required under Section 1051.651(b)(1)(B) for the examination fee scholarship program.

(c) A person whose certificate of registration is on inactive status may not perform any activity regulated under this subtitle.

(d) The board shall remove the person's certificate of registration from inactive status if the person:

(1) requests in writing that the board remove the person's certificate of registration from inactive status;

(2) pays an administrative fee; and

(3) complies with education or other requirements established by board rule.

(e) The additional amount of the renewal fee described by Subsection (b)(2) does not apply to a person registered under Chapter 1052 or 1053.
Sec. 1051.357. EMERITUS STATUS. (a) The board by rule shall establish a procedure by which an architect may place the architect's certificate of registration on emeritus status. The architect must apply for emeritus status, on a form prescribed by the board, before the architect's certificate of registration expires.

(b) An architect is eligible for emeritus status if the architect:

(1) has been an architect for 20 years or more; and

(2) is 65 years of age or older.

(c) An architect whose certificate of registration is on emeritus status:

(1) may engage in the practice of architecture as defined by Sections 1051.001(7)(D), (E), (F), (G), and (H);

(2) may prepare plans and specifications described by Sections 1051.606(a)(3) and (4);

(3) may use the title "Emeritus Architect" or "Architect Emeritus";

(4) must pay a renewal fee on a date and in a manner prescribed by board rule; and

(5) is exempt from continuing education requirements under this chapter.

(d) The board shall change an architect's certificate of registration from emeritus status to active status if the architect:

(1) requests in writing that the board remove the architect's certificate of registration from emeritus status;

(2) pays an administrative fee; and

(3) complies with education or other requirements established by board rule.

(e) The renewal fee charged under Subsection (c) may not exceed an amount reasonable and necessary to recover the costs to administer this section.
Sec. 1051.651. FEES. (a) The board may set a fee for a board action involving an administrative expense in an amount that is reasonable and necessary to cover the cost of administering this chapter, unless the amount of the fee is set by this chapter or by the General Appropriations Act.

(b) The board shall set the required renewal fee for:

(1) a resident of this state in an amount that is equal to the sum of:
   (A) the amount determined by the board as reasonable and necessary to cover administrative costs; and
   (B) an amount determined annually by the board as reasonable and necessary for the administration of the examination fee scholarship program under Section 1051.653; and

(2) nonresidents in an amount determined by the board.

(c) The board may accept payment of a fee by electronic means. The board may charge a fee to process the payment made by electronic means. The board shall set the processing fee in an amount that is reasonably related to the expense incurred by the board in processing the payment made by electronic means, not to exceed five percent of the amount of the fee for which the payment is made.

(d) A fee set by the board under this section may not be used for the purpose of earning additional revenue for the board.

Sec. 1051.653. EXAMINATION FEE SCHOLARSHIPS. (a) The board shall administer scholarships to applicants for examination under this article in a manner the board determines best serves the public purpose of:

(1) promoting the professional needs of the state;
(2) increasing the number of highly trained and educated architects available to serve the residents of the state;
(3) improving the state's business environment and encouraging economic development; and

(4) identifying, recognizing, and supporting outstanding applicants who plan to pursue careers in architecture.

(b) In determining what best serves the public purpose of the scholarships as described by Subsection (a), the board shall consider at least the financial need of each person who applies for a scholarship under this section.

(c) The amount of the scholarship is the lesser of:

(1) $500; or

(2) the amount of the required examination fee.

(d) Scholarships under this section are funded by the amount added to each renewal fee under Section 1051.651(b). The board may not use more than 15 percent of the amount appropriated to the board for scholarships under this section to pay the costs of administering the scholarships.
Adoption of Proposed Rules Relating to Qualification for Interior Design Registration Through the A.R.E.

22 Tex. Admin. Code §§5.31 and 5.51

Current Rule/Background

Recently, the Board was asked to revisit the provision in Rules 5.31 and 5.51 that allows applicants to qualify for interior design registration based upon passage of the ARE. This provision was originally included in the rules following the 2013 legislation that will eventually eliminate examination grandfathering for registered interior designers. The statute, Tex. Occ. Code 1051.351, as amended in 2013, states the following: “a person who holds a certificate of registration issued under Chapter 1053 without examination may not renew the certificate on or after September 1, 2017, unless, before September 1, 2017, the person has passed the registration examination adopted by the board under Section 1053.154 and in effect on January 1, 2014. This subsection expires January 1, 2019.” (Emphasis added).

This is slightly different from the first version the legislature considered, which stated that the person would be required to pass the examination adopted by the Board in effect on September 1, 2013. Under the rules in effect at that time, this would have been limited to the NCIDQ. There is no disagreement that, by moving the deadline to January 1, 2014, the legislature intended for the Board to engage in rulemaking to identify the ARE as an acceptable examination, and allow architects to retain RID registration without having to take the NCIDQ. The question is whether the legislature intended for the ARE to be an acceptable test only for architects who had already been registered as interior designers, or whether it would be a permanently acceptable examination for RID registration.

The bill was sent to the governor on May 20, 2013 and signed on June 14. Draft amendments were approved for proposal on June 14, and considered for adoption at the August 2013 Board meeting. According to a comment provided by Donna Vining at this meeting, the legislature’s decision to move the deadline from September to January was meant only to allow pre-existing RIDs to retain licensure based upon passing the ARE, and that the legislators did not intend for the ARE to become a permanently acceptable examination for RID registration. Some Board members at that time stated their intention to vote for adoption of the rule so that it would be in effect for the January 1, 2014 deadline, but then revisit the rule at a later date to determine whether it should be a permanent change. Ms. Vining has now requested that the rule be amended to eliminate the ARE as an acceptable examination for prospective registration as an interior designer.

Proposed Amendments

The rules committee addressed this matter at the May meeting. Ms. Vining and David Lancaster were in attendance. Pursuant to the discussion of the committee, proposed amendments have been prepared and published that would allow architects to continue to qualify for interior design registration based on passage of the ARE until December 31, 2018. After that, the NCIDQ examination will be the only recognized examination for RID eligibility.
The proposed amendments were published in the October 14 issue of the Texas Register (41 TexReg 8166). On November 29, 2016, the Texas Society of Architects provided a comment to the Board in opposition to the proposed rule.

Costs and Benefits

The public benefit of the proposed rule change will be a registration examination that is specifically designed to measure competence in interior design. Architecture and interior design are distinct professions, with different areas of emphasis within each. In turn, the areas of emphasis within the ARE and the NCIDQ differ in accordance with the requirements of practice for each profession. Requiring an applicant for registration as an RID to pass the NCIDQ will result in the demonstration of specific competence in interior design.

The rule change will not result in the loss of interior design registration for a person who is currently registered. Additionally, because the Board is adopting an extended implementation period under which applicants are eligible to qualify for interior design registration based upon passage of the ARE until December 31, 2018, no costs or loss of eligibility will be incurred prior to that date. After January 1, 2019, any person seeking registration as an RID will be required to pass the NCIDQ examination. The current cost to take the three sections of the examination is $1,310. However, it is important to note that registration as an interior designer does not grant an architect any additional legal rights, other than use of the term “registered interior designer.” An architect is entitled to work on the same projects and offer the same professional services regardless of whether he or she is registered as an interior designer.

Attachments

Proposed amendments to Rules 5.31 and 5.51 are attached to this summary. To aid in your consideration of these rules, Staff has included the following documentation for your review: excerpts from the minutes of the August 2013 Board meeting at which these rules were adopted, descriptions of the testing subjects for the NCIDQ examination and the ARE, and a roster of RIDs who have been registered through the ARE since the adoption of this rule.

Proposed Motions for Consideration:

Move to approve the proposed amendments to 22 Tex. Admin. Code §§5.31 and 5.51 for final adoption.

OR

Move to withdraw the proposed amendments to 22 Tex. Admin. Code §§5.31 and 5.51.
November 1, 2016

Texas Board of Architectural Examiners
333 Guadalupe Street, Ste. 2-350
P. O. Box 12337
Austin, TX 78711-2337

Chairman Dockery and Members,

On behalf of the more than 7,000 members of the Texas Society of Architects (TxA), the regional state component of the American Institute of Architects (AIA), thank you for the opportunity to express our concerns with proposed amendments to the agency rules, 5.31 and 5.51, that allows individuals who have passed the requirements to be an architect to use those same qualifications to be a Registered Interior Designer, too.

In 1991, when the Interior Design (ID) registration law was originally passed, architects were exempted from the new law and allowed to offer interior design services without meeting the registration requirements. That basic recognition has not changed or been questioned in the 25 years since.

To market themselves as Interior Designers, however, architects were expected to register themselves jointly as both, and like the qualifying non-architects who had been offering such services prior to the effective date of were given two years to do so. Subsequently, during the Texas Legislature’s 83rd Regular Session, when changes were made to the law regulating Interior Design to require registrants to pass a nationally recognized exam demonstrating competence in the field by 2019, steps were taken to ensure that architects “grandfathered” between 1991-93 as an Interior Designer (and subsequently as a Registered Interior Designer [RID]) were allowed to maintain their joint registration based on having passed the Architect Registration Exam (ARE) when specific language was added to allow this Board the time to accept the ARE as a qualifying “nationally recognized examination.”

The question now is whether recognition of the ARE should continue to qualify as a “nationally recognized examination demonstrating (sufficient) competence” in registering IDs (now RIDs). Only the NCIDQ was accepted until 2013, and both now qualify. During that time, only a couple dozen or so architects have sought and been granted ID registration without passing the NCIDQ—relying instead on passing jointly the ARE to meet the exam requirement.

Is it worth changing the rule regarding the exam since architects are exempt from Chapter 1053 requirements? More to the point, is it wise to do so given the multiple times the Legislature has taken steps to exempt architects from ID registration requirements and prevent the loss of their exemption-related protections. Moreover, consider how many topics tested by the NCIDQ are also included as part of the ARE exam. Is it wise to limit potential professional ID registrants by limiting the avenues for registration, especially given the apparent examination overlap?

We believe it would be detrimental to the overall Interior Designer registration efforts if you adopt the proposed changes to rules 5.31 and 5.51, thereby removing the equivalency exam status for the ARE after December 31, 2018, and recommend that you not approve them.

Please do not hesitate to call on the Society if we can be of further assistance on this matter.

Sincerely,

David Lancaster
Senior Advocate

46
RULE §5.31 Registration by Examination

(a) In order to obtain Interior Design registration by examination in Texas, an Applicant shall demonstrate that the Applicant has a combined total of at least six years of approved Interior Design education and experience and shall successfully complete the Interior Design registration examination or a predecessor or other examination deemed equivalent by NCIDQ as more fully described in Subchapter C of this chapter.

(b) Alternatively, prior to December 31, 2018, an Applicant may obtain Interior Design registration by examination by successfully completing the Architectural Registration Examination or another examination deemed equivalent by NCARB after fulfilling the prerequisites of §1.21 and §1.41 of this title relating to Board approval to take the Architectural Registration Examination for architectural registration by examination. This subsection is repealed effective January 1, 2019.

(c) For purposes of this section, an Applicant has "approved Interior Design education" if:

(1) The Applicant graduated from:
   (A) a program that has been granted professional status by the Council for Interior Design Accreditation (CIDA) or the National Architectural Accreditation Board (NAAB);
   (B) a program that was granted professional status by CIDA or NAAB not later than two years after the Applicant's graduation;
   (C) a program that was granted candidacy status by CIDA or NAAB and became accredited by CIDA or NAAB not later than three years after the Applicant's graduation; or
   (D) an Interior Design education program outside the United States where an evaluation by World Education Services or another organization acceptable to the Board has concluded that the program is substantially equivalent to a CIDA or NAAB accredited professional program;

(2) The Applicant has a doctorate, a master's degree, or a baccalaureate degree in Interior Design;

(3) The Applicant has:
   (A) A baccalaureate degree in a field other than Interior Design; and
   (B) An associate's degree or a two- or three-year certificate from an Interior Design program at an institution accredited by an agency recognized by the Texas Higher Education Coordinating Board;

(4) The Applicant has:
   (A) A baccalaureate degree in a field other than Interior Design; and
   (B) An associate's degree or a two- or three-year certificate from a foreign Interior Design program approved or accredited by an agency acceptable to the Board.

(d) In addition to educational requirements, an applicant for Interior Design registration by examination in Texas must also complete approved experience as more fully described in Subchapter J of this chapter (relating to Table of Equivalents for Education and Experience in Interior Design).

(e) The Board shall evaluate the education and experience required by subsection (a) of this section in accordance with the Table of Equivalents for Education and Experience in Interior Design.

(f) For purposes of this section, the term "approved Interior Design education" does not include continuing education courses.

(g) An Applicant for Interior Design registration by examination who enrolls in an Interior Design educational program after September 1, 2006, must graduate from a program described in subsection (a)(1) of this section.
In accordance with federal law, the Board must verify proof of legal status in the United States. Each Applicant shall provide evidence of legal status by submitting a certified copy of a United States birth certificate or other documentation that satisfies the requirements of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. A list of acceptable documents may be obtained by contacting the Board's office.

RULE §5.51 Requirements

(a) An Applicant for Interior Design registration by examination in Texas must successfully complete all sections of the National Council for Interior Design Qualification (NCIDQ) examination or a predecessor or other examination NCIDQ deems equivalent to the NCIDQ examination. Alternatively, in lieu of successfully completing the NCIDQ examination, prior to December 31, 2018, an applicant may obtain Interior Design registration by examination by successfully completing all sections of the Architectural Registration Examination (ARE), or another examination NCARB deems equivalent to the ARE, after fulfilling the requirements of §1.21 and §1.41 of this title relating to Board approval to take the ARE for architectural registration by examination.

(b) - (e) No change
TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of August 22, 2013 Board Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 225
Austin, TX 78701
9:00 a.m. until completion of business

1. Preliminary Matters
   A. Call to Order
      Chair called the meeting of the Texas Board of Architectural Examiners to order at 9:03 a.m.
   B. Roll Call
      Secretary/Treasurer Sonya Odell called the roll.

Present
Alfred Vidaurre  Chair
Chase Bearden  Vice-Chair
Sonya Odell  Secretary/Treasurer
Charles H. (Chuck) Anastos  Member
Bert Mijares, Jr.  Member
Michael (Chad) Davis  Member
William (Davey) Edwards  Member

TBAE Staff Present
Cathy L. Hendricks  Executive Director
Scott Gibson  General Counsel
Glenda Best  Executive Administration Manager
Glenn Garry  Communications Manager
Mary Helmcamp  Registration Manager
Jackie Blackmore  Registration Coordinator
Christine Brister  Staff Services Officer
Ken Liles  Finance Manager
Julio Martinez  Network Specialist
Jack Stamps  Managing Investigator (in @ 10:30)
Katherine Crain  Legal Assistant

C. Excused absences
   Debra Dockery (Excused) and Paula Ann Miller (Excused)

D. Determination of a quorum
   A quorum was present.

E. Recognition of Guests
   The Chair recognized the following guests: Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects, James Perry, Texas Society of Architects, Nancy Fuller, Office of the Attorney General and Kelly Barnett.
F. **Chair’s Opening Remarks**

The Presiding Chair thanked everyone including the Board and staff for joining the meeting. He explained that he had been in leadership training and had read books by Jim Collins entitled *Good and Great* and *Great by Choice*. The concept in the second book is about leadership that goes above and beyond by at least ten times the industry average based on performance. He stated that these leaders are not the most creative, ambitious or charismatic. Their leadership was based upon one principle: control vs. no-control. They have a basic understanding on difference between things they can control and things they cannot control. They focus their energy on the things they can control and do not allow their decisions to be dictated by things outside of their control. The Chair noted that consistency of action, values, goals and performance defines leadership. He noted that the Board has tough, great work ahead of it and the members of the Board have it within their control to choose how to lead.

G. **Public Comments**

The Chair opened the floor for public comment and recognized Donna Vining, Kelly Barnett and David Lancaster.

**Donna Vining,** Executive Director for Texas Association for Interior Design, began her public comment by complimenting TBAE Executive Director and agency staff for coming to their aid during the legislative session by responding promptly to the association’s public information requests. Ms. Vining addressed proposed amendments to Rules 5.31 and 5.51 which were on the agenda for the meeting. Ms. Vining stated it was her understanding that amendments to the agency Sunset bill was to accomplish two things – allow grandfathered registered interior designers one additional year to pass the registration examination in order to remain registered after 2017 and allow the ARE to substitute for the NCIDQ examination only for architects who are currently grandfathered registered interior designers and not to allow subsequent applicants to use the ARE in order to become registered interior designers.

Kelly Barnett, interior designer, read a statement to the Board. She noted it is TBAE’s responsibility to the public to protect the health, safety and welfare. She stated the public assumes all registered interior designers listed on the agency Web site have passed the NCIDQ examination and have met current educational requirements. She stated the Web site must be changed immediately to specify which registered interior designers became registered through a grandfather provision. Furthermore, she read excerpts of a deposition of the Executive Director in a lawsuit filed against the agency by the Institute for Justice in which it was stated the agency had the ability to specify which registered interior designers became registered through a grandfather provision.
David Lancaster of Texas Society of Architects thanked the Board for the opportunity to make a public comment. He stated that he wanted to offer a reaction to Ms. Vining’s comments. Entering into the Sunset process, TSA’s understanding was that the Sunset Commission understood that passage of the ARE was at least equivalent to passage of the NCIDQ. Mr. Lancaster stated it was believed the original Sunset bill took this equivalency into account and excluded dual licensed architects/interior designers from the requirement that registered interior designers who had not passed the NCIDQ examination must do so in order to remain registered after 2017. However, TSA learned that the Sunset bill as originally written did not take into account the fact that architects who are also registered interior designers had passed the ARE. He said TSA raised the issue with the bill’s sponsors in the Senate and House, informing them the language imposed a redundant and unnecessary examination requirement upon dual licensees who had already passed an architectural examination which is at least as rigorous as the NCIDQ. Mr. Lancaster stated TSA’s representatives informed the legislators that the cleanest solution would be to allow registration beyond 2017 for registered interior designers who had passed either the ARE or the NCIDQ. According to Mr. Lancaster, TSA pointed out to the bill sponsors that this solution would be preferable in that it would have the most limited impact on interior design registration requirements. Only those architects who are currently registered as interior designers would be able to rely upon passage of the ARE to maintain interior design registration. He stated that TSA also told the sponsors an alternative would be to amend the bill to require passage of the examination specified by Board rule for interior design registration in effect on January 1, 2014 instead of September 1, 2013, as in the original bill. The amendment would give TBAE time to amend its rule to allow the ARE to count for interior design registration. Mr. Lancaster reported it was made clear to the bill sponsors that this change would allow all architects to become registered as registered interior designers upon passage of the ARE and its effect would not be limited to dual licensees as with the first option. Mr. Lancaster said the bill sponsors opted for the second version so that the Board would make the decision on whether to allow the ARE to count for interior design registration. Mr. Lancaster noted Ms. Vining’s comments were to the effect that legislative intent was to limit the effect of the provision to architects who are grandfathered interior designers. He observed this is not the case.

The Chair introduced the two new board members, Chad Davis and Davey Edwards, and gave them their official TBAE pins.
Mr. Davis asked if the IRM function was currently being fulfilled by an outside contractor. The Executive Director stated she was currently carrying out that job with the assistance of the three members of the agency’s IT division.

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO ADOPT THE RECOMMENDED FISCAL YEAR 2014 BUDGET. THE MOTION PASSED UNANIMOUSLY.

4. General Counsel Report
   A. Proposed Rules for Adoption:
      The Chair recognized the General Counsel to describe proposed amendments to Rules 5.31 and 5.51 to modify exam requirements for registration as a registered interior designer; striking obsolete language. The General Counsel stated the effect of the proposed amendments would be to recognize that an applicant may become registered as an interior designer by passing the Architectural Registration Examination. If the amendments are adopted and in effect by January 1, 2014, registered interior designers who are also architects will have met examination requirements for registration as a registered interior designer and therefore, will not be required to pass the National Council for Interior Design Qualification examination in order to maintain registration after September 1, 2017 pursuant to the Sunset Bill. He stated the Board proposed the amendments at its last meeting and they were published for public comment. He said that he received two public comments in writing favoring adoption, including comment from the Texas Society of Architects. The General Counsel noted copies of public comment are before the Board for consideration. Referring to comment made during the public comment portion of the meeting, he noted that the Texas Association of Interior Designers is opposed to the proposed amendments.

      The Chair asked if anyone on the Board wished to make a motion regarding the proposed amendments so that the motion will be before the Board for discussion. A MOTION WAS MADE AND SECONDED (Anastos/Edwards) TO ADOPT AMENDMENTS TO RULES 5.31 AND 5.51 AS PROPOSED.

      The Chair recognized Ms. Odell to comment on the Motion. Ms. Odell noted the Legislature rescinded grandfather status only for registered interior designers, not architects or landscape architects. The intent in the legislative amendment was to address only dual licensees – who are architects and registered interior designers – to allow them to maintain registration as interior designers and not to open up interior design registration to architects who are not grandfathered. She also noted that the legislation disenfranchises older registered interior designers who are
50 to 70 years old and are historically underutilized businesses that will lose their registrations and their businesses. She stated there will be two opportunities in the next two sessions before 2017 for the Legislature to change the examination requirement.

Mr. Anastos stated he also opposes the measure and expressed his hope the Legislature will reconsider and change it next session. Mr. Edwards suggested that the measure be tabled and referred to the Rules Committee for more extensive review.

The General Counsel noted that the Board may refer the proposed amendments to the Rules Committee. However, if the amendment is not in effect by January 1, 2014, it will not have any effect upon the examination requirement to the extent it applies to architects who are registered as interior designers. The Board may reevaluate the rule at a later time to determine if allowing architectural candidates to become registered as interior designers has any adverse impact. He also noted that the rules have been proposed and if they are substantially amended in a manner which substantively changes their original intent, they will have to be republished for public comment.

**A MOTION WAS MADE (Anastos/Mijares) TO TABLE THE MOTION UNTIL LATER IN THE MEETING. THE MOTION PASSED UNANIMOUSLY.**

The Board recessed at 10:48 a.m. and reconvened in open session at 11:08 a.m.

The Board convened in closed session at 11:09 a.m. to confer with legal counsel from the Office of the Attorney General regarding a settlement offer of pending litigation in the case *TBAE V. Powell, et al*, pursuant to Section 551.071, Texas Government Code.

The Board reconvened in an open meeting at 12:20 p.m.

The Chair announced that the Board decided to consider the mediation of the case at its next meeting, scheduled to be held on October 24, 2013. The Chair instructed staff to prepare documentation regarding the mediation conference and brief the Board at that meeting.

The Board took a break for lunch at 12:22 p.m. and reconvened at 1:00 p.m.

By unanimous consent, the Chair took the Motion to adopt proposed amendments to rules 5.31 and 5.51 from the table and the Board resumed consideration of the Motion. At the Chair’s direction, the staff distributed copies of House Bill 1717, (the agency’s Sunset bill) for the Board to review before
## Interior Design Fundamentals Exam (IDFX) - Page 1

### 2016 Content Area

<table>
<thead>
<tr>
<th>Programming and Site Analysis</th>
<th>15 Items – 15%</th>
</tr>
</thead>
<tbody>
<tr>
<td>For example:</td>
<td></td>
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<tr>
<td>• Research methods (interviewing, surveying, case studies, benchmarking/precedent)</td>
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<tr>
<td>• Analysis tools (e.g., spreadsheets, site photographs, matrices, bubble diagrams)</td>
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<tr>
<td>• Project context (e.g., space use, culture, client preference)</td>
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<tr>
<td>• Site context (e.g., location, views, solar orientation)</td>
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<tr>
<td>• Existing conditions</td>
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<tr>
<td>• Sustainable attributes (e.g., indoor air quality, energy conservation, renewable resources)</td>
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</table>

### Human Behavior and the Designed Environment

<table>
<thead>
<tr>
<th>10 Items – 10%</th>
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<tbody>
<tr>
<td>For example:</td>
</tr>
<tr>
<td>• Influences (environmental, social, psychological, cultural, aesthetic, global)</td>
</tr>
<tr>
<td>• Human factors (e.g., ergonomics, anthropometrics, proxemics)</td>
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<tr>
<td>• Sensory considerations (e.g., acoustics, lighting, visual stimuli, color theory, scent, tactile)</td>
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<tr>
<td>• Universal Design</td>
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<tr>
<td>• Special population considerations (e.g., Aging in Place, pediatric, special needs)</td>
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</table>

### Building Systems and Construction

<table>
<thead>
<tr>
<th>15 Items – 15%</th>
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</thead>
<tbody>
<tr>
<td>For example:</td>
</tr>
<tr>
<td>• Building construction types (e.g., wood, steel, concrete)</td>
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<tr>
<td>• Building components (e.g., doors, windows, studs)</td>
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<tr>
<td>• Mechanical systems</td>
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<tr>
<td>• Electrical systems</td>
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<tr>
<td>• Lighting systems (e.g., zoning, sensors, daylighting)</td>
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<tr>
<td>• Plumbing systems</td>
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<tr>
<td>• Structural systems</td>
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<tr>
<td>• Fire protection systems</td>
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<tr>
<td>• Low voltage systems (e.g., data and communication, security, A/V)</td>
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<tr>
<td>• Acoustical systems</td>
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<tr>
<td>2016 CONTENT AREA</td>
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</tr>
<tr>
<td>4. Furniture, Finishes, Equipment and Lighting</td>
</tr>
<tr>
<td>For example:</td>
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<tr>
<td>• Life safety (e.g., flammability, toxicity, slip resistance)</td>
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<tr>
<td>• Textiles</td>
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<tr>
<td>• Acoustics</td>
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<tr>
<td>• Wall treatments</td>
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<tr>
<td>• Floor coverings</td>
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<tr>
<td>• Ceiling treatments</td>
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<tr>
<td>• Window treatments</td>
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<tr>
<td>• Lighting (e.g., flight sources, fixtures, calculations, distribution color rendering)</td>
</tr>
<tr>
<td>• Furniture and equipment (e.g., types, uses, space needs)</td>
</tr>
</tbody>
</table>

| 5. Construction Drawings and Specifications | 20 Items – 20% |
| For example:                                  |              |
| • Demolition plan                             |              |
| • Floor plan (e.g., partitions, construction, dimensions, enlarged) | |
| • Reflected ceiling plan                      |              |
| • Lighting plan                               |              |
| • Power and communication plan                |              |
| • Furniture plan                              |              |
| • Finish plan                                 |              |
| • Elevations, sections, and details (e.g., partition types, millwork) | |
| • Schedules                                   |              |
| • Specifications (e.g., prescriptive, performance, and proprietary) | |

| 6. Technical Drawing Conventions            | 15 Items – 15% |
| For example:                                 |              |
| • Measuring conventions (e.g., scale, unit of measure, dimensioning) | |
| • Construction drawing standards (e.g., line weights, hatching, symbols) | |

| 7. Design Communication                     | 10 Items – 10% |
| For example:                                 |              |
| • Functional parti diagrams                 |              |
| • Models (e.g., physical, virtual)          |              |
| • Rendering (e.g., 2-D, perspective)        |              |
| • Material and finish presentations (e.g., boards, binders, digital) | |
| • Bubble diagrams                           |              |
| • Adjacency matrices                        |              |
| • Charts (e.g., flow chart, Gantt chart)    |              |
| • Stacking/zoning diagrams                  |              |
| • Block plans/square footage allocations    |              |
| • Floor plans                               |              |
| • Mock-ups and prototypes                   |              |

2/27/2015
2016 Professional Exam (IDPX)
Distribution of 150 Scored Questions

<table>
<thead>
<tr>
<th>2016 CONTENT AREA</th>
<th>DISTRIBUTION</th>
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<tbody>
<tr>
<td><strong>1. Project Coordination</strong></td>
<td>15 Items – 10%</td>
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<tr>
<td>For example:</td>
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<tr>
<td>• Critical path (i.e., design milestones, sequencing)</td>
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<td>• Project team dynamics</td>
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<td>• Project budgeting/tracking during design phases</td>
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<td>• Architects</td>
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<td>• Engineers (e.g., electrical, structural, mechanical, civil)</td>
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<tr>
<td>• Specialty consultants (e.g., landscape, lighting A/V, acoustical, food service, graphics/signage)</td>
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<tr>
<td>• Contractors/construction managers</td>
<td></td>
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<tr>
<td>• Real estate professionals (e.g., realtor, landlord, leasing agent, developer, property owner)</td>
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<tr>
<td><strong>2. Codes and Standards</strong></td>
<td>27 Items – 18%</td>
</tr>
<tr>
<td>For example:</td>
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<tr>
<td>• Universal/accessible design</td>
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<tr>
<td>• Life safety (e.g., egress, fire separation)</td>
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<tr>
<td>• Zoning and building use</td>
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<tr>
<td>• Environmental regulations (e.g., indoor air quality, energy conservation, renewable resources, water conservation)</td>
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<td>• Square footage standards (e.g., code, BOMA, lease)</td>
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<tr>
<td><strong>3. Building Systems and Integration</strong></td>
<td>24 Items – 16%</td>
</tr>
<tr>
<td>For example:</td>
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<tr>
<td>• Building construction types (e.g., wood, steel, concrete)</td>
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<td>• Building components (e.g., doors, windows, wall assemblies)</td>
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<td>• Mechanical systems</td>
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<td>• Structural systems</td>
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<td>• Fire protection systems</td>
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<td>• Low voltage systems (e.g., data and communication, security, A/V)</td>
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<tr>
<td>• Acoustical systems</td>
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<td>• Sequencing of work (e.g., plumbing before drywall)</td>
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<td>• Permit requirements</td>
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<td>2016 CONTENT AREA</td>
<td>DISTRIBUTION</td>
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<td>4. Product and Material Coordination</td>
<td>21 Items – 14%</td>
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<tr>
<td>For example:</td>
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<tr>
<td>• Cost estimating</td>
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<tr>
<td>• Product components (e.g., types, assembly, methods)</td>
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<tr>
<td>• Material detail drawings (e.g., custom products)</td>
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<td>• Lead time (e.g., manufacturing time, delivery)</td>
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<tr>
<td>• Installation</td>
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<td>• Life safety (e.g., flammability, toxicity, slip resistance)</td>
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<tr>
<td>• Technical specifications</td>
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<td>• Maintenance documents (e.g., warranties, manuals)</td>
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<tr>
<td>• Existing FF&amp;E inventory documentation</td>
<td></td>
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<tr>
<td>• Procurement procedures (e.g., purchase orders, prepayment requirements)</td>
<td></td>
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<tr>
<td>5. Contract Documents</td>
<td>24 Items – 16%</td>
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<tr>
<td>For example:</td>
<td></td>
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<tr>
<td>• Cover sheet (e.g., General Conditions and Notes, drawing index)</td>
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<tr>
<td>• Code required plans (e.g., egress, accessibility, specialty codes)</td>
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<tr>
<td>• Elevations, sections and details (e.g., partition types, millwork)</td>
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<tr>
<td>• Consultant drawings (e.g., MEP, structural, security, specialty consultants)</td>
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<tr>
<td>• Specification types (e.g., prescriptive, performance, and proprietary)</td>
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<tr>
<td>• Specification formats (e.g., divisions)</td>
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<tr>
<td>6. Contract Administration</td>
<td>27 Items – 18%</td>
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<tr>
<td>For example:</td>
<td></td>
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<tr>
<td>• Project management (e.g., schedule, budget, quality control)</td>
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<tr>
<td>• Forms (e.g., transmittals, change orders, bid/tender, addenda, bulletin, purchase orders)</td>
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<td>• Punch list/deficiency lists</td>
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<td>• Site visits and field reports</td>
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<tr>
<td>• Project meetings/meeting management/meeting protocol and minutes</td>
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<tr>
<td>• Shop drawings and submittals</td>
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<tr>
<td>• Construction mock-ups</td>
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<td>• Value engineering</td>
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<td>• Project accounting (e.g., payment schedules, invoices)</td>
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<td>• Contractor pay applications</td>
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<td>• Project close-out</td>
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<td>• Post-occupancy evaluation</td>
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<tr>
<td>2016 CONTENT AREA</td>
<td>DISTRIBUTION</td>
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<tr>
<td><strong>7. Professional and Business Practices</strong></td>
<td>12 Items – 8%</td>
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</tbody>
</table>

For example:
- Scope of practice
- Proposals e.g., time and fee estimation, RFP process, project scope)
- Budgeting principles and practices (project specific)
- Contracts
- Phases of a project
- Business licenses (e.g., sales and use tax, resale certificates)
- Accounting principles (office/business)
- Legal considerations (e.g., liabilities and forms of business)
- Insurance
- Professional licensure, certification, registration
- Economic factors

2/27/2015
### NCIDQ Examination

**2014 Practicum Exam**  
**Exercise Descriptions**

**PART A - 4 HOURS TOTAL**

<table>
<thead>
<tr>
<th>EXERCISE</th>
<th>WEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Space Planning</td>
<td>23%</td>
</tr>
<tr>
<td>3 hours – ¼” [1:50] scale – 1 sheet – 2,200-2,600 sq. ft. [204.4-241.5 m²]</td>
<td></td>
</tr>
<tr>
<td>Design a plan solution meeting all program requirements for 15-20 spaces, including adjacencies, accessibility, egress and specified power/voice/data requirements. This exercise will be either commercial or residential.</td>
<td></td>
</tr>
<tr>
<td>Lighting Design</td>
<td>11%</td>
</tr>
<tr>
<td>1 hour – ¼” [1:50] scale – 2 sheets – 550-850 sq. ft. [51.1-78.9 m²]</td>
<td></td>
</tr>
<tr>
<td>Design lighting and switching solutions for an area of work using cut sheets provided; complete a lighting schedule; and calculate energy use. This exercise will be either commercial or residential.</td>
<td></td>
</tr>
</tbody>
</table>

**PART B - 2 HOURS TOTAL**

<table>
<thead>
<tr>
<th>EXERCISE</th>
<th>WEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Egress</td>
<td>18%</td>
</tr>
<tr>
<td>1 hour – ⅛” [1:100] scale – 1 sheet – 10,000-13,500 sq. ft. [929.0-1254.2 m²]</td>
<td></td>
</tr>
<tr>
<td>Taking an upper floor in a multi-story building with 1 existing tenant, subdivide the remaining floor area for 4 additional spaces and determine occupancy load for each; create a common egress corridor; show common path of travel from existing suite and travel distance to exit stairs; and calculate occupant load for each exit stair. This exercise will be either commercial or residential.</td>
<td></td>
</tr>
<tr>
<td>Life Safety</td>
<td>18%</td>
</tr>
<tr>
<td>0.5 hour – ⅛” [1:100] scale – 1 sheet – 3,000-5,000 sq. ft. [278.7-464.5 m²]</td>
<td></td>
</tr>
<tr>
<td>Indicate specified life safety equipment in a tenant suite, elevator lobby, public restrooms [washrooms] and public corridors; complete a door/frame/hardware schedule for specified doors; and complete a partition schedule for specified partitions. This exercise will be commercial.</td>
<td></td>
</tr>
<tr>
<td>Restroom [Washroom]</td>
<td>9%</td>
</tr>
<tr>
<td>0.5 hour – ⅛” [1:50] scale – 1 sheet</td>
<td></td>
</tr>
<tr>
<td>Draw and dimension specified plumbing fixtures and accessories in a public restroom [washroom] for men; and complete a fixture and accessory schedule indicating proper mounting heights. This exercise will be commercial.</td>
<td></td>
</tr>
</tbody>
</table>
### PART C – 2 HOURS TOTAL

<table>
<thead>
<tr>
<th>EXERCISE</th>
<th>WEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Systems Integration</strong></td>
<td>12%</td>
</tr>
<tr>
<td>1 hour – 1/8” [1:100] scale – 2 sheets – 1,500-5,000 sq. ft. [139.4-464.5 m²]</td>
<td></td>
</tr>
<tr>
<td>Evaluate plans provided to understand and describe eight (8) identified conflicts between lighting, mechanical, electrical, plumbing and structural systems and recommend solutions to those conflicts. This exercise will be commercial.</td>
<td></td>
</tr>
<tr>
<td><strong>Millwork</strong></td>
<td>9%</td>
</tr>
<tr>
<td>1 hour – ¼” [1:50] and ¾” [1:20] scale – 1 sheet</td>
<td></td>
</tr>
<tr>
<td>Draw a plan view of a required millwork solution; draw elevation(s) and draw a section at an element that requires accessibility. This exercise will be either commercial or residential.</td>
<td></td>
</tr>
</tbody>
</table>
1.0 DEFINITIONS
   1.1 Common Path of Egress Travel – The portion of the exit access [access to an exit] that must be traversed BEFORE two separate and distinct paths of travel to two exits are available. Common path of egress travel shall be included within the permitted travel distance.
   1.2 Travel Distance – The distance measured from the most remote point within a story to the entrance to an exit along the natural and unobstructed path of egress travel.

2.0 FIRE-RESISTANT RATED CONSTRUCTION
   2.1 Demising partitions between tenant spaces MUST be 1-hour fire rated.
   2.2 Partitions along a public corridor MUST be 1-hour fire rated.
   2.3 Partitions that demise an Assembly Occupancy of 750 sq. ft. [70 m²] or greater MUST be 1-hour fire rated.
   2.4 Door assemblies in a 1-hour fire rated partition MUST have a minimum fire protection rating of 20 minutes and be self-closing.
   2.5 Storage rooms exceeding 100 sq. ft. [9.3 m²] MUST be 1-hour rated.
   2.6 Glazing in fire rated partitions, doors or sidelights may not exceed 240 sq. in. [1548 cm²].

3.0 FIRE PROTECTION SYSTEM
   3.1 There MUST be an audio/visual fire signal device located in each restroom, hallway, lobby, and general assembly area.
   3.2 An audio/visual fire signal device MUST be visible from any location in the room or space and MUST be mounted between 6'-8" to 7'-6" [2 m to 2.3 m] AFF.
   3.3 The minimum number of fire extinguishers MUST be calculated based on one (1) fire extinguisher per 3000 sq. ft. [280 m²].
   3.4 Fire extinguishers MUST be located no more than 75' [23 m] from the furthest occupant.
   3.5 Smoke and Heat Detector coverage MUST include all rooms, corridors and storage areas.

4.0 MEANS OF EGRESS
   4.1 General Means of Egress
      4.1.1 The means of egress MUST have a ceiling height of not less than 7'-6" [2.3 m].
      4.1.2 Protruding objects are permitted to extend below the minimum ceiling height provided a minimum headroom of 6'-8" [2 m] shall be provided along the path of egress, including any corridor, aisle or passageway.
      4.1.3 Protruding objects MUST NOT reduce the minimum clear width of accessible routes.
4.1.4 **ALL** objects located on a wall between 27" [685 mm] and 80" [2115 mm] **AFF** **MUST NOT** protrude more than 4" [100 mm] into an egress path of travel.

4.2 Exit Signs

4.2.1 Exit signs with a directional indicator (illuminated) showing the direction of travel shall be placed in every location where the direction of travel to reach the nearest exit is not apparent.

4.3 Illumination

4.3.1 Emergency illumination shall be provided for a minimum of 1½ hours in the event of failure of normal lighting. Emergency lighting facilities shall be arranged to provide initial illumination along the path of egress.

4.4 Travel Distance

4.4.1 **ALL** paths of travel **MUST** be accessible (barrier-free) and provide at minimum a 60" [1500 mm] turning circle at changes of travel direction.

4.4.2 The path of egress travel **MUST NOT** pass through a secondary space that is subject to closure by doors or that contains storage materials or has items that project into the path of travel.

4.4.3 The common path of egress travel distance **MUST NOT** exceed 100'-0" [30.5 m].

4.4.4 The travel distance to an exit **MUST** be measured on the floor along the centerline of the natural path of travel, starting from the most remote point to the centerline of the exit.

4.4.5 The travel distance **MUST NOT** exceed 250'-0" [76.2 m] measured along the path of travel.

4.5 Exit Access Doors, Doorways, Door Hardware and Windows

4.5.1 The height of doors **MUST NOT** be less than 7'-0" [2.1 m].

4.5.2 **ALL** door openings shall be a **MINIMUM** of 36" [900 mm] wide with an 18" [450 mm] clear space on the pull side of the door and a 12" [300 mm] clear space on the push side of the door.

4.5.3 Where a pair of doors is provided, one of the doors **MUST** be not less than 36" [900 mm] wide.

4.5.4 Locks, if provided, **MUST NOT** require the use of a key, special knowledge, or effort for operation from the egress side.

4.5.5 Doors opening from occupied spaces into the path of egress travel shall not project more than 7" [180 mm] into the required width.

4.5.6 Exit access doorways **MUST** open in the direction of exit travel.

4.5.7 Exit access doorways **MUST** be placed at a distance that is equal to or greater than:

4.5.7.1 When the building is **NOT** sprinklered, one-half the length of the maximum overall diagonal dimension of the area being served, measured in a straight line between exit doors or exit access doorways.

4.5.7.2 When the building is sprinklered, one-third the length of the maximum overall diagonal dimension of the area being served, measured in a straight line between exit doors or exit access doorways.

4.5.8 Two (2) exit access doorways **MUST** be provided from any space where the Occupancy Load exceeds 49 in Occupancy Groups A (Assembly), B (Business) and M (Mercantile) or exceeds 29 in Occupancy Group S (Storage).
4.6 Corridors

4.6.1 The **MINIMUM** interior corridor width **MUST** be 44" [1100 mm].

4.6.2 Dead end corridors **MUST NOT** exceed 20'-0" [6 m] in length.

5.0 ACCESSIBILITY

5.1 Service (reception/transaction) counters over 8'-0" [2.4 m] in length **MUST** have an accessible height service counter, a minimum of 36" [900mm] in length.

5.2 **ALL** accessible (barrier-free) countertops, sinks, reception/transaction surfaces, and other horizontal work surfaces **MUST NOT** exceed 34" [865 mm] AFF with a 27"H [685 mm] clear knee space below.

5.3 **ALL** accessible (barrier-free) counters **MUST** have clear knee space of at least 30"W x 17"D [760 mm x 430 mm].

5.4 **ALL** exposed hot water pipes and drains **MUST** be insulated or otherwise protect wheelchair users from burns on the legs.

5.5 **ALL** accessible (barrier-free) wall-mounted controls **MUST** be located between 15" [380 mm] and 44" [1100 mm] AFF for a Forward Reach and between 9" [230 mm] and 48" [1200 mm] AFF for a Side Reach.

5.6 **ALL** accessible (barrier-free) lower cabinets **MUST** have a 6" D maximum x 9" H minimum [150mm x 230 mm] toe-kick.

5.7 **ALL** accessible (barrier-free) upper cabinets or shelves located above a work surface **MUST NOT** exceed 44" [1100 mm] AFF.

5.8 Restrooms [Washrooms]

5.8.1 **ALL** accessible toilets **MUST** have an unobstructed 60" [1500 mm] turning circle.

5.8.2 Centerline of accessible toilets **MUST** be 16"-18" [400 mm - 450 mm] from side wall or partition.

5.8.3 Clearance around accessible toilets **MUST** be 60" [1500 mm] along the rear wall and 56" [1420 mm] along the side wall.

5.8.4 Accessible toilets **MUST** be mounted at 17"-19" [430 mm - 480 mm] AFF to the top of the toilet seat.

5.8.5 **ALL** grab bars at toilets **MUST** be 36" [900 mm] long at the rear and 42" [1060 mm] long at the side, mounted between 33" [840 mm] and 36" [900 mm] AFF.

5.8.6 **ALL** accessible showers **MUST** have horizontal grab bars on three (3) sides mounted at a height between 33" [840 mm] and 36" [900 mm] AFF.

5.8.7 Accessible showers **MUST** be a minimum of 30" [760 mm] x 60" [1500 mm].

5.8.8 Accessible urinals **MUST** have an elongated rim at a maximum height of 17" [430 mm] AFF.

5.8.9 A clear floor space of 30" [760 mm] x 48" [1200 mm] **MUST** be provided in front of accessible lavatories, urinals, showers, and bathtubs.

5.8.10 Accessible mirrors **MUST** be mounted with the edge of the reflective surface no higher than 40" [1000 mm] AFF.

6.0 STRUCTURAL

6.1 Core drills **MUST NOT** be within 18" [450 mm] of any structural element.
7.0 ELECTRICAL

7.1 ALL electrical receptacles MUST be 18" [450 mm] AFF unless otherwise noted.

7.2 ALL electrical receptacles located within 36" [900 mm] of a water source MUST be GFI.

7.3 Clearance of 36" [900 mm] deep MUST be provided in front of power panels.

8.0 OCCUPANCY LOAD TABLE

<table>
<thead>
<tr>
<th>FUNCTION OF SPACE</th>
<th>FLOOR AREA IN SQ. FT. [m²] PER OCCUPANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory storage areas, mechanical equipment room</td>
<td>300 [28 m²] gross</td>
</tr>
<tr>
<td>Assembly without fixed seats</td>
<td></td>
</tr>
<tr>
<td>Concentrated (chairs only—not fixed)</td>
<td></td>
</tr>
<tr>
<td>Standing space</td>
<td>7 [7 m²] net</td>
</tr>
<tr>
<td>Unconcentrated (tables and chairs)</td>
<td>5 [5 m²] net</td>
</tr>
<tr>
<td></td>
<td>15 [1.4 m²] net</td>
</tr>
<tr>
<td>Business areas</td>
<td>100 [9.3 m²] gross</td>
</tr>
<tr>
<td>Education</td>
<td></td>
</tr>
<tr>
<td>Classroom area</td>
<td>20 [1.9 m²] net</td>
</tr>
<tr>
<td>Shops and other vocational room areas</td>
<td>50 [4.6 m²] net</td>
</tr>
<tr>
<td>Exercise rooms</td>
<td>50 [4.6 m²] gross</td>
</tr>
<tr>
<td>Kitchens, commercial</td>
<td>200 [18.6 m²] gross</td>
</tr>
<tr>
<td>Mercantile</td>
<td></td>
</tr>
<tr>
<td>Areas on other floors</td>
<td>60 [5.6 m²] gross</td>
</tr>
<tr>
<td>Basement and grade floor areas</td>
<td>30 [2.8 m²] gross</td>
</tr>
<tr>
<td>Storage, stock, shipping areas</td>
<td>300 [28 m²] gross</td>
</tr>
<tr>
<td>Residential</td>
<td>200 [18.6 m²] gross</td>
</tr>
</tbody>
</table>
PROGRAMMING, PLANNING & PRACTICE

KNOWLEDGE / SKILLS

The division has been broken down into a listing of knowledge and skills for each major content area.

1. PROGRAMMING & ANALYSIS
   (27-33 percent of scored items)
   A. Assess client needs and requirements to develop a master plan and program. Document design objectives including site characteristics, spatial and functional relationships, and building systems considerations. Establish preliminary project scope, phasing, budget, and schedule.

2. ENVIRONMENTAL SOCIAL & ECONOMIC ISSUES
   (17-23 percent of scored items)
   A. Obtain and review site and building surveys. Assess physical, environmental, social, and economic issues and project impact. Develop project concepts utilizing sustainable principles, alternative energy systems, and new material technologies. Apply basic design principles and historic precedent.

1. Regional Impact on Project
   Research and analyze the regional impact of built, environmental, and planned conditions as they affect or are affected by the proposed project.

2. Community-Based Awareness
   Assess pertinent planning, social, demographic, and economic issues within a local community and incorporate their impact on the proposed project.

3. Hazardous Conditions and Materials
   Assess the potential for hazardous conditions and their impact on the proposed project.

4. Design Principles
   Apply design principles and historic precedents to test, develop, and refine project design concepts.

   Assess and incorporate innovative environmental, energy-related sustainable design concepts on the program, scope and budget into the proposed project.
3. **CODES & REGULATIONS**  
   (11-17 percent of scored items)  
   
   A. Identify, analyze, and incorporate building codes, specialty codes, zoning, and other regulatory requirements. Manage regulatory approval process.  
   1. **Government and Regulatory Requirements and Permit Processes**  
      Identify and manage the prescribed planning, zoning, and building code requirements of the proposed project design.  
   2. **Adaptive Reuse of Buildings and/or Materials**  
      Identify and incorporate planning, zoning, and building code requirements relative to repurposed buildings and reused materials for the proposed project.  
   3. **Specialty Codes and Regulations including Accessibility Laws, Codes and Guidelines**  
      Identify and incorporate relevant specialty codes into the proposed project design.

4. **PROJECT & PRACTICE MANAGEMENT**  
   (33-39 percent of scored items)  
   
   A. Develop scope of services and project delivery method. Assess project budget and financing. Identify project team members including consultants. Document project meetings. Manage project schedule and design process. Assist with construction procurement. Manage legal issues relating to practice including fees, insurance, and professional services contracts.  
   1. **Project Delivery & Procurement Methods**  
      Determine the delivery and construction procurement method based on client requirements.  
   2. **Project Budget Management**  
      Determine fiscal requirements and apply appropriate methodology and techniques to manage project budgets.  
   3. **Project Schedule Management**  
      Establish and manage the professional service schedules for the project.  
   4. **Contracts for Professional Services and Contract Negotiation**  
      Determine, negotiate, execute, and manage the professional services agreements for the project.  
   6. **Risk Management and Legal Issues Pertaining to Practice and Contracts**  
      Assess and manage risk and legal issues related to the business and practice of architecture.
1. **PRINCIPLES**  
(22-30 percent of scored items) 

A. Review and assess sites. Incorporate the implication of human behavior, historic precedent, and design theory in the selection of systems, materials, and methods related to site design and construction.

   1. **Site Planning**  
   Use physical, contextual, and regulatory characteristics, in combination with programmatic requirements, to evaluate project sites.

   2. **Site Design and Design Principles**  
   Use site evaluation data and programmatic requirements to develop and evaluate alternative site designs.

   3. **Implications of Design Decisions**  
   Use architectural, engineering, and construction principles and procedures to evaluate site design.

   4. **Adaptive Reuse of Buildings and/or Materials**  
   Apply principles for adaptive reuse of facilities and materials to site design.

   5. **Architectural History and Theory**  
   Analyze and evaluate the project site with respect to its regional, local, and site-specific historical context.

2. **ENVIRONMENTAL ISSUES**  
(24-32 percent of scored items) 


   1. **Interpreting Existing Site/Environmental Conditions and Data**  
   Assess site layout and proposed materials and systems with respect to environmental context.

   2. **Design Impact on Human Behavior**  
   Assess site layout and proposed materials and systems with respect to human behavior, safety, and security.

   3. **Hazardous Conditions and Materials**  
   Assess the site with respect to the presence of hazardous conditions and materials, and identify mitigation options.

   4. **Sustainable Design**  
   Identify and apply sustainable strategies and technologies to site layout and selection of materials and systems.

   5. **Alternative Energy Systems and New Material Technologies**  
   Identify and apply alternative energy systems and new material technologies to site layout and selection of materials and systems.
3. CODES & REGULATIONS
(18-26 percent of scored items)

A. Incorporate building codes, specialty codes, zoning and other regulatory requirements in site design and construction.
   1. Government and Regulatory Requirements and Permit Processes
      Identify and apply relevant land use, building codes, and regulations into the site design, and assist in permitting.
   2. Accessibility Laws, Codes and Guidelines
      Identify and apply relevant specialty codes and regulations into the site design, and assist in permitting.

4. MATERIALS & TECHNOLOGY
(16-20 percent of scored items)

A. Analyze the implication of design decisions in the selection of systems, materials, and methods incorporated in site design and construction.
   1. Construction Details and Constructability
      Incorporate appropriate materials into site details, systems, and assemblies.
   2. Construction Materials
      Evaluate and select appropriate site products, materials, and systems based on programmatic, performance, and sustainability requirements.

3. Fixtures, Furniture, Equipment, and Finishes
   Evaluate and select appropriate site fixtures, furniture, equipment, and finishes based on programmatic and performance requirements.

4. Thermal and Moisture Protection
   Manage the impact of temperature, water, and climatic conditions on site design.

5. Natural and Artificial Lighting
   Apply principles of natural and artificial lighting in site design.

6. Implications of Design Decisions
   Use architectural, engineering, and construction principles and procedures to evaluate site materials, assemblies, and systems.

5. PROJECT & PRACTICE MANAGEMENT
(4-8 percent of scored items)

A. Assess and administer site design, including construction sequencing, scheduling, cost, and risk management.
   1. Construction Sequencing
      Determine site phasing based upon prioritized programmatic requirements and anticipated construction sequencing.
   2. Cost Estimating, Value Engineering, and Life-cycle Costing
      Analyze site development costs relative to programmatic and budgetary requirements.
The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. **PRINCIPLES**
   (27-33 percent of scored items)
   A. Incorporate the implications of human behavior, historic precedent, and design theory in the selection of systems, materials, and methods related to building design and construction.

   1. **Building Design**
      Analyze and evaluate those tasks, procedures, and methodologies influencing building design during schematic design and design development, including building systems and materials.

   2. **Design Principles and Design Impact on Human Behavior**
      Analyze and evaluate design principles that influence human behavior in the built environment.

   3. **Building Systems and their Integration**
      Analyze, evaluate, and integrate appropriate building systems considering design and engineering principles.

   4. **Implications of Design Decisions**
      Evaluate how decisions made in schematic design and design development, relating to orientation, area, materials, cost, code, sustainability, and/or phasing, impact later phases of design, construction, and building use.

   5. **Space Planning and Facility Planning/Management**
      Utilize principles of space planning and facility planning/management.

   6. **Fixtures, Furniture, Equipment, and Finishes**
      Evaluate and select fixtures, furniture, equipment, and finishes and determine the impact on building design.

2. **ENVIRONMENTAL ISSUES**
   (6-9 percent of scored items)

   A. Consider the principles of sustainable design including adaptive re-use, thermal and moisture protection, and hazardous material mitigation.

   1. **Hazardous Conditions and Materials**
      Survey and reconcile hazardous conditions and materials relating to building and site.

   2. **Indoor Air Quality**
      Determine and assess factors that affect indoor air quality.

   3. **Sustainable Design**
      Evaluate and apply principles of sustainability relating to building materials and construction.

   4. **Natural and Artificial Lighting**
      Evaluate and apply natural and artificial lighting principles and their application to design and construction.

   5. **Alternative Energy Systems and New Material Technologies**
      Select and evaluate emerging and alternative systems and new material technologies.

7. **Adaptive Reuse of Buildings and/or Materials**
   Evaluate constraints, issues, methodologies, programmatic concerns and cost impacts associated with adaptive reuse of buildings and materials.

8. **Architectural History and Theory**
   Apply architectural history, precedent, and theory to building design.
# KNOWLEDGE/SKILLS

## 3. CODES & REGULATIONS

(10-13 percent of scored items)

### A. Incorporate building and specialty codes, zoning, and other regulatory requirements in building design and construction systems.

1. **Government and Regulatory Requirements and Permit Processes**
   - Demonstrate comprehension of building codes and planning requirements and assess their effect on building design.

2. **Specialty Codes and Regulations including Accessibility Laws, Codes, and Guidelines**
   - Demonstrate comprehension of specialty codes and guidelines, such as accessible design, seismic code, life safety, and fair housing requirements, and assess their effect on building design.

## 4. MATERIALS & TECHNOLOGY

(43-49 percent of scored items)

### A. MASONRY

- Identify the properties and characteristics of masonry structures and finish materials.

1. **Building Systems and their Integration**
   - Analyze characteristics of masonry systems and materials and their appropriate integration into building design.

2. **Implications of Design Decisions**
   - Evaluate the selection of masonry components to determine their effects on design, cost, engineering, and/or scheduling.

3. **Construction Details and Constructability**
   - Demonstrate comprehension of masonry details and their application in building design and construction.

4. **Construction Materials**
   - Determine the appropriate use of masonry in building design and construction.

5. **Product Selection and Availability**
   - Evaluate and prioritize the selection of masonry systems, materials, and availability.

6. **Cost Estimating, Value Engineering, and Life-Cycle Costing**
   - Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to masonry.

7. **Thermal and Moisture Protection**
   - Assess the use of masonry components in thermal and moisture protection.
### B. METALS
Identify the properties and characteristics of structural and miscellaneous metals.

1. **Building Systems and their Integration**
   Analyze characteristics of metal systems and materials and their appropriate integration into building design.

2. **Implications of Design Decisions**
   Evaluate the selection of metal components to determine their effects on design, cost, engineering, and/or scheduling.

3. **Construction Details and Constructability**
   Demonstrate comprehension of metal details and their application in building design and construction.

4. **Construction Materials**
   Determine the appropriate use of metal in building design and construction.

5. **Product Selection and Availability**
   Evaluate and prioritize the selection of metal systems, materials, and availability.

6. **Cost Estimating, Value Engineering, and Life-Cycle Costing**
   Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to metal.

7. **Thermal and Moisture Protection**
   Assess the use of metal components in thermal and moisture protection.

### C. WOOD
Identify the properties and characteristics of wood structures, rough carpentry, finish carpentry, and millwork assemblies.

1. **Building Systems and their Integration**
   Analyze characteristics of wood systems and materials and their appropriate integration into building design.

2. **Implications of Design Decisions**
   Evaluate the selection of wood components to determine their effects on design, cost, engineering, and/or scheduling.

3. **Construction Details and Constructability**
   Demonstrate comprehension of wood details and their application in building design and construction.

4. **Construction Materials**
   Determine the appropriate use of wood in building design and construction.

5. **Product Selection and Availability**
   Evaluate and prioritize the selection of wood systems, materials, and availability.

6. **Cost Estimating, Value Engineering, and Life-Cycle Costing**
   Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to wood.

7. **Thermal and Moisture Protection**
   Assess the use of wood components in thermal and moisture protection.
D. CONCRETE

Identify the properties and characteristics of concrete structures and finishes.

1. Building Systems and their Integration
   Analyze characteristics of concrete systems and materials and their appropriate integration into building design.

2. Implications of Design Decisions
   Evaluate the selection of concrete components to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability
   Demonstrate comprehension of concrete details and their application in building design and construction.

4. Construction Materials
   Determine the appropriate use of concrete in building design and construction.

5. Product Selection and Availability
   Evaluate and prioritize the selection of concrete systems, materials, and availability.

   Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to concrete.

7. Thermal and Moisture Protection
   Assess the use of concrete components in thermal and moisture protection.

E. OTHER

Identify the properties and characteristics of miscellaneous systems, assemblies, membranes, cladding, coatings, and finish materials (e.g., plastics, composites, glass, tensile, pneumatics, EIFS, etc.).

1. Building Systems and their Integration
   Analyze the relationship of building systems and materials (other than masonry, metal, concrete, and wood) and their appropriate selection and integration into building design.

2. Implications of Design Decisions
   Evaluate the selection of building components (other than masonry, metal, concrete, and wood) to determine their effects on design, cost, engineering, and/or scheduling.

3. Construction Details and Constructability
   Demonstrate comprehension of the relationship of building systems and materials (other than masonry, metal, concrete, and wood) details and their application in building design and construction.

4. Construction Materials
   Determine the appropriate use of building systems and materials (other than masonry, metal, concrete, and wood) in building design and construction.

5. Product Selection and Availability
   Evaluate and prioritize the selection of building systems and materials (other than masonry, metal, concrete, and wood) and availability.

   Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to building systems and materials (other than masonry, metal, concrete, and wood).

7. Thermal and Moisture Protection
   Assess the use of building systems and materials (other than masonry, metal, concrete, and wood) in thermal and moisture protection.
## KNOWLEDGE/SKILLS

### F. SPECIALTIES

Analyze and select accessories, equipment, and fittings.

1. **Building Systems and their Integration**
   - Analyze the relationship of accessories, equipment, and fittings and their appropriate selection and integration into building design.

2. **Implications of Design Decisions**
   - Evaluate the selection of accessories, equipment, and fittings to determine their effects on design, cost, engineering, and/or scheduling.

3. **Construction Details and Constructability**
   - Demonstrate comprehension of the relationship of accessories, equipment, and fittings in details and their application in building design and construction.

4. **Construction Materials**
   - Determine the appropriate use of accessories, equipment, and fittings in building design and construction.

5. **Product Selection and Availability**
   - Evaluate and prioritize the selection of accessories, equipment, and fittings and their availability.

6. **Cost Estimating, Value Engineering, and Life-Cycle Costing**
   - Demonstrate knowledge of cost estimating, value engineering, and life-cycle costing related to accessories, equipment, and fittings.

7. **Thermal and Moisture Protection**
   - Assess the use of accessories, equipment, and fittings in thermal and moisture protection.

### 5. PROJECT & PRACTICE MANAGEMENT

(4-7 percent of scored items)

- **A. Determine the impact of construction sequencing, scheduling, cost, and risk management on selection of systems, materials, and methods.**
  
  1. **Construction Sequencing**
     - Evaluate the selection of systems, materials, and methods and their impact on construction sequencing.

  2. **Cost Estimating, Value Engineering, and Life-Cycle Costing**
     - Demonstrate comprehension of cost estimating, value engineering, and lifecycle costing methods and principles.

  3. **Project Schedule Management**
     - Demonstrate comprehension and use of project scheduling, staffing projections, contracts, and project management principles.

  4. **Risk Management**
     - Apply risk management principles and demonstrate methods of conflict resolution.
SCHEMATIC DESIGN

OVERVIEW

DIVISION STATEMENT
Apply knowledge and skills required for the schematic design of buildings and interior space planning.

Vignettes

INTERIOR LAYOUT
Design an interior space plan and furniture arrangement responding to program, code, and accessibility requirements.

BUILDING LAYOUT
Develop a schematic design for a two-story building addressing program, code, site, and environmental requirements.
The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. **GENERAL STRUCTURES**  
   (50-54 percent of scored items)
   
   A. **Principles**  
      Apply general structural principles to building design and construction.
      
      1. **Building Design**  
         Analyze and investigate the structural loads and conditions that affect building design through use of engineering principles and functional requirements.
      
      2. **Building Systems and their Integration**  
         Determine appropriate building structural systems and components.
      
      3. **Implications of Design Decisions**  
         Evaluate the impact of structural design decisions on other building design issues.
   
   B. **Materials & Technology**  
      Analyze the implications of design decisions in the selection of systems, materials, and construction details related to general structural design.
      
      1. **Construction Details and Constructability**  
         Analyze the impact of structural decisions on the construction process.
      
      2. **Construction Materials**  
         Apply knowledge of the properties of materials that affect their structural characteristics.
   
   C. **Codes & Regulations**  
      Incorporate building codes, specialty codes, and other regulatory requirements in the design of general structural systems.
      
      1. **Government and Regulatory Requirements**  
         Assess and apply building codes and other regulations that affect structural systems.
2. **SEISMIC FORCES**  
(18-22 percent of scored items)

**A. Principles**  
Apply seismic forces principles to building design and construction.

1. **Building Design**  
   Analyze and investigate seismic loads and conditions that affect building design through use of engineering principles and functional requirements.

2. **Building Systems and their Integration**  
   Determine appropriate seismic load resisting systems and components.

3. **Implications of Design Decisions**  
   Evaluate the impact of seismic load design decisions on other building design issues.

**B. Materials & Technology**  
Analyze the implications of design decisions in the selection of systems, materials, and construction details related to seismic forces design.

1. **Construction Details and Constructability**  
   Analyze construction details and non-structural elements relative to their resistance to seismic forces.

2. **Construction Materials**  
   Consider construction materials relative to their resistance to seismic forces.

**C. Codes & Regulations**  
Incorporate building codes, specialty codes, and other regulatory requirements related to seismic forces.

1. **Government and Regulatory Requirements**  
   Assess and apply building codes and regulations with respect to the design of structures for resistance to seismic forces.

3. **WIND FORCES**  
(18-22 percent of scored items)

**A. Principles**  
Apply lateral forces principles to the design and construction of buildings to resist wind forces.

1. **Building Design**  
   Analyze and investigate wind loads and conditions that affect building design through use of engineering principles and functional requirements.

2. **Building Systems and their Integration**  
   Determine appropriate wind load resisting systems and components.

3. **Implications of Design Decisions**  
   Evaluate the impact of wind load design decisions on other building design issues.

**B. Materials & Technology**  
Analyze the implications of design decisions in the selection of systems, materials, and construction details related to wind forces.

1. **Construction Details and Constructability**  
   Analyze construction details and non-structural elements relative to their resistance to wind forces.

2. **Construction Materials**  
   Consider construction materials relative to their resistance to wind forces.

**C. Codes & Regulations**  
Incorporate building codes and other regulatory requirements related to wind forces.

1. **Government and Regulatory Requirements**  
   Assess and apply building codes and regulations with respect to the design of structures for resistance to wind forces.
4. LATERAL FORCES
(7-9 percent of scored items)

A. Principles
   Apply lateral forces principles to the design and construction of buildings.
   
   1. Building Design
      Analyze and investigate lateral loads and conditions that affect building design through use of engineering principles and functional requirements.
   
   2. Building Systems and their Integration
      Determine appropriate lateral load resisting systems and components.
   
   3. Implications of Design Decisions
      Evaluate the impact of lateral load design decisions on other building design issues.

B. Materials & Technology
   Analyze the implications of design decisions in the selection of systems, materials, and construction details related to lateral forces.
   
   1. Construction Details and Constructability
      Analyze construction details and non-structural elements relative to their resistance to lateral forces.
   
   2. Construction Materials
      Consider construction materials relative to their resistance to lateral forces.
BUILDING SYSTEMS

The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. CODES & REGULATIONS
   (6-9 percent of scored items)
   A. Incorporate building codes, specialty codes, and other regulatory requirements in the design of mechanical, electrical, plumbing, conveying, and other specialty systems.

2. ENVIRONMENTAL ISSUES
   (9-11 percent of scored items)
   A. Apply sustainable design principles to the selection, design, and construction of building systems.

3. PLUMBING
   (10-15 percent of scored items)
   A. PRINCIPLES
      Analyze and design plumbing systems.

4. Construction Details
   Utilize sustainable and environmental design details and recognize their effect on constructability, aesthetics, and technical properties.

5. Sustainable Design
   Utilize sustainable design principles in building design as it relates to basic engineering systems.

   Evaluate sustainable strategies to utilize alternative energy systems and evolving technologies in building design.

7. Adaptive Reuse of Buildings and/or Materials
   Evaluate sustainable strategies for adaptive reuse of components, systems and/or materials in building design.
BUILDING SYSTEMS

Overview

KNOWLEDGE / SKILLS

B. MATERIALS & TECHNOLOGY
   Evaluate and select materials and construction details related to plumbing systems.

   1. Building Systems and their Integration
      Evaluate and determine plumbing system parameters most appropriate for building design.

   2. Construction Details and Constructability
      Utilize plumbing system details and recognize their effect on constructability, aesthetics, and technical properties.

4. HVAC
   (18-23 percent of scored items)

   A. PRINCIPLES
      Analyze and design heating, ventilating, and air conditioning systems.

      1. Building Design
         Apply basic engineering principles and technologies for HVAC systems in building design.

      2. Implications of Design Decisions
         Analyze and evaluate the implications of HVAC system design decisions in relation to project goals, cost, schedule, and quality.

      3. Indoor Air Quality
         Analyze and evaluate the implications of HVAC system design decisions in relation to indoor air quality.

   B. MATERIALS & TECHNOLOGY
      Evaluate and select materials and construction details related to heating, ventilating, and air conditioning systems.

      1. Building Systems and their Integration
         Evaluate and determine HVAC system parameters most appropriate for building design.

2. Construction Details and Constructability
   Utilize HVAC system details and recognize their effect on constructability, aesthetics, and technical properties.

3. Thermal and Moisture Protection
   Analyze and evaluate the implications of thermal and moisture protection principles in relation to HVAC system design.

5. ELECTRICAL
   (10-15 percent of scored items)

   A. PRINCIPLES
      Analyze and design electrical systems.

      1. Building Design
         Apply basic engineering principles and technologies for electrical systems in building design.

      2. Implications of Design Decisions
         Analyze and evaluate the implications of electrical system design decisions in relation to project goals, cost, schedule, and quality.

   B. MATERIALS & TECHNOLOGY
      Evaluate and select materials and construction details related to electrical systems.

      1. Building Systems and their Integration
         Evaluate and determine electrical system parameters most appropriate for building design.

      2. Construction Details and Constructability
         Evaluate and determine electrical system parameters most appropriate for building design.
6. **LIGHTING**
(15-20 percent of scored items)

**A. PRINCIPLES**
Analyze and design natural and artificial lighting systems.

1. Building Design
   Apply basic engineering principles and technologies for lighting systems in building design.

2. Implications of Design Decisions
   Analyze and evaluate the implications of lighting system design decisions in relation to project goals, cost, schedule, and quality.

3. Natural and Artificial Lighting
   Evaluate and determine design principles and theories related to sustainable strategies, daylighting, solar control, energy consumption, and artificial lighting.

**B. MATERIALS & TECHNOLOGY**
Evaluate and select materials and construction details related to natural and artificial lighting systems.

1. Building Systems and their Integration
   Evaluate and determine lighting system parameters most appropriate for building design.

2. Construction Details and Constructability
   Utilize lighting system details and recognize their effect on constructability, aesthetics, and technical properties.

3. Natural and Artificial Lighting
   Utilize lighting components and details to recognize their effect on constructability, aesthetics, and technical properties.

7. **SPECIALTIES**
(18-23 percent of scored items)

**A. ACOUSTICS**
Evaluate, select, and design acoustical systems.

1. Building Design
   Apply basic engineering principles and technologies for acoustic systems in building design.

2. Building Systems and their Integration
   Evaluate and determine acoustic system parameters most appropriate for building design.

3. Implications of Design Decisions
   Analyze and evaluate the implications of acoustic system design decisions in relation to project goals.

4. Construction Details and Constructability
   Utilize acoustical components and details to recognize their effect on constructability, aesthetics, and technical properties.

**B. COMMUNICATIONS & SECURITY**
Evaluate, select, and design communications and security systems.

1. Building Design
   Apply basic engineering principles and technologies for communications and security systems in building design.

2. Building Systems and their Integration
   Evaluate and determine communications and security systems parameters most appropriate for building design.

3. Implications of Design Decisions
   Analyze and evaluate the implications of communication and security system design decisions in relation to project goals.
4. Construction Details and Constructability
   Utilize communications and security system details and recognize their effect on constructability, aesthetics, and technical properties.

C. CONVEYING SYSTEMS
   Evaluate, select, and design elevators, escalators, moving walkways, and other conveying systems.
   1. Building Design
      Apply basic engineering principles and technologies for conveying systems in building design.
   2. Building Systems and their Integration
      Evaluate and determine conveying system parameters most appropriate for building design.
   3. Implications of Design Decisions
      Analyze and evaluate the implications of conveying system design decisions in relation to project goals.
   4. Construction Details and Constructability
      Utilize conveying system details and recognize their effect on constructability, aesthetics, and technical properties.

D. FIRE DETECTION AND SUPPRESSION
   Evaluate, select, and design fire detection and suppression systems.
   1. Building Design
      Apply basic engineering principles and technologies for fire detection and suppression systems in building design.
   2. Building Systems and their Integration
      Evaluate and determine fire detection and suppression system parameters most appropriate for building design.
   3. Implications of Design Decisions
      Analyze and evaluate the implications of fire detection and suppression system design decisions in relation to project goals.
   4. Construction Details and Constructability
      Utilize fire detection and suppression system details and recognize their effect on constructability, aesthetics, and technical properties.
CONSTRUCTION DOCUMENTS & SERVICES

KNOWLEDGE / SKILLS

The division has been broken down into a listing of knowledge and skills directly related to each major content area.

1. CODES & REGULATIONS
   (9-11 percent of scored items)
   A. Incorporate building codes, specialty codes, zoning, and other regulatory requirements in construction documents and services.
      1. Government and Regulatory Requirements and Permit Processes
         Review governmental and regulatory requirements and incorporate provisions in the construction documents for required permit submittals and to achieve code compliance.
      2. Specialty Codes and Regulations including Accessibility Laws, Codes, and Guidelines
         Incorporate applicable specialty codes and regulations into the construction documents.

2. ENVIRONMENTAL ISSUES
   (6-9 percent of scored items)
   A. Incorporate sustainable design principles, universal design, adaptive reuse concepts, alternative energy systems, new material technologies, and hazardous material mitigation in construction documents.
      1. Hazardous Conditions and Materials
         Assess the presence of hazardous materials on the site and in the building during construction and recommend mitigation procedures.
      2. Sustainable Design
         Incorporate sustainable design principles into the construction documents.

3. CONSTRUCTION DRAWINGS & PROJECT MANUAL
   (48-53 percent of scored items)
   A. Prepare and coordinate construction drawings including building systems, product selection, and constructibility. Prepare, coordinate, and review general and supplementary conditions and technical specifications.
      1. Site Design
         Prepare and coordinate construction documents pertaining to the site.
      2. Building Design
         Prepare and coordinate construction documents pertaining to the building, and review and revise documents for constructability and budget compliance.
      3. Building Systems and their Integration
         Coordinate building system components and resolve conflicts in construction documents.
      4. Specifications
         Prepare specifications and coordinate them with construction drawings.

4. PROJECT & PRACTICE MANAGEMENT
   (30-35 percent of scored items)
   A. COST
      Prepare estimates of probable construction cost. Consider cost implications on design decisions.
   Update cost estimates for the project during construction document phase; adjust construction documents to align with budget and reflect lifecycle cost goals and value engineering results.

B. SCHEDULING & COORDINATION
   Prepare and manage project schedule and coordinate all contract documents including those of consultants.
   1. Construction Sequencing
      Advise on the sequencing of construction and monitor its impact on project delivery.
   2. Project Schedule Management
      Prepare and monitor a project schedule during both the construction documents phase and construction.

C. PROJECT DELIVERY
   Establish project delivery method. Provide contract administration documentation and services.
   1. Project Delivery Methods
      Evaluate and finalize appropriate project delivery method.
   2. Construction Procurement Processes
      Prepare procurement documentation and manage procurement process.
   3. Product and Material Substitutions
      Evaluate proposed material substitutions for compliance with the construction documents.
   4. Construction Records Management
      Document, prepare and maintain project records during the construction phase.
   5. Shop Drawing Review
      Review and process shop drawings/submittals to ensure compliance with construction documents.

6. Site Observation / Construction Contract Compliance
   Observe construction and perform construction administration to ensure compliance with construction documents and agreements.

7. Change Order Process
   Determine and apply proper procedures for executing changes in the work.

8. Construction Conflict Resolution
   Resolve conflicts between members of the project team during construction.

9. Post-Occupancy Studies
   Assist in preparing a post-occupancy study and evaluate the results.

D. CONTRACTS & LEGAL ISSUES
   Review and administer professional services and construction contracts. Consider issues pertaining to practice including risk management and professional and business ethics.
   1. Contracts for Construction
      Manage terms of professional service contracts and prepare construction contracts between owner and contractors.
   2. Legal Issues Pertaining to Practice and Contracts
      Apply relevant laws and regulations governing the practice of architecture.
   3. Risk Management
      Assess professional and general liability and apply risk management procedures related to architectural practice.
   4. Professional and Business Ethics
      Apply professional and business ethics to architectural practice.
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Adoption of Proposed Rules Relating to Agency Review of
22 Tex. Admin. Code Chapters 1 and 3

Background
Under Texas Government Code §2001.039, each state agency is required to review its rules every four years to determine whether each rule should be re-adopted, amended, or repealed. During this process, the state agency must assess whether the reasons for initially adopting the rule continue to exist. The Board most recently adopted Rule reviews in October, 2012.

Rule Review
At the August Board Meeting, staff presented the review of Chapters 1 and 3 of the Board’s rules. Pursuant to this review, Staff recommended, and the Board agreed, to propose amendments or repeals of the following rules:

Chapters 1 and 3
- Rules 1.5 and 3.5 – Terms Defined Herein
  - Repeal definition of “actual signature” and replace with identical definition of “signature.”
    - The term “actual signature” does not appear in the Board’s rules for any profession. “Signature” is the term that is used.
  - Repeal definition for “authorship”
    - The terms “authorship” or “author” do not appear in the Board’s rules.
  - Revise definition for “Architectural Barriers Act”
    - The current definitions reference Article 9102, Vernon’s Texas Civil Statutes, which was repealed in 2003
  - Repeal definition for “E-mail Directory”
    - This term does not appear in the Board’s rules for any profession
- Rules 1.24 and 3.24 – Fees
  - These rules have become obsolete and should be repealed
    - The rules state that the Board shall establish a schedule of fees, and that such fee schedule shall be published and copies made available at the Board’s office. This rule was adopted at a time, prior to 2005, when the Board did not adopt a fee schedule by rule. Under the current practice, in which the fee schedule is adopted and published under Rule 7.10, this rule is inaccurate and unnecessary.

Chapter 1 Only
- Rule 1.5
  - Correct typographical error: term “EPH” should be amended to “CEPH” (Continuing Education Program Hours)
  - Revise definition for “Architect’s Registration Law”
• The current definition references Article 249a, Vernon’s Texas Civil Statutes, which was repealed in 2001

• Rule 1.148
  o Replace an obsolete reference
    • The rule refers to “Section 10 of the Act,” which is a reference to Article 249a, which was repealed and replaced with Occupations Code Chapter 1051 in 2001. The proposed amendment makes the appropriate reference to Section 1051.001.

Chapter 3 Only

• Rule 3.5
  o Revise definition for “Landscape Architect’s Registration Law”
    • The current definition references Article 249c, Vernon’s Texas Civil Statutes, which was repealed in 2001

All other rules in Chapter 1 and 3 were reviewed and readopted at the August Board meeting. The proposed amendments, which are attached to this summary, were published in the Texas Register on September 23, 2016 (41 TexReg 7387). No comments were received.

Staff’s Recommendation

Move to approve the proposed amendments to 22 Tex. Admin. Code §§ 1.5, 3.5, 1.24, 3.24, and 1.148 for final adoption.
RULE §1.5 Terms Defined Herein

The following words, terms, and acronyms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) The Act--The Architects' Registration Law.

(2) Actual Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.


(34) APA--Administrative Procedure Act.

(45) Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.

(56) Architect--An individual who holds a valid Texas architectural registration certificate granted by the Board.

(67) Architect Registration Examination (ARE)--The standardized test that a Candidate must pass in order to obtain a valid Texas architectural registration certificate.

(78) Architect Registration Examination Financial Assistance Fund (AREFAF)--A program administered by the Board which provides monetary awards to Candidates and newly registered Architects who meet the program's criteria.

(89) Architects' Registration Law--Article 249a, Vernon's Texas Civil Statutes, and Chapter 1051, Texas Occupations Code.

(910) Architectural Barriers Act--Article 9102, Vernon's Texas Civil Statutes and Texas Government Code, Chapter 469.

(104) Architectural Intern--An individual enrolled in the Intern Development Program (IDP).

(112) ARE--Architect Registration Examination.

(123) AREFAF--Architect Registration Examination Financial Assistance Fund.

(14) Authorship--The state of having personally created something.

(135) Barrier-Free Design--The design of a building or a facility or the design of an alteration of a building or a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

(146) Board--Texas Board of Architectural Examiners.

(157) Cancel, Cancellation, or Cancelled--The termination of a Texas architectural registration certificate by operation of law two years after it expires without renewal by the certificate-holder.
(168) Candidate—An Applicant approved by the Board to take the ARE.

(179) CEPH—Continuing Education Program Hour(s).

(1820) Chair—The member of the Board who serves as the Board's presiding officer.

(1924) Construction Documents—Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.


(213) Contested Case—A proceeding, including a licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.

(224) Continuing Education Program Hour (CEPH)—At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

(235) Council Certification—Certification granted by NCARB to architects who have satisfied certain standards related to architectural education, training, and examination.

(246) Delinquent—A registration status signifying that an Architect:

(A) has failed to remit the applicable renewal fee to the Board; and

(B) is no longer authorized to Practice Architecture in Texas or use any of the terms restricted by the Architects' Registration Law.

(27) E-mail Directory—A listing of e-mail addresses:

—(A) used to advertise architectural services; and

—(B) posted on the Internet under circumstances where the Architects included in the list have control over the information included in the list.

(258) Emeritus Architect (or Architect Emeritus)—An honorary title that may be used by an Architect who has retired from the Practice of Architecture in Texas pursuant to Texas Occupations Code, §1051.357.

(269) Energy-Efficient Design—The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.

(2730) Feasibility Study—A report of a detailed investigation and analysis conducted to determine the advisability of a proposed architectural project from a technical architectural standpoint.

(2834) Good Standing--
(A) a registration status signifying that an Architect is not delinquent in the payment of any fees owed to the Board; or

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by an architectural registration board that would provide a ground for the denial of the application for architectural registration in Texas.

(2942) Governmental Entity--A Texas state agency or department; a district, authority, county, municipality, or other political subdivision of Texas; or a publicly owned Texas utility.

(303) Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

(314) IDP--The Intern Development Program as administered by NCARB.

(325) Inactive--A registration status signifying that an Architect may not Practice Architecture in the State of Texas.

(336) Intern Development Program (IDP)--A comprehensive internship program established, interpreted, and enforced by NCARB.

(347) Institutional Residential Facility--A building intended for occupancy on a 24-hour basis by persons who are receiving custodial care from the proprietors or operators of the building. Hospitals, dormitories, nursing homes and other assisted living facilities, and correctional facilities are examples of buildings that may be Institutional Residential Facilities.

(358) Licensed--Registered.

(369) Member Board--An architectural registration board that is part of the nonprofit federation of architectural registration boards known as NCARB.

(3740) NAAB--National Architectural Accrediting Board.

(3841) National Architectural Accrediting Board (NAAB)--An agency that accredits architectural degree programs in the United States.

(3942) National Council of Architectural Registration Boards (NCARB)--A nonprofit federation of architectural registration boards from fifty-five (55) states and territories of the United States.

(403) NCARB--National Council of Architectural Registration Boards.

(414) Nonregistrant--An individual who is not an Architect.

(425) Practice Architecture--Perform or do or offer or attempt to do or perform any service, work, act, or thing within the scope of the Practice of Architecture.

(436) Practicing Architecture--Performing or doing or offering or attempting to do or perform any service, work, act, or thing within the scope of the Practice of Architecture.

(447) Practice of Architecture--A service or creative work applying the art and science of developing design concepts, planning for functional relationships and intended uses, and establishing the form,
appearance, aesthetics, and construction details for the construction, enlargement, or alteration of a building or environs intended for human use or occupancy, the proper application of which requires education, training, and experience in those matters.

(A) The term includes:

(i) establishing and documenting the form, aesthetics, materials, and construction technology for a building, group of buildings, or environs intended to be constructed or altered;

(ii) preparing or supervising and controlling the preparation of the architectural plans and specifications that include all integrated building systems and construction details, unless otherwise permitted under Texas Occupations Code, §1051.606(a)(4); and

(iii) observing the construction, modification, or alteration of work to evaluate conformance with architectural plans and specifications described in clause (ii) of this subparagraph for any building, group of buildings, or environs requiring an architect.

(B) The term "practice of architecture" also includes the following activities which, pursuant to Texas Occupations Code §1051.701(a), may be performed by a person who is not registered as an Architect:

(i) programming for construction projects, including identification of economic, legal, and natural constraints and determination of the scope and spatial relationship of functional elements;

(ii) recommending and overseeing appropriate construction project delivery systems;

(iii) consulting, investigating, and analyzing the design, form, aesthetics, materials, and construction technology used for the construction, enlargement, or alteration of a building or environs and providing expert opinion and testimony as necessary;

(iv) research to expand the knowledge base of the profession of architecture, including publishing or presenting findings in professional forums; and

(v) teaching, administering, and developing pedagogical theory in academic settings offering architectural education.

(458) Principal--An architect who is responsible, either alone or with other architects, for an organization's Practice of Architecture.

(459) Prototypical--From or of an architectural design intentionally created not only to establish the architectural parameters of a building or facility to be constructed but also to serve as a functional model on which future variations of the basic architectural design would be based for use in additional locations.

(4750) Public Entity--A state, a city, a county, a city and county, a district, a department or agency of state or local government which has official or quasi-official status, an agency established by state or local government though not a department thereof but subject to some governmental control, or any other political subdivision or public corporation.

(4851) Registered--Licensed.

(4952) Registrant--Architect.
Regulatory Approval—The approval of Construction Documents by the applicable Governmental Entity after a review of the architectural content of the Construction Documents as a prerequisite to construction or occupation of a building or a facility.

Reinstatement—The procedure through which a Surrendered or revoked Texas architectural registration certificate is restored.

Renewal—The procedure through which an Architect pays a periodic fee so that the Architect’s registration certificate will continue to be effective.

Responsible Charge—That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered architects applying the applicable architectural standard of care.

Revocation or Revoked—The termination of an architectural registration certificate by the Board.

Rules and Regulations of the Board—22 Texas Administrative Code §§1.1 et seq.

Rules of Procedure of SOAH—1 Texas Administrative Code §§155.1 et seq.

Secretary-Treasurer—The member of the Board responsible for signing the official copy of the minutes of each Board meeting and maintaining the record of Board members’ attendance at Board meetings.

Actual Signature—A personal signature of the individual whose name is signed or an authorized copy of such signature.

SOAH—State Office of Administrative Hearings.

Sole Practitioner—An Architect who is the only design professional to offer or render architectural services on behalf of a business entity.

State Office of Administrative Hearings (SOAH)—A Governmental Entity created to serve as an independent forum for the conduct of adjudicative hearings involving the executive branch of Texas government.

Supervision and Control—The amount of oversight by an architect overseeing the work of another whereby:

(A) the architect and the individual performing the work can document frequent and detailed communication with one another and the architect has both control over and detailed professional knowledge of the work; or

(B) the architect is in Responsible Charge of the work and the individual performing the work is employed by the architect or by the architect’s employer.

Supplemental Document—A document that modifies or adds to the technical architectural content of an existing Construction Document.
Surrender—The act of relinquishing a Texas architectural registration certificate along with all privileges associated with the certificate.

Sustainable Design—An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure developments during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

TBAE—Texas Board of Architectural Examiners.

TDLR—Texas Department of Licensing and Regulation.

Texas Department of Licensing and Regulation (TDLR)—A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.

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

TGSLC—Texas Guaranteed Student Loan Corporation.

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.
The Board shall establish a schedule of fees for services provided by the Board, including fees related to application procedures. The fee schedule established by the Board shall be published, and copies shall be available from the Board’s office.
RULE §1.148  Prevention of Unauthorized Practice

(a) An Architect shall not practice or offer to practice architecture in any governmental jurisdiction in which to do so would be in violation of a law regulating the practice of architecture in that jurisdiction.

(b) The revocation, suspension, refusal to renew, or denial of a registration to practice architecture in another jurisdiction shall be sufficient cause for the revocation, suspension, refusal to renew, or denial of a registration to practice architecture in the State of Texas.

(c) An Architect who fails to renew his/her certificate of registration prior to its annual expiration date shall not use the title "architect" and shall not "practice architecture" as defined by Section 10 of the Act§1051.001 of the Texas Occupations Code until after the Architect's certificate of registration has been properly renewed.
RULE §3.5   Terms Defined Herein

The following words, terms, and acronyms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) The Act--The Landscape Architects' Registration Law.

(2) Actual Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.


(34) APA--Administrative Procedure Act.

(45) Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.

(56) Architectural Barriers Act--Article 9102, Vernon's Texas Civil Statutes and Texas Government Code, Chapter 469.

(7) Authorship--The state of having personally created something.

(68) Barrier-Free Design--The design of a facility or the design of an alteration of a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

(79) Board--Texas Board of Architectural Examiners.

(810) Cancel, Cancellation, or Cancelled--The termination of a Texas landscape architectural registration certificate by operation of law two years after it expires without renewal by the certificate-holder.

(911) Candidate--An Applicant approved by the Board to take the LARE.

(102) CEPH--Continuing Education Program Hour(s).

(113) Chair--The member of the Board who serves as the Board's presiding officer.

(124) CLARB--Council of Landscape Architectural Registration Boards.

(135) Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

(146) Consultant--An individual retained by a Landscape Architect who prepares or assists in the preparation of technical design documents issued by the Landscape Architect for use in connection with the Landscape Architect's Construction Documents.

(157) Contested Case--A proceeding, including a licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearing.
(168) Continuing Education Program Hour (CEPH)—At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

(179) Council of Landscape Architectural Registration Boards (CLARB)—An international nonprofit organization whose members are landscape architectural licensing boards of the U.S. states and Canadian provinces that license landscape architects.

(182) Delinquent—A registration status signifying that a Landscape Architect:

(A) has failed to remit the applicable renewal fee to the Board; and

(B) is no longer authorized to practice Landscape Architecture in Texas or use any of the terms restricted by the Landscape Architects' Registration Law.

(192) Direct Supervision—The amount of oversight by an individual overseeing the work of another whereby the supervisor and the individual being supervised work in close proximity to one another and the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

(22) E-mail Directory—A listing of e-mail addresses:

—(A) used to advertise landscape architectural services; and

—(B) posted on the Internet under circumstances where the Landscape Architects included in the list have control over the information included in the list.

(203) Emeritus Landscape Architect (or Landscape Architect Emeritus)—An honorary title that may be used by a Landscape Architect who has retired from the practice of Landscape Architecture in Texas pursuant to §1052.155 of the Texas Occupations Code.

(214) Energy-Efficient Design—The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.

(225) Feasibility Study—A report of a detailed investigation and analysis conducted to determine the advisability of a proposed landscape architectural project from a technical landscape architectural standpoint.

(236) Good Standing—

(A) a registration status signifying that a Landscape Architect is not delinquent in the payment of any fees owed to the Board; or

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by a landscape architectural registration board that would provide a ground for the denial of the application for landscape architectural registration in Texas.

(247) Governmental Entity—A Texas state agency or department; a district, authority, county, municipality, or other political subdivision of Texas; or a publicly owned Texas utility.
Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

Inactive--A registration status signifying that a Landscape Architect may not practice Landscape Architecture in the State of Texas.

LAAB--Landscape Architectural Accreditation Board.

Landscape Architect--An individual who holds a valid Texas landscape architectural registration certificate granted by the Board.

Landscape Architect Registration Examination (LARE)--The standardized test that a Candidate must pass in order to obtain a valid Texas landscape architectural registration certificate.

Landscape Architects' Registration Law--Article 249c, Vernon's Texas Civil Statutes, and Chapter 1052, Texas Occupations Code.

Landscape Architectural Accreditation Board (LAAB)--An agency that accredits landscape architectural degree programs in the United States.

Landscape Architectural Intern--An individual participating in an internship to complete the experiential requirements for landscape architectural registration in Texas.

Landscape Architecture--The art and science of landscape analysis, landscape planning, and landscape design, including the performance of professional services such as consultation, investigation, research, the preparation of general development and detailed site design plans, the preparation of studies, the preparation of specifications, and responsible supervision related to the development of landscape areas for:

(A) the planning, preservation, enhancement, and arrangement of land forms, natural systems, features, and plantings, including ground and water forms;

(B) the planning and design of vegetation, circulation, walks, and other landscape features to fulfill aesthetic and functional requirements;

(C) the formulation of graphic and written criteria to govern the planning and design of landscape construction development programs, including:

(i) the preparation, review, and analysis of master and site plans for landscape use and development;

(ii) the analysis of environmental, physical, and social considerations related to land use;

(iii) the preparation of drawings, construction documents, and specifications; and

(iv) construction observation;

(D) design coordination and review of technical submissions, plans, and construction documents prepared by individuals working under the direction of the Landscape Architect;

(E) the preparation of feasibility studies, statements of probable construction costs, and reports and site selection for landscape development and preservation;
(F) the integration, site analysis, and determination of the location of buildings, structures, and circulation and environmental systems;

(G) the analysis and design of:

(i) site landscape grading and drainage;

(ii) systems for landscape erosion and sediment control; and

(iii) pedestrian walkway systems;

(H) the planning and placement of uninhabitable landscape structures, plants, landscape lighting, and hard surface areas;

(I) the collaboration of Landscape Architects with other professionals in the design of roads, bridges, and structures regarding the functional, environmental, and aesthetic requirements of the areas in which they are to be placed; and

(J) field observation of landscape site construction, revegetation, and maintenance.

(347) LARE—Landscape Architect Registration Examination.

(358) Licensed—Registered.

(369) Member Board—A landscape architectural registration board that is part of CLARB.

(3740) Nonregistrant—An individual who is not a Landscape Architect.

(3841) Principal—A Landscape Architect who is responsible, either alone or with other Landscape Architects, for an organization's practice of Landscape Architecture.

(3942) Prototypical—From or of a landscape architectural design intentionally created not only to establish the landscape architectural parameters of a project but also to serve as a functional model on which future variations of the basic landscape architectural design would be based for use in additional locations.

(403) Registrant—Landscape Architect.

(414) Regulatory Approval—The approval of Construction Documents by the applicable Governmental Entity after a review of the landscape architectural content of the Construction Documents as a prerequisite to construction of a project.

(425) Reinstatement—The procedure through which a Surrendered or revoked Texas landscape architectural registration certificate is restored.

(436) Renewal—The procedure through which a Landscape Architect pays a periodic fee so that the Landscape Architect's registration certificate will continue to be effective.

(447) Responsible charge—That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by registered landscape architects applying the applicable landscape architectural standard of care.

(458) Revocation or Revoked—The termination of a landscape architectural certificate by the Board.
(459) Rules and Regulations of the Board--22 Texas Administrative Code §§3.1 et seq.

(4750) Rules of Procedure of SOAH--1 Texas Administrative Code §§155.1 et seq.

(4851) Secretary-Treasurer--The member of the Board responsible for signing the official copy of the minutes of each Board meeting and maintaining the record of Board members' attendance at Board meetings.

(49) Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.

(502) SOAH--State Office of Administrative Hearings.

(513) Sole Practitioner--A Landscape Architect who is the only design professional to offer or render landscape architectural services on behalf of a business entity.

(524) State Office of Administrative Hearings (SOAH)--A Governmental Entity created to serve as an independent forum for the conduct of adjudicative hearings involving the executive branch of Texas government.

(535) Supervision and Control--The amount of oversight by a landscape architect overseeing the work of another whereby:

(A) the landscape architect and the individual performing the work can document frequent and detailed communication with one another and the landscape architect has both control over and detailed professional knowledge of the work; or

(B) the landscape architect is in Responsible Charge of the work and the individual performing the work is employed by the landscape architect or by the landscape architect's employer.

(546) Supplemental Document--A document that modifies or adds to the technical landscape architectural content of an existing Construction Document.

(557) Surrender--The act of relinquishing a Texas landscape architectural registration certificate along with all privileges associated with the certificate.

(568) Sustainable Design--An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure development during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

(579) Table of Equivalents for Experience in Landscape Architecture--22 Texas Administrative Code §3.191 and §3.192 of this chapter.

(5860) TBAE--Texas Board of Architectural Examiners.

(5961) TDLR--Texas Department of Licensing and Regulation.

(602) Texas Department of Licensing and Regulation (TDLR)--A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.
Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

TGSLC--Texas Guaranteed Student Loan Corporation.

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.
REPEAL RULE §3.24  Fees

The Board shall establish a schedule of fees for services provided by the Board, including fees related to application procedures. The fee schedule established by the Board shall be published, and copies shall be available from the Board’s office.
Review of Agency’s Rules

22 Tex. Admin. Code Chapters 5 and 7

Background

Under Texas Government Code §2001.039, each state agency is required to review its rules every four years to determine whether each rule should be re-adopted, amended, or repealed. During this process, the state agency must assess whether the reasons for initially adopting the rule continue to exist. The Board most recently adopted rule reviews in October of 2012.

Rule Review

On September 9, 2016, Staff published a notice of intent to review Chapters 5 and 7 of the agency’s rules, which invited the public to submit comments or any other response or suggestions. No comments were received from the public. Staff has reviewed each rule in Chapters 5 and 7, and identified the following rules that require updating to better align with current laws, rules, or agency practice:

Chapter 5

- **Rule 5.5 – Terms Defined Herein**
  - Repeal definition of “Actual Signature” and replace with identical definition of “Signature.”
    - The term “actual signature” does not appear in the Board’s rules for any profession. “Signature” is the term that is used.
  - Define “Architectural Barriers Act”
    - The rules for the other two professions define this term, which is used without definition in Chapter 5.
  - Repeal definition for “Authorship”
    - The terms “authorship” or “author” do not appear in the Board’s rules.
  - Revise definition for “Consultant”
    - The definition refers to “interior designer” instead of “registered interior designer,” which is the regulated term, and the term that is used elsewhere in the Board’s rules.
  - Repeal definition for “E-mail Directory”
    - This term does not appear in the Board’s rules for any profession
  - Revise definition for “Interior Designers’ Registration Law”
    - The current definition references Article 249e, Vernon’s Texas Civil Statutes, which was repealed in 2001
  - Revise definition for “Registrant”
    - The term is defined as “interior designer.” “Registered interior designer” is the appropriate definition for the term.

- **Rule 5.34 – Fees**
  - This rule has become obsolete and should be repealed. The rule states that the Board shall establish a schedule of fees, and that such fee schedule shall be published and
copies made available at the Board’s office. This rule was adopted at a time, prior to 2005, when the Board did not adopt a fee schedule by rule. Under the current practice, in which the fee schedule is adopted and published under Rule 7.10, this rule is inaccurate and unnecessary.

Chapter 7

○ No recommended changes.

Draft amendments to the foregoing rules have been prepared and attached for your review. Additionally, a copy of Texas Government Code §2001.039 is attached.

All other rules in Chapter 5 and 7 have been reviewed, and it is Staff’s opinion that the reasons for initial adoption of these rules continue to exist, and that such rules should be readopted.

Staff’s Recommendations

1. Move to approve the draft amendments to 22 Tex. Admin. Code §§ 5.5 and 5.34 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.

2. Move to readopt all other rules in 22 Texas Administrative Code Chapters 5 and 7, as authorized under Texas Government Code §2001.039(c).
RULE §5.5 Terms Defined Herein

The following words, terms, and acronyms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) The Act--The Interior Designers' Registration Law.

(2) Actual Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.


(4) APA--Administrative Procedure Act.

(5) Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.


(7) Architectural Interior Construction--A building project that involves only the inside elements of a building and, in order to be completed, necessitates the "practice of architecture" as that term is defined in 22 Texas Administrative Code §1.5.

(8) Barrier-Free Design--The design of a facility or the design of an alteration of a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

(9) Board--Texas Board of Architectural Examiners.

(10) Cancel, Cancellation, or Cancelled--The termination of a Texas Interior Design registration certificate by operation of law two years after it expires without renewal by the certificate-holder.

(11) Candidate--An Applicant approved by the Board to take the Interior Design registration examination.

(12) CEPH--Continuing Education Program Hour(s).

(13) Chair--The member of the Board who serves as the Board's presiding officer.

(14) CIDA--The Council for Interior Design Accreditation.

(15) Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

(16) Consultant--An individual retained by a Registered Interior Designer who prepares or assists in the preparation of technical design documents issued by the Registered Interior Designer for use in connection with the Registered Interior Designer's Construction Documents.
Contested Case--A proceeding, including a licensing proceeding, in which the legal rights, duties, or privileges of a party are to be determined by a state agency after an opportunity for adjudicative hearings.

Continuing Education Program Hour (CEPH)--At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

Council for Interior Design Accreditation (CIDA)--An agency that sets standards for postsecondary Interior Design education and evaluates college and university Interior Design programs.

Delinquent--A registration status signifying that a Registered Interior Designer:

(A) has failed to remit the applicable renewal fee to the Board; and

(B) is no longer authorized to use the title "registered interior designer" in Texas.

Direct Supervision--The amount of oversight by an individual overseeing the work of another whereby the supervisor and the individual being supervised work in close proximity to one another and the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

E-mail Directory--A listing of e-mail addresses:

(A) used to advertise Interior Design services; and

(B) posted on the Internet under circumstances where the Interior Designers included in the list have control over the information included in the list.

Emeritus Interior Designer (or Interior Designer Emeritus)--An honorary title that may be used by a Registered Interior Designer who has retired from the practice of Interior Design in Texas pursuant to §1053.156 of the Texas Occupations Code.

Energy-Efficient Design--The design of a project and the specification of materials to minimize the consumption of energy in the use of the project. The term includes energy efficiency strategies by design as well as the incorporation of alternative energy systems.

Feasibility Study--A report of a detailed investigation and analysis conducted to determine the advisability of a proposed Interior Design project from a technical Interior Design standpoint.

Good Standing--

(A) a registration status signifying that a Registered Interior Designer is not delinquent in the payment of any fees owed to the Board; or

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by an Interior Design registration board that would provide a ground for the denial of the application for Interior Design registration in Texas.

Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

Inactive--A registration status signifying that a Registered Interior Designer may not practice Interior Design in the State of Texas.
(27[29]) Interior Design--The identification, research, or development of creative solutions to problems relating to the function or quality of the interior environment; the performance of services relating to interior spaces, including programming, design analysis, space planning of non-load-bearing interior construction, and application of aesthetic principles, by using specialized knowledge of interior construction, building codes, equipment, materials, or furnishings; or the preparation of Interior Design plans, specifications, or related documents about the design of non-load-bearing interior spaces.

(28[30]) Interior Designers' Registration Law--[Article 249e, Vernon's Texas Civil Statutes, and Chapter 1053, Texas Occupations Code.]

(29[31]) Interior Design Intern--An individual participating in an internship to complete the experiential requirements for Interior Design registration by examination in Texas.

(30[32]) Licensed--Registered.

(31[33]) Member Board--An Interior Design registration board that is part of NCIDQ.

(32[34]) National Council for Interior Design Qualification (NCIDQ)--A nonprofit organization of state and provincial interior design regulatory agencies and national organizations whose membership is made up in total or in part of interior designers.

(33[35]) NCIDQ--National Council for Interior Design Qualification.

(34[36]) Nonregistrant--An individual who is not a Registered Interior Designer.

(35[37]) Principal--A Registered Interior Designer who is responsible, either alone or with other Registered Interior Designers, for an organization's practice of Interior Design.

(36[38]) Registered Interior Designer--An individual who holds a valid Texas Interior Design registration granted by the Board.

(37[39]) Registrant--Registered Interior Designer.

(38[40]) Regulatory Approval--The approval of Construction Documents by a Governmental Entity after a review of the Interior Design content of the Construction Documents as a prerequisite to construction or occupation of a building of facility.

(39[41]) Reinstatement--The procedure through which a Surrendered or revoked Texas Interior Design registration certificate is restored.

(40[42]) Renewal--The procedure through which a Registered Interior Designer pays a periodic fee so that his or her registration certificate will continue to be effective.

(41[43]) Responsible Charge--That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by Registered Interior Designers applying the applicable Interior Design standard of care.

(42[44]) Revocation or Revoked--The termination of a Texas Interior Design registration certificate by the Board.

(43[45]) Rules and Regulations of the Board--22 Texas Administrative Code §§5.1 et seq.

(44[46]) Rules of Procedure of SOAH--1 Texas Administrative Code §§155.1 et seq.
Secretary-Treasurer--The member of the Board responsible for signing the official copy of the minutes from each Board meeting and maintaining the record of Board members' attendance at Board meetings.

Signature--A personal signature of the individual whose name is signed or an authorized copy of such signature.

SOAH--State Office of Administrative Hearings.

Sole Practitioner--A Registered Interior Designer who is the only design professional to offer or render interior design services on behalf of a business entity.

State Office of Administrative Hearings (SOAH)--A Governmental Entity created to serve as an independent forum for the conduct of adjudicative hearings involving the executive branch of Texas government.

Supervision and Control--The amount of oversight by a Registered Interior Designer overseeing the work of another whereby:

(A) the Registered Interior Designer and the individual performing the work can document frequent and detailed communication with one another and the Registered Interior Designer has both control over and detailed professional knowledge of the work; or

(B) the Registered Interior Designer is in Responsible Charge of the work and the individual performing the work is employed by the Registered Interior Designer or by the Registered Interior Designer's employer.

Supplemental Document--A document that modifies or adds to the technical Interior Design content of an existing Construction Document.

Surrender--The act of relinquishing a Texas Interior Design registration certificate along with all privileges associated with the certificate.

Sustainable Design--An integrative approach to the process of design which seeks to avoid depletion of energy, water, and raw material resources; prevent environmental degradation caused by facility and infrastructure development during their implementation and over their life cycle; and create environments that are livable and promote health, safety and well-being. Sustainability is the concept of meeting present needs without compromising the ability of future generations to meet their own needs.

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TBAE--Texas Board of Architectural Examiners.

TDLR--Texas Department of Licensing and Regulation.

Texas Department of Licensing and Regulations (TDLR)--A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.

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

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

REPEAL [RULE §5.34 Fees]

The Board shall establish a schedule of fees for services provided by the Board, including fees related to application procedures. The fee schedule established by the Board shall be published, and copies shall be available from the Board's office.]


Currentness

(a) A state agency shall review and consider for readoption each of its rules in accordance with this section.

(b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.

(c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

(d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.

(e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

Credits
Added by Acts 1999, 76th Leg., ch. 1499, § 1.11(a), eff. Sept. 1, 1999.

Notes of Decisions (4)

Current through the end of the 2015 Regular Session of the 84th Legislature
Case Law Update

Twist Architecture & Design, Inc. v. Oregon Board of Architect Examiners

276 Ore. App. 557 (2016)

Factual Summary

This case was an appeal of a disciplinary action taken by the Oregon Board of Architectural Examiners against a non-registrant firm and two associates. The firm, Twist Architecture & Design, and one associate were registered in the State of Washington, and neither associate nor the firm were registered in Oregon. Through the firm, the non-registrants provided feasibility and planning services for three separate pieces of land in Oregon. They provided the owners with schemes that portrayed aerial views of the properties, with boundaries, basic placement of buildings and parking spots, and square footage and dimensions of proposed buildings. Each project included multiple schemes with different options for the size and location of buildings and parking areas. These schemes were used to determine if construction was feasible given the layout, access to roads, and ratio of parking to buildings. The owner used the schemes to show to prospective tenants who would need to prelease commercial spaces in order to fund the development projects. The schemes were not construction documents, and would not have been sufficient to obtain permits.

The Board took action on the following grounds that were reversed by the Oregon Court of Appeals:

1. The preparation of three feasibility studies constituted the unregistered practice of architecture;
2. By including the firm’s logo, which read “Twist Architecture & Design,” on the feasibility studies, the Respondents engaged in a title violation; and
3. By including the statement “Licensed in the State of Oregon (Pending)” on their respective biographies on the firm’s website, the respondents engaged in a title violation.

Practice of Architecture

The Board had found that feasibility studies constituted the practice of architecture, which was defined in the statute as “the planning, designing or supervising of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings.” However, under the court’s interpretation of the statute, “the practice of architecture necessitates the planning or preparing of work for use in actual construction, rather than planning for a building in the abstract.” Because the Respondent’s activities were undertaken in mere contemplation of the feasibility of construction, and did not advance any plan to erect, enlarge, or alter a particular building, the Court found that the Respondents did not practice architecture.

Title Violations

Additionally, the Board had found that, by attaching the firm logo (which indicated “Architecture and Design”) to the feasibility studies, the firm (and each individual) had indicated that it was practicing architecture in Oregon. The court, while agreeing with the board that the use of the logo indicated that Twist was an architectural firm, disagreed that such a use was sufficient to constitute a violation of the law. Noting that the statute is limited to proscribing representations relating to the practice of architecture only in the State of Oregon, the Court noted that Twist’s logo was an accurate reflection of the two functions it provided as a lawfully registered architectural firm in the State of Washington. The Court found that the
Board erred in its legal conclusion that Twist was practicing architecture in the State of Oregon, as opposed to performing non-architectural design work in Oregon.

Likewise, the court disagreed with the board’s conclusion that the Respondents had violated the statute and rule by including the phrase “Licensed in the State of Oregon (Pending)” on their website biographies. The court held that the claim of pending Oregon licensure did not indicate, or tend to indicate, that Respondents were Oregon architects or practicing architecture in Oregon.

While the court reversed the Board on the preceding three grounds, it did agree that the Respondents were subject to discipline for publishing photographs on the firm’s website which depicted previous Oregon projects one of the associates had designed while working for a previous employer. The court found that, because the pictures were captioned with the phrase “architectural design,” the firm had indicated that it was involved in the practice of architecture on Oregon projects.

Summary

The Oregon statutes and rules that were the subject of this disciplinary action are largely similar Texas law. For example, the definition of the practice of architecture in Texas includes the following provision: “establishing and documenting the form, aesthetics, materials, and construction technology for a building, group of buildings, or environs intended to be constructed or altered.” It is likely that a similar analysis would prevail in Texas regarding the feasibility and planning services described in this case. As for the title violation, this case illustrates the potential difficulties in a case where the Respondent is an architect in another jurisdiction.
IN THE COURT OF APPEALS OF THE
STATE OF OREGON

TWIST ARCHITECTURE & DESIGN, INC.;
David Hansen; and Kirk Callison,

Petitioners,

v.

OREGON BOARD OF ARCHITECT EXAMINERS,

Respondent.

Board of Architect Examiners
10035; A152929

Argued and submitted November 4, 2014.

J. Kevin Shuba argued the cause for petitioners Twist
Architecture & Design, Inc., and Kirk Callison. With him
on the opening brief was Garrett Hemann Robertson P.C.
On the reply brief was J. Kevin Shuba. David Hansen joined
the reply brief pro se.

David Hansen filed the brief pro se.

Matthew J. Lysne, Assistant Attorney General, argued
the cause for respondent. With him on the brief were Ellen F.
Rosenblum, Attorney General, and Anna M. Joyce, Solicitor
General.

Before Sercombe, Presiding Judge, and Hadlock, Chief
Judge, and Tookey, Judge.

SERCOMBE, P. J.

Reversed and remanded.
SERCOMBE, P. J.

Twist Architecture & Design, Inc. (Twist), and its principals, Kirk Callison and David Hansen, seek judicial review of a final order of the Oregon Board of Architect Examiners (board) imposing a $10,000 civil penalty against each for the unlawful practice of architecture under ORS 671.020(1) and (4), and OAR 806-010-0037(7).1 Following a contested case hearing before an administrative law judge (ALJ), the board determined that petitioners had violated that statute and rule. The board found violations as a result of (1) Twist’s preparation of three feasibility studies in Oregon, (2) its use of its logo on those studies and on invoices for the work, (3) advertising Oregon projects on Twist’s website, and (4) inclusion of the statement “Licensed in the State of Oregon (Pending)” on Callison’s and Hansen’s biography pages on Twist’s website.

On review, petitioners contend that the board erred in modifying the ALJ’s findings of historical fact, determining that petitioners’ conduct violated Oregon law, and assessing civil penalties. As explained below, we conclude that (1) the board erred in determining that petitioners

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1 ORS 671.020 provides, in part:

“(1) In order to safeguard health, safety and welfare and to eliminate unnecessary loss and waste in this state, a person may not engage in the practice of architecture or assume or use the title of ‘Architect’ or any title, sign, cards or device indicating, or tending to indicate, that the person is practicing architecture or is an architect or represent in any manner that the person is an architect, without first qualifying before the State Board of Architect Examiners and obtaining a certificate of registration as provided by ORS 671.010 to 671.220.

“*****

“(4) A person may not practice or attempt to practice the profession of architecture, or assume the title of ‘Architect,’ ‘Consulting Architect’ or ‘Foreign Architect,’ or use in connection with the business of the person any words, letters or figures indicating the title of ‘Architect,’ ‘Consulting Architect’ or ‘Foreign Architect’ without first complying with ORS 671.010 to 671.220.”

OAR 806-010-0037(7) provides:

“Except as provided in this rule, no title, sign, cards, or device may be used to indicate or tend to indicate that the person or firm or business using the title is practicing architecture or is an architect, or represents in any manner that the person or firm or business is an architect or architectural practice.”
engaged in the unlicensed practice of architecture because Twist’s preparation of the feasibility studies did not constitute the “practice of architecture,” (2) the board’s determination that Twist violated the statute and rule for using its logo on those studies lacks substantial reason, and (3) the board’s determination that Callison and Hansen violated the statute and rule for using the phrase “Licensed in the State of Oregon (Pending)” on their website biographies lacks substantial reason. However, we conclude that the board did not err when it modified the ALJ’s findings of fact, or in determining that Twist violated the law by advertising Oregon architectural projects on its website. Accordingly, we reverse and remand.

Except as otherwise noted, we state the facts from the undisputed historical findings of the board. Twist is an architecture and design firm that was formed in 2008 by its two principals, Callison and Hansen, and registered as a professional corporation in the State of Washington. During the relevant time period, Callison was licensed to practice architecture only in Washington; Hansen was not licensed in any state.

In October 2008, Twist entered into an agreement with Gramor Development (Gramor) to perform “concept master planning design services” for three projects in Oregon: the 172nd Project, the Progress Ridge II Project, and the Sherwood Project. For each of the projects, Twist prepared feasibility studies consisting of “schemes” that portrayed aerial views of possible development on the properties drawn to scale. The schemes depicted the properties’ boundaries and surrounding streets, and the basic placement of buildings, parking spots, and trees. Some of the schemes included the dimensions and square footage of the proposed buildings. For each project, Twist provided multiple schemes with different options for the size and location of the buildings and parking areas. Each drawing contained Twist’s logo, which contained the words “architecture” and “design.”

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2 A representative scheme is attached as an appendix to this opinion. That scheme includes calculations of the total square feet of the buildings, floors of the buildings, and parking areas that are displayed.
Gramor used the feasibility studies to determine if construction was feasible, given, among other things, the layout of the properties, access to existing roads, and the ratio of parking spots to buildings. Gramor also used the schemes as promotional materials to market the properties to prospective tenants, who would need to prelease commercial spaces in order to fund the development projects. The schemes prepared by Twist were not construction drawings, and would not have been sufficient to obtain building permits.

Upon its formation, Twist developed a website to advertise its services. The website contained biographical pages for Callison and Hansen, which included categories for education, professional affiliations, and representative projects. Callison’s and Hansen’s biography pages each stated “Licensed in the State of Oregon (Pending).” At the time the website was created, Callison intended to file a reciprocity application for licensure in Oregon. He filled out the necessary forms but, due to a downturn in the economy, never submitted the paperwork to the board. Hansen had not taken any steps to apply for licensure. Callison’s biography listed the “Sherwood Town Center” project below the heading “Selected Experience.” Several projects were listed below the heading “Selected Experience” on Hansen’s biography, including the “Progress Ridge Town Center (under construction),” the “Sherwood Town Center,” and “Lake Oswego” projects. Beneath each of the images of the projects was the phrase “architectural design.”

On May 10, 2011, the board issued to petitioners a notice of intent to impose civil penalty for the unlicensed practice of architecture pursuant to ORS 671.020(1) and (4), and OAR 806-010-0037(7). On March 6, 2012, after the board issued an amended notice of proposed action against petitioners, an ALJ conducted a contested case hearing. Callison and Hansen testified at the hearing, as did Matt Grady from Gramor, board investigator Darroll Morehouse, and architect Darwin Doss. The feasibility studies prepared

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3 The Progress Ridge Town Center project referred to in Twist’s website is different from the Progress Ridge II project that is the basis for the unlicensed-practice violation.
by petitioners for all three projects were admitted as exhibits at the hearing.

After the hearing, the ALJ issued a proposed order concluding that Callison and Hansen each had violated ORS 671.020(1) and (4), and OAR 806-010-0037(7), when they used the phrase “Licensed in the State of Oregon (Pending)” and referenced Oregon architectural projects in their website biographies. However, the ALJ found that Callison and Hansen did not violate the statute or rule by creating the feasibility studies for the 172nd, Progress Ridge II, and Sherwood projects. The ALJ also found that Twist did not violate the statute or rule when it used images of two projects in Oregon on its website. The ALJ proposed that a $5,000 civil penalty be assessed against Hansen, and a letter of concern be provided to Callison. In his proposed order, the ALJ made findings of historical fact that the drawings prepared for the 172nd, Progress Ridge II, and Sherwood projects contained no “foundations, floors, walls and roof, footings, columns, posts, girders, beams, joists, rafters, or bearing partitions.”

On August 3, 2012, the board issued an amended proposed order that included supplemental and modified findings of historical fact and modified conclusions of law. The board determined by clear and convincing evidence that the ALJ’s finding that the drawings contained no walls and roofs was incorrect. The amended proposed order stated:

“The drawings contain walls, with dimensions, and the site view is of the roof of the buildings and lists square footages. Included in the drawings are drawings of buildings with shadowing and shading to differentiate the walls from the roof.”

On October 31, 2012, the board issued a final order adopting the factual findings and legal conclusions in the amended proposed order. The board determined that Twist and Hansen had violated ORS 671.020(1) and (4) for the work done on all three projects and that Callison had violated those provisions for his work on the 172nd and Sherwood projects. The board also determined that Twist violated ORS 671.020(1) and (4), and OAR 806-010-0037(7), for using the word “architecture” in its logo, which appeared
on the drawings and invoices for all three projects, and for displaying an image of a building labeled Progress Ridge Town Center and an image of the master plans from the Sherwood Town Center project on its website, describing its services on both those projects as including “architectural design.” Finally, the board determined that Hansen and Callison had violated ORS 671.020(1) and (4), and OAR 806-010-0037(7), by including the phrase “Licensed in the State of Oregon (Pending)” on their website biographies. Civil penalties were imposed against each petitioner in the amount of $10,000.

In their first assignment of error, petitioners argue that the board erred in rejecting the ALJ’s findings of historical fact, in amending the proposed order to delete those facts, and in including contrary facts in its final order. Pursuant to ORS 183.650(3), “[a]n agency conducting a contested case hearing may modify a finding of historical fact made by the administrative law judge assigned from the Office of Administrative Hearings only if the agency determines that there is clear and convincing evidence in the record that the finding was wrong.” On appellate review of the agency’s modification of facts in this context, we review the modified facts de novo and make an independent finding of the facts in dispute. ORS 183.650(4); Weldon v. Bd. of Lic. Pro. Counselors and Therapists, 266 Or App 52, 63, 337 P3d 911 (2014), rev den, 356 Or 690 (2015).

As noted, in the proposed order, the ALJ found that the feasibility studies prepared for all three projects contained no “foundations, floors, walls and roof, footings, columns, posts, girders, beams, joists, rafters, or bearing partitions.” On review, the board rejected the finding that the schemes did not contain walls and roofs, and determined that the schemes included shadowing and shading to differentiate the walls from the roofs of the buildings.

On de novo review, we independently find that fact as found by the board. The schemes for all three projects depict aerial views of structures that are labeled in the diagrams as “buildings.” And, many of the schemes contain

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4 The ALJ in this case was assigned from the Office of Administrative Hearings.
shadowing and shading to represent those buildings in three dimensions, showing walls and roofs. Accordingly, the board did not err in rejecting the ALJ's finding and in modifying the finding of historical fact to state that the schemes depicted buildings that contained walls and roofs.

In their second assignment of error, petitioners argue that the board erred in determining that they had engaged in the unlicensed “practice of architecture,” under ORS 671.020(1) and (4), by producing the feasibility studies for Gramor. The board determined that petitioners had engaged in the “practice of architecture,” explaining:

“The practice of architecture is defined in ORS 671.010(6) as: ‘the planning, designing or supervising of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings.’ The plain, natural and ordinary meaning of the word ‘designing’ in this context is ‘the art of making designs or sketches.’ WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY (unabridged 2002) (Webster’s) at 612. The plain, ordinary and natural meaning of the word ‘planning’ in this context is ‘to devise or project the realization or achievement of *** prearrange the details of ***’ Id. at 1730. Planning is not dependent on the production of a design or sketch but encompasses any activities that are the devising and projecting the realization or achievement of a goal. Under ORS 671.060(6), the goal of the designing and planning must be ‘of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings.’ As noted by the Court of Appeals, the Board has authority over ‘activities undertaken in contemplation of erecting buildings ***,’ Davis v. Board of Architect Examiners, 222 Or App 370, 375, 193 P3d 1019 (2008).

“Applying this definition of the practice of architecture, the Board finds that the evidence shows that there was planning and designing undertaken in contemplation of

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5 Callison was not determined to be in violation for the Progress Ridge II project, so our opinion applies to him regarding only the 172nd and Sherwood projects.

6 In 2013, the statute was amended and this subsection was renumbered as ORS 610.010(7), and the term “supervising” was replaced with the term “observing.” Or Laws 2013, ch 196, § 1. Throughout this opinion, we refer to the version of the statute that was in effect at the time of the board’s decision.
erecting buildings in each of the three projects and therefore there was the ‘practice of architecture.’”

(Footnote omitted.) The board also concluded that petitioners violated the statute for “practicing the profession of architecture without registration.” (Emphasis in original.) The board explained that petitioners performed the kind of “work that is performed by *** architectural professionals in Oregon” and that is “tested on the examination for licensure in Oregon.” The board noted that the work was completed on behalf of a paying client, who was billed at an hourly rate. The board considered it immaterial that the buildings were never actually built, concluding that the “practice of architecture” includes “activities undertaken in contemplation of erecting the buildings and is not dependent on whether the buildings are actually constructed.” (Emphasis in original.)

Petitioners argue that preparation of the feasibility studies did not violate the statutes because they did not depict “buildings” and therefore could not be considered the “practice of architecture.” Petitioners further argue that the practice of architecture involves assessing the intent of the individual preparing the work and determining whether the individual was planning for the actual erection of a building.

We closely analyzed the term “practice of architecture” in Davis v. Board of Architect Examiners, 222 Or App 370, 374, 193 P3d 1019 (2008), and concluded that the term “practice of architecture” was an “inexact statutory term.” We explained that, “[w]hen applying such statutory terms to specific facts, *** the task of the agency, and ultimately of the court, is to determine whether the legislature intended the compass of the words to include those facts. The determination of the meaning of the statute is one of law, ultimately for the court.” Id. (quoting Springfield Education Assn. v. School Dist., 290 Or 217, 223, 621 P2d 547 (1980)). Thus, we review the board’s legal conclusion, including its interpretation of the term “practice of architecture,” for legal error. ORS 183.482(8)(a); Topaz v. Board of Examiners for Engineering, 255 Or App 138, 144, 297 P3d 498, rev den, 353 Or 714 (2013). We also review the board’s order for substantial reason, which requires that the board articulate a “rational connection between the facts and the
legal conclusion it draws from them.” *Ross v. Springfield School Dist. No. 19*, 294 Or 357, 370, 657 P2d 188 (1982); *see also*** ORS 183.470(2) (requiring contested case orders to contain findings of fact that “consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the agency’s order”).

The relevant portion of ORS 671.020(1) provides that, “[i]n order to safeguard health, safety and welfare and to eliminate unnecessary loss and waste in this state, a person may not engage in the practice of architecture” without a license. Similarly, the relevant portion of ORS 671.020(4) states that “[a] person may not practice or attempt to practice the profession of architecture” without a license. The “practice of architecture” is defined as “the planning, designing or supervising of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings.” ORS 671.010(6). A “building” is defined as “any structure consisting of foundations, floors, walls and roof, having footings, columns, posts, girders, beams, joists, rafters, bearing partitions, or a combination of any number of these parts, with or without other parts or appurtenances thereto.” ORS 671.010(3).

In construing a statute, our goal is to discern the intent of the legislature that enacted the statute. *State v. Gaines*, 346 Or 160, 171, 206 P3d 1042 (2009). In doing so, we first look to the text and context of the statute itself, along with any helpful legislative history, and finally apply general maxims of statutory construction. *Id.* at 171-72; *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610-12, 859 P2d 1143 (1993). Words of common usage are to be given their natural, plain, and obvious meaning. *State v. Langley*, 314 Or 247, 255, 839 P2d 692 (1992).

ORS 671.010(6) expressly directs that the “planning, designing or supervising” be accomplished for the “erection, enlargement or alteration” of a building. In the context of a professional practice, the plain meaning of the term “planning” is “to devise or project the realization or achievement of” a particular goal. *Webster’s* at 1730. The goal of architectural practice is actual construction of
buildings. Indeed, the board’s own regulation discussing the
definition of architecture provides that the practice includes
“all analysis, calculations, research, graphic presentation,
literary expression, and advice essential to the prepara-
tion of necessary documents for the design and construc-
tion of buildings, structures and their related environment
whether interior or exterior.” OAR 806-010-0075 (emphases
added). Based on the text and context of ORS 671.010(6), we
conclude that the practice of architecture necessitates the
planning or preparing of work for use in actual construction,
rather than planning for a building in the abstract.

The board’s interpretation of the “practice of archi-
tecture” includes any activity undertaken in contemplation
of the erection of a building, no matter how removed that
activity might be from the actual construction of the build-
ing. Such a broad reading of the statute would proscribe
activities surely not contemplated by the legislature to be
prohibited.

In concluding that petitioners had engaged in the
unlicensed practice of architecture, the board found that
petitioners had engaged in activities “undertaken in contempla-
tion of erecting the buildings.” (Emphasis in original.)
However, the board expressly found that “[t]he purposes of
the site plans were to determine the feasibility of the site for
constructing and leasing buildings and for marketing the
site to attract lessees who would want to prelease the build-
ings.” Thus, the board failed to draw a nexus between the
work done by petitioners and the “erection, enlargement, or
alteration” of any buildings. Indeed, the record shows that
no such nexus exists. Gramor employee Grady testified that
the schemes prepared by petitioners were not completed for
the purpose of constructing any buildings, but rather were
used to determine if construction was even feasible, given,
among other things, the layout of the properties, access to
existing roads, and the ratio of parking spots to buildings.
Gramor also used the schemes to market the properties to
prospective tenants, who would need to prelease commercial
spaces in order to fund the development projects. The final
products, which were no more than renderings of the exist-
ing conditions of the properties with preliminary sketches
showing a basic placement of buildings and parking areas, provided no building design, *i.e.*, specifications to facilitate the construction of any particular building, nor did production of those schemes advance any plan to erect, enlarge, or alter a particular building.

The work completed by petitioners contrasts greatly with the work described in *Davis*, on which the board relies. In concluding that Davis had engaged in the unlicensed practice of architecture, we noted that the purpose of his work was clear:

> “Petitioner agreed to provide ‘permit ready drawings’; *** defined in petitioner’s proposal as drawings that ‘will be sufficient to obtain local building permits.’ The contract also provides that petitioner *** will perform ‘[p]eriodic site visits and reports to Client during course of construction,’ and will provide ‘Final Working Drawings.’”

*Davis*, 222 Or App at 375. Thus, Davis agreed to prepare designs that were intended to be used during the construction of a building. Here, in contrast, the only evidence in the record was that petitioners did *not* prepare the schemes in contemplation of obtaining permits and constructing the buildings. Rather, the schemes were prepared so that Gramor could determine the feasibility of the projects and to attract prospective tenants. We conclude that the board incorrectly interpreted the meaning of the term “practice of architecture” to encompass activities not undertaken to facilitate the actual “erection, enlargement, or alteration” of any building. Thus, we reverse for legal error the board’s determination that petitioners violated ORS 671.020(1) and (4) for producing feasibility studies on the 172nd, Progress Ridge II, and Sherwood projects.

In their third, fourth, and fifth assignments of error, petitioners argue that the board erred in determining that they had violated ORS 671.020(1) and (4), and OAR 806-010-0037(7), for assuming the title of architect or advertising their services in a manner tending to indicate that they were practicing architecture in Oregon. The board found Twist in violation of the statute and rule for displaying its logotype or business name, which contained the words “architecture” and “design,” on the feasibility studies and on invoices for
the three projects, and for including photographs of two Oregon architectural projects on the company’s website.\(^7\) Furthermore, as to Callison and Hansen, the board determined that they violated the statute and rule by representing on Twist’s website that they were “Licensed in the State of Oregon (Pending).” Again, we review the board’s order for legal error and substantial reason. ORS 183.482(8)(a); Topaz, 255 Or App at 144; Ross, 294 at 370.

The relevant portion of ORS 671.020(1) provides that an unlicensed individual may not “assume or use the title of ‘Architect’ or any title, sign, cards or device indicating, or tending to indicate, that the person is practicing architecture or is an architect or represent in any manner that the person is an architect.” The relevant portion of ORS 671.020(4) provides that an unlicensed individual may not “assume the title of ‘Architect,’ ‘Consulting Architect’ or ‘Foreign Architect,’ or use in connection with the business of the person any words, letters or figures indicating the title of ‘Architect,’ ‘Consulting Architect’ or ‘Foreign Architect.’” Similarly, OAR 806-010-0037(7) provides, “Except as provided in this rule, no title, sign, cards, or device may be used to indicate or tend to indicate that the person or firm or business using the title is practicing architecture or is an architect, or represents in any manner that the person or firm or business is an architect or architectural practice.”

Petitioners contend that the board erred in concluding that Twist had violated the statute and rule by using its logo on the feasibility studies because the board’s decision was based on the erroneous conclusion that the work performed on those studies constituted the practice of architecture.\(^8\) However, the record does not support petitioners’

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\(^7\) The logotype typically displayed the word “Twist” in a large font with the term “Architecture•Design” in a smaller font below “Twist.” Sometimes the words are capitalized. In some cases, “TWIST ARCHITECTURE & DESIGN” is displayed. In other cases, the logotype is displayed below a stylized “T” symbol.

\(^8\) Petitioners do not advance an argument that the board erred in concluding that Twist had violated ORS 671.020(4) because Twist’s logo did not use the precise title “Architect,” “Consulting Architect,” or “Foreign Architect.” We therefore decline to evaluate whether use of Twist’s logo violated that subsection, and instead focus on the board’s conclusion that petitioners had violated ORS 671.020(1) and OAR 806-010-0037(7) for using a title indicating or tending to indicate that Twist was practicing architecture.
contention that the board relied on that conclusion in making its determination. Rather, the board concluded that use of the term “architecture” in Twist’s logo was a “title indicating or tending to indicate that the firm is practicing architecture” or is an “architectural practice.” The board did not conclude that use of the logo violated the statutes because it was utilized in the context of architectural work.

Petitioners also challenge the board’s conclusion that use of Twist’s logo, which contained the word “architecture,” indicated or tended to indicate that Twist was an architectural firm so that the logo use violated ORS 671.020(1) and OAR 860-010-0037(7). Although we agree with the board that the use of the logo indicated that Twist was an architectural firm, we disagree that such a use was sufficient to constitute a violation of the statute and rule.

ORS 671.020, the statute proscribing the unlicensed practice of architecture and the use of the title “architect” or any representation indicating the practice of architecture, relates solely to the unlicensed practice of architecture in the State of Oregon. Similarly, the rule governs only those unlicensed in Oregon; OAR 806-010-0037(1) provides that only “[t]hose individuals who have been notified by the Board that they have qualified as an Oregon architect and hold an active Oregon registration” may use the title “Architect.” In reviewing the text and context of those provisions, we conclude that, in order for the board to find a violation of the statute or rule, it must determine that an individual is representing that he is an Oregon architect, or that he is engaged in the practice of architecture in Oregon. See Gaines, 346 Or at 171-72; PGE, 317 Or at 610-12.

Here, the board determined that use of the logo indicated or tended to indicate that Twist was practicing architecture. Twist was a lawfully registered architectural firm in the State of Washington. Twist’s logo, which included the words “architecture” and “design,” was an accurate reflection of the two functions it provided. The board’s finding that Twist indicated it was practicing architecture fails to supply a rational connection to its legal conclusion that Twist was practicing architecture in the State of Oregon, as opposed to performing nonarchitectural design work in
Oregon. We therefore conclude that that part of the board’s order lacks substantial reason and reverse and remand for reconsideration.

Likewise, the board’s conclusion that Callison and Hansen had violated the statute and rule by including the phrase “Licensed in the State of Oregon (Pending)” on their website biographies is not supported by substantial reason. The statement that Callison and Hansen had pending Oregon licenses did not indicate, or tend to indicate, that they were Oregon architects or practicing architecture in Oregon. We are unpersuaded by the board’s reasoning that the term “pending” indicated that licensure was imminent, and that the statement would indicate that Callison and Hansen, who had yet to submit applications for licensure, were practicing architecture in Oregon. The first dictionary definition of the adjective “pending” is “not yet decided: in continuance: in suspense.” Webster’s at 1669. The second dictionary definition of the adjective “pending” is “impending: imminent.” Id. Under either definition, “pending” signifies that an objective has not yet been accomplished, regardless of how quickly it might be accomplished in the future. That is, their statement that licensure was pending was not akin to a statement that they were presently licensed to practice architecture in Oregon. The board’s finding that Callison and Hansen stated that they were not currently licensed does not supply a rational connection to the board’s legal conclusion that they were practicing architecture in Oregon. Accordingly, the board’s legal conclusion that Callison and Hansen had violated the statute and rule by including that statement in their website biographies lacks substantial reason.9 Therefore, we reverse and remand that part of the order for reconsideration.

However, we affirm the board’s determination that Twist violated the statute and rule for referencing two Oregon projects, the Progress Ridge Town Center, and the

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9 Petitioners also challenge the board’s conclusion regarding their use of the phrase “Licensed in the State of Oregon (Pending)” on the basis that ORS 671.020(1) impermissibly regulates speech in violation of Article I, section 8, of the Oregon Constitution, and the First Amendment to the United States Constitution. Because we reverse the board’s determination on other grounds, we decline to review petitioner’s constitutional challenges.
Sherwood Town Center, on its website. The website featured a photograph of the Progress Ridge Town Center, an Oregon project in which Hansen had been involved during his previous employment as a designer with an Oregon architectural firm. The website also featured one of the schemes from the Sherwood project that Twist performed for Gramor. Written beneath each of the images was the phrase “architectural design.” We conclude that the inclusion of the phrase “architectural design” below both projects supports the board’s determination that Twist indicated that it was involved in the practice of architecture on both Oregon projects. Petitioners concede that the phrase “architectural design” was an inaccurate description of the services provided on both projects, and note that the statements were immediately removed when brought to Twist’s attention. Thus, we agree with the board that reference to those projects on Twist’s website violated the statute and rule.

Our disposition obviates the need to address petitioners’ claim that the board abused its discretion in imposing a $10,000 civil penalty against each petitioner.

Reversed and remanded.
Case Number: 031-17N
Respondent: Rojelio Hernandez, Applicant for Registration
Location of Respondent: Corpus Christi, Texas
Informal Conference: October 18, 2016
Instrument: Agreed Eligibility Order

Action Recommended by Executive Director:

- The Executive Director recommends the Board move to accept the attached Agreed Eligibility Order, which is recommended following an informal conference held on October 18, 2016 in the offices of the Texas Board of Architectural Examiners. In attendance at the informal conference were the Chair of the Board, the Executive Director, the General Counsel, the Managing Investigator and the Registration Manager along with Respondent and his attorneys, Matt Ryan and Will Allensworth.
BEFORE THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS

In the Matter of §
ROJELIO HERNANDEZ, §
Candidate for Registration by §
Examination §

On this day the Texas Board of Architectural Examiners, hereinafter referred to as the Board, considered the Request for Preliminary Evaluation of Criminal History and supporting documents filed by ROJELIO HERNANDEZ, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner’s Certification contained herein.

Information received by the Board produced evidence that Petitioner may be ineligible for licensure pursuant to Section 53.021, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on October 18, 2016, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about June 3, 2016, Petitioner submitted a Request for Preliminary Evaluation of Criminal History requesting a determination of eligibility for registration in compliance with Section 53.102, Texas Occupations Code, and the Board’s Rules at 22 TEX. ADMIN. CODE §1.26.

2. Petitioner waived notice, hearing, and judicial review, and consented to the entry of this Order.

3. Petitioner disclosed the following criminal history, to wit:

On or about April 7, 2006, in the Northern District Court of Texas, Lubbock Division, under Case Number 5:06-CR-003-01-C, Petitioner, pursuant to a plea agreement, entered a plea of guilty to, and was convicted of, the offense of Knowingly Making a False and Material Statement to a Government Agency and Aiding and Abetting, a felony offense committed from April 2000 to February 2004, beginning when the Petitioner was 21 years
old. This action was based on allegations that Petitioner, while working in the student aid
office at Texas Tech University, falsified information contained in financial aid
applications, resulting in otherwise ineligible students receiving federal Pell Grants in the
amount of $122,751. In return for his actions, Petitioner received payment from the
students totaling $72,525. As part of his plea agreement, Petitioner agreed to cooperate
with the government by giving truthful and complete information and testimony
concerning his participation in the offense and knowledge of criminal activities. As a result
of the conviction, Petitioner was sentenced to imprisonment for a term of 30 months, and
ordered to pay restitution. Petitioner was solely responsible for payment of $26,000.00 in
restitution and jointly and severally responsible for payment of $96,751.00. In addition,
Petitioner was ordered to be placed on supervised release for a period of three years
following his release from imprisonment.

4. There is no evidence of any prior or subsequent criminal conduct.

5. Petitioner completed the terms of his plea agreement, imprisonment, and subsequent
supervised release, along with payment of restitution to the United States Government for
which he received a Certificate of Release on August 19, 2014.

6. Petitioner was employed by Gignac & Associates in Corpus Christi, Texas, at the time of
this petition and had been an employee for eleven (11) years. The firm’s principal,
Raymond Gignac, wrote a letter of recommendation in support of Petitioner, stating, “I
believe Rojelio is a great candidate to become an architect based on the work he has
performed for us, and he has proven his worth to the firm through his character and
personality. He has paid his debts in all possible ways, and I hope that the TBAE will note
the depth of my trust and appreciation for Rojelio by considering the enormous amount of
responsibility that I place in his hands.”

7. On or about October 18, 2016, Petitioner attended an informal conference at the Board’s
offices in Austin, Texas. At this time, the Petitioner acknowledged his responsibility for
the criminal conviction, and expressed regret for his actions. Petitioner emphasized his
lack of additional criminal history, his age at the time the offense occurred, and the time
elapsed since the conviction. Additionally, Petitioner presented evidence of steady
employment with the same architectural firm since his release from imprisonment.

8. Petitioner presented no additional evidence of behavior which would indicate an inability
to satisfy the duties and responsibilities of the practice of architecture.

9. The Executive Director considered evidence of Petitioner’s past criminal conduct in light
of the considerations and criteria provided in Sections 53.022 and 53.023, Texas
Occupations Code, and 22 TEX. ADMIN. CODE §1.149.

10. Based upon a consideration of these factors, the Executive Director finds that registration
of Petitioner poses no direct threat to the health and safety of the public, provided Petitioner
complies with the stipulations outlined in this Order.
11. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.

12. Petitioner has been advised by the Board that any information found to be incomplete, incorrect, or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

13. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 1051.752, Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 53.021 and 53.102, Texas Occupations Code.

2. Petitioner's criminal history reflects conduct which may constitute grounds for denial of a licensure under Sections 53.021 and 1051.752(3), Texas Occupations Code.

3. In determining whether a criminal conviction is directly related to the duties and responsibilities of an Architect, the executive director and the Board will consider the factors contained in Section 53.022 and 53.023, Texas Occupations Code and 22 TEX. ADMIN. CODE 1.149(c) and (d).

4. The Board may issue a provisional registration pursuant to Section 53.0211(c), Texas Occupations Code and 22 TEX. ADMIN. CODE 1.27.

5. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently-discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Architectural Examiners that upon payment of any required fees, Petitioner is eligible to sit for the Architectural Registration Examination (ARE).

IT IS FURTHER AGREED that, upon payment of any required fees and upon attaining a passing grade on all sections of the ARE and completion of any other requirements for registration, Petitioner shall be issued a PROVISIONAL CERTIFICATE OF REGISTRATION to practice
architecture in the State of Texas. The provisional certificate of registration shall expire six months after the date of issuance.

IT IS FURTHER AGREED that the provisional registration period shall continue for six months from the date of issuance. PETITIONER SHALL comply in all respects with the Architects' Practice Act, Texas Occupations Code Chapter 1051, the Rules and Regulations Relating to the Practice of Architecture, 22 TEX. ADMIN. CODE Chapter 1, and this Order. The provisional certificate of registration may be revoked if Petitioner commits any offense described by Sec. 53.021, Texas Occupations Code, or violates a statute or rule enforced by the Board prior to or during the provisional registration period.

IT IS FURTHER AGREED that upon successful completion of the provisional registration period, the BOARD SHALL issue a certificate of registration to Petitioner.

IT IS FURTHER AGREED that, if Petitioner’s provisional certificate of registration is revoked or if a certificate of registration is not issued to Petitioner due to a violation of this Order, Petitioner 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 or expiration of the certificate of provisional registration.

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CONTINUE ON NEXT PAGE.
PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I certify that I have fully and truthfully disclosed all of my past conduct which could constitute grounds for ineligibility for registration, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Architectural Examiners from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that I have no criminal prosecution pending in any jurisdiction.

In connection with my application and/or petition, I acknowledge that I have read and I understand Chapter 1051, Texas Occupations Code, and 22 TEX. ADMIN. CODE Chapter 1. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I agree to inform the Board of any other fact or event that could constitute a ground for denial of registration prior to accepting any registration from the Texas Board of Architectural Examiners.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my provisional registration or denial of a registration to practice architecture in the State of Texas, as a consequence of my noncompliance.

I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Architectural Examiners ratify this Order.

Signed this the 11th day of November, 2016.

Rojelio Hernandez, Petitioner

Sworn to and subscribed before me this the 10 day of November, 2016.

Notary Public in and for the State of Texas

Matthew C. Ryan, Petitioner’s Attorney
Approved as to Form and Content
UNITED STATES OF AMERICA

v.

ROJELIO HERNANDEZ
Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, ROJELIO HERNANDEZ, was represented by Mark S. Snodgrass.

The defendant pleaded guilty to count 1 of the information filed on 01/05/2006. Accordingly, the court has adjudicated that the defendant is guilty of the following offenses:

<table>
<thead>
<tr>
<th>Title &amp; Section</th>
<th>Nature of offense</th>
<th>Date of Offense</th>
<th>Count Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 USC § 1001 and 18 USC § 2</td>
<td>Knowingly Making a False and Material Statement to a Government Agency and Aiding and Abetting</td>
<td>February 2004</td>
<td>1</td>
</tr>
</tbody>
</table>

As pronounced on 04/07/2006, the defendant is sentenced as provided in pages 1 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of $100.00, for count 1, which shall be due immediately. Said special assessment shall be made to the Clerk, U.S. District Court.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Signed this the 7th day of April, 2006.

DISTRICT JUDGE SAM R. CUMMINGS
UNITED STATES DISTRICT COURT
IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 30 months.

It is ordered that the defendant report directly to the designated institution, at his own expense, on May 12, 2006, no later than 2:00 p.m.

The Court recommends that the defendant be placed at FCI Big Spring, Texas.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _______________ to _______________, at __________________________, with a certified copy of this Judgment.

__________________________
United States Marshal

By _______________________
Deputy Marshal
SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.
☐ The defendant shall not possess a firearm, destructive device or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Fine and Restitution sheet of the judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
4) The defendant shall support his or her dependents and meet other family responsibilities.
5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.
8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
SPECIAL CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

1. Pursuant to the Mandatory Victims Restitution Act of 1996, the defendant shall pay restitution in the amount of $122,751.00, payable to the U.S. District Clerk, 1205 Texas Avenue, Room 209, Lubbock, TX 79401, for disbursement to:

   U.S. Department of Education
   Attn: Teresa Todd
   Receivables and Cash Receipts Team
   400 Maryland Avenue Southwest, Room 4C137
   Washington, D.C. 20202
   Account No. Rojelio Hernandez
   $96,751.00

   Texas Tech University
   Attn: Becky Hyde
   Student and University Financial Services
   P.O. Box 41099
   Lubbock, TX 79409-1099
   Account No. Rojelio Hernandez
   $26,000.00

If upon commencement of the term of supervised release any part of the restitution remains unpaid, the defendant shall make payments on such unpaid balance beginning 60 days after release from custody at the rate of at least $500.00 per month until the restitution is paid in full. Further, it is ordered that interest on the unpaid balance is waived pursuant to 18 USC § 3612(f)(3).

The $96,751.00 in restitution owed to the U.S. Department of Education shall be paid jointly and severally with John Andrew Moretti, Case No. 5:05-CR-079-C (01); Nathaniel Thomas Beckman, Case No. 5:05-CR-119-C (01); Justin Wayne Sitz, Case No. 5:05-CR-120-C (01); Abby Leaann Mathison, Case No. 5:05-CR-121-C (01); Bryan Lee Hudspeth, Case No. 5:05-CR-122-C (01); James Wesley Sitz, Case No. 5:05-CR-123-C (01); Vicente Garcia Martinez, Case No. 5:05-CR-124-C (01); John Christian Tsytiee, Case No. 5:06-CR-001-C (01); and Gabriela Melissa Vasquez, 5:06-CR-002-C (01), all in the United States District Court, Northern District of Texas, Lubbock Division. This restitution is also ordered to be paid jointly and severally with Jacob Edmund Lustgarten, Justin Meuse, Jessica Ann Back, Amanda Jayne Sheils, Brandon Allen Perryman, Julian Benoit Russbach, Ryan Ball, Justin Belter, Elizabeth Ginn, and Benjamin White, who are to be prosecuted in the future in the United States District Court, Northern District of Texas, Lubbock Division.
2. The defendant shall refrain from incurring new credit charges or opening additional lines of credit without approval of the U.S. Probation Officer.

3. The defendant shall provide to the U.S. Probation officer any requested financial information.

4. The defendant shall cooperate in the collection of DNA as directed by the U.S. Probation Officer, as authorized by the Justice for All Act of 2004.
RESTITUTION

Pursuant to the Mandatory Victims Restitution Act of 1996, the defendant shall pay restitution in the amount of $122,751.00, payable to the U.S. District Clerk, 1205 Texas Avenue, Room 209, Lubbock, TX 79401, for disbursement to:

Name of Payee ......................... $122,751.00

U.S. Department of Education
Attn: Teresa Todd
Receivables and Cash Receipts Team
400 Maryland Avenue Southwest, Room 4C137
Washington, D.C. 20202
Account No. Rojelio Hernandez
$96,751.00

Texas Tech University
Attn: Becky Hyde
Student and University Financial Services
P.O. Box 41099
Lubbock, TX 79409-1099
Account No. Rojelio Hernandez
$26,000.00

If upon commencement of the term of supervised release any part of the restitution remains unpaid, the defendant shall make payments on such unpaid balance beginning 60 days after release from custody at the rate of at least $500.00 per month until the restitution is paid in full.

The $96,751.00 in restitution owed to the U.S. Department of Education shall be paid jointly and severally with John Andrew Moretti, Case No. 5:05-CR-079-C (01); Nathaniel Thomas Beckman, Case No. 5:05-CR-119-C (01); Justin Wayne Sitz, Case No. 5:05-CR-120-C (01); Abby Leeann Mathison, Case No. 5:05-CR-121-C (01); Bryan Lee Hudspeth, Case No. 5:05-CR-122-C (01); James Wesley Sitz, Case No. 5:05-CR-123-C (01); Vicente Garcia Martinez, Case No. 5:05-CR-124-C (01); John Christian Tsyitee, Case No. 5:06-CR-001-C (01); and Gabriela Melissa Vasquez, 5:06-CR-002-C (01), all in the United States District Court, Northern District of Texas, Lubbock Division. This restitution is also ordered to be paid jointly and severally with Jacob Edmund Lustgarten, Justin Meuse, Jessica Ann Back, Amanda Jayne Sheils, Brandon Allen Perryman, Julian Benoit Russbach, Ryan Ball, Justin Belter, Elizabeth Ginn, and Benjamin White, who are to be prosecuted in the future in the United States District Court, Northern District of Texas, Lubbock Division.

The Court determines that the defendant does not have the ability to pay interest and therefore waives the interest requirement pursuant to 18 U.S.C. § 3612(f)(3).
HONORABLE SAM R. CUMMINGS
PRESIDING

DEPUTY CLERK SHIRLEY HARTMAN
COURT REPORTER/TAPE: MECHIELLE DANIHEL
LAW CLERK
USPO W. MCRIN
INTERPRETER
COURT TIME: 5 minutes
DATE: 4-7-06
A.M. 10:15 - 10:20 P.M.
CR. No. 5:06-CR-003-C DEPT. No. 1

UNITED STATES OF AMERICA $ Paulina Jacobs AUSA

v. $ $ $ $ $ $ $ $ Rojelio Hernandez
Defendant's Name $ Mark Sodogoya Counsel for Def. Appt-(A), 3rd-(R), FPD-(F)

SENTENCING

☑ Sentencing held. ☐ Objections to PSI heard. ☐ Plea agreement accepted. ☐ Plea agreement NOT accepted.
☑ Change of plea hearing, deft. withdraws plea of guilty.
☑ Pre Sentencing Guidelines
☑ New Sentencing Guidelines (NSG) offense committed on or after (11/1/87). ☐ Depart Upward ☐ Depart Downward

SENTENCING TEXT:
☐ Deft. placed on: Probation for ______ years.
☐ Deft. committed to custody of the BOP to be imprisoned for a TOTAL term of ______ months.
☐ Deft. placed on: Supervised Release for ______ years
☐ Restitution ordered in the amount of $ ______ payable as set forth in the Judgment.
☐ Fine imposed in the amount of $ ______ payable as set forth in the Judgment.
☐ Oral motion by government dismissing ☐ Remaining Counts and/or ☐ Original Indictment as to this defendant.
☐ Oral Order granting ☐ Order dismissing original Indictment/Information to be entered upon government's written motion.
☐ $ ______ special assessment on Count(s) ______
☐ Indictment ☐ Information ☐ Superseding Indictment ☐ Superseding Information.

☐ Trial set for:
☐ Deft's bond ☐ set ☐ reduced to $ ______
☐ Cash ☐ Surety ☐ 10%
☐ Deft ordered to surrender to U.S. Marshal on:
☐ Deft ordered to surrender to the designated institution on May 12
☐ Deft failed to appear, bench warrant to issue.
☐ Bond ☐ continued ☐ revoked
☐ Deft Advised of his right to appeal.
☐ Deft requests Clerk to enter notice of Appeal.
☐ Deft Custody/Detention continued.
☐ Deft REMANDED to custody. ☑ Court recommends incarceration at Big Spring

OTHER PROCEEDINGS:

Copy to: Minute Order Book
DEPARTMENT OF JUSTICE
CERTIFICATE OF RELEASE OF LIEN
IMPOSED UNDER
THE ANTI-TERRORISM AND EFFECTIVE
DEATH PENALTY ACT OF 1996

UNITED STATES ATTORNEY'S OFFICE
FOR THE NORTHERN DISTRICT OF TEXAS

I hereby certify that as to the following named debtor the requirements of 18 U. S. C. § 3613(c)
have been satisfied with respect to the judgment enumerated below, together with all statutory additions;
and that the lien for this judgment and statutory additions has thereby been released. The proper officer in
the office where the Notice of Lien or Judgment was filed is hereby authorized to make notation on the
books to show the release of said lien, insofar as the lien relates to the following imposition:

Name of Defendant: Rojelio Hernandez
Property: 2006 Airline Rd, Apt #731
Corpus Christi, TX 78412-4635

Court Imposing Judgment: U.S. District Court
Northern District of Texas
Lubbock Division

Court Number: 5:06-CR-003-01

Amount of Fine or Penalty: $122,751.00

Place of filing: Nueces County, TX
Instrument No.: 2007012231
Date of Filing: March 6, 2007

This release does not apply to any forfeiture obligations of the defendant.

WITNESS my hand at Fort Worth, Tarrant County, Texas, on August 19, 2014.

Megan J. Fahey
Assistant United States Attorney
Telephone: 817-252-5200

State of Texas
County of Tarrant

This instrument was acknowledged before me on August 19, 2014, by Megan J. Fahey,
Assistant United States Attorney for the Northern District of Texas.

Signature of Notary Public

Personalized Seal
Dear Mr. Brenton:

This letter is to recommend Rojelio Hernandez to continue his path to become a registered Architect in the State of Texas. He has worked for my company for over eleven years and has always completed his work to the best of his abilities, representing the firm well, and exceeding our clients’ expectations. About three years after his initial hire, Rojelio notified me about his mistake during college. I offered to help him in any way I could, because he had been a good, loyal, and hard-working employee. At the time of his employment with our firm, he had already been assisting the prosecutors to get his legal issues resolved, and he was aware that he was very likely going to serve some time. After his release, I offered him his job back because I trusted him, and I knew he could perform the duties of an Architect. He immediately re-joined the firm and started where he left off, and has continuously been working for us ever since. It has now been over eight years since he came back, and he continually improves on his work for our firm.

Rojelio has the ability, capacity, and fitness to perform the duties and responsibilities of an Architect. Under the supervision of the architects in our firm, he has worked in all phases of the Architectural process, on numerous projects. He spent his first few years here working on procurement, schematic design, and design development of many projects. He then transitioned into working on the construction documents phase, as well as construction administration for several years. As of today, he is involved in all stages of various projects, and he often acts as the main client contact. He also works closely with contractors and all construction- and design-related questions, on a daily basis.

For several years now, Rojelio has also been assisting in the training of all of the firm’s new employees. He is entrusted to ensure that any questions relating to office standards, as well as the field of Architecture, are resolved when it comes to new and existing employees.

I believe Rojelio is a great candidate to become an Architect based on the work he has performed for us, and he has proven his worth to the firm through his character and personality. He has paid his debts in all possible ways, and I hope that the TBAE will note the depth of my trust and appreciation for Rojelio by considering the enormous amount of responsibility that I place in his hands. I would like him to have the opportunity to be able to complete his testing to further his career, and would recommend him for licensure. Thank you, and please let me know if you have any questions.
Sincerely,

Raymond Gignac, AIA
Principal
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: 076-15A
Respondent: Randolph Courtland Barnett
Location of Respondent: Irving, TX
Date of Complaint Received: May 19, 2015
Instrument: Revised Report and Notice of Violation

Findings:
- Randolph Courtland Barnett (hereafter “Respondent”) is a registered architect in Texas with registration number 19923.
- On September 16, 2013, the Board notified Respondent that he had been randomly selected for an audit of continuing education activities for the period September 1, 2011 through August 31, 2012. Respondent was requested to provide his Continuing Education Program Hour Log (CEPH) along with supporting documentation for all activities listed for this audit period, but failed to respond to this request.
- On November 4, 2013, the Board sent a second letter advising Respondent that the Board had not received a response to the initial audit notice and that Respondent was considered non-compliant for continuing education. Respondent was again directed to provide a copy of his CEPH Log within two weeks of his receipt of the letter or, in the alternative, to complete all continuing education not later than December 16, 2013 and provide this office with documentation of completion, but failed to respond to this request.
- The evidence further establishes that in order to renew his registration online he falsely certified that he had completed his CEPH obligations when he had not completed 12 hours of continuing education as required by law.
- On August 31, 2014, Respondent’s architectural registration expired due to his failure to complete the renewal process. Subsequently, pursuant to TEX. OCC. CODE ANN. §1053.353(d), Respondent’s registration became cancelled and non-renewable on August 31, 2016.
- From February 20, 2015 through March 9, 2016, Respondent issued sealed architectural plans for the following nine (9) projects in Texas:
  
  Barley & Board – Denton, TX dated February 20, 2015
  Plum Yoga – Dallas, TX dated March 26, 2015
  Purelex Nails & Spa – dated May 6, 2015
  Good Union Urban Barbeque – Richardson, TX dated May 20, 2015
  Trademark Carwash – Plano, TX dated July 9, 2015
  Bone Daddy’s House of Smoke – Lubbock, TX dated August 26, 2015
  Bone Daddy’s House of Smoke – Denton, TX dated September 14, 2015
  Warrior Marshall Arts – Frisco, TX dated October 12, 2015
  Hat Creek Burger – Lakeway, TX dated March 9, 2016

- At the time he provided architectural services for these projects, Respondent’s registration was expired and he was not authorized to provide architectural services.
During the course of this investigation, Respondent failed to respond to two Board inquiries within 30 days.

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(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 1.69(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 1.171 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.
- By using the title “architect” and providing architectural services for nine (9) projects at a time when his certificate of registration was not in good standing, Respondent violated TEX. OCC. CODE ANN. §§1051.351(a) and 1051.701 as implemented by 22 TEX. ADMIN. CODE §1.82(b).
- By preparing and issuing sealed construction documents for the nine (9) projects identified above, Respondent violated Board Rule 1.104(c).

Action Recommended by Executive Director:
- The Executive Director recommends, and Respondent is prepared to accept the imposition of an administrative penalty in the sum of $10,700.
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: 110-16I  
Respondent: Matthew M. Bell  
Location of Respondent: Plano, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Matthew M. Bell (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10180.
- On June 15, 2016, 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, 2015 through December 31, 2015.
- On August 11, 2016, Respondent responded by sending documentation to the Continuing Education Coordinator. A review of the documentation by the Continuing Education Coordinator determined that he was unable to provide certificates of completion for claimed continuing education courses.
- Subsequently, Respondent completed supplemental CEPH pursuant to Board Rule 5.79(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, 2015 through December 31, 2015, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
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: 023-17I
Respondent: Elizabeth Ann Brannan
Location of Respondent: Houston, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Elizabeth Ann Brannan (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 11009.
- On August 15, 2016, 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, 2015 through December 31, 2015.
- On September 15, 2016, Respondent replied by email and stated that she could not produce her certificates of completion for her continuing education due to a computer fire.
- Subsequently, Respondent completed supplemental CEPH pursuant to Board Rule 5.79(g(2).

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2015 through December 31, 2015, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
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: 025-17I
Respondent: Edward Abdo Dumont
Location of Respondent: Bellaire, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Edward Abdo Dumont (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 900.
- On August 15, 2016, 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, 2015 through December 31, 2015.
- On September 14, 2016, Respondent replied by email and stated that he could not produce his certificates of completion for his continuing education due to a house flood.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2015 through December 31, 2015, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
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: 075-16A
Respondent: Dennis Emmanuel Hyndman
Location of Respondent: Encinitis, CA 92024
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Dennis Emmanuel Hyndman (hereafter “Respondent”) is registered as an architect in Texas with registration number 22136.
- 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, 2014 through December 31, 2014.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 3.69(g)(2).

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:
- The Executive Director recommends an administrative penalty of $700.
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: 106-16I
Respondent: Alana Colleen Jackson
Location of Respondent: Dallas, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Alana Colleen Jackson (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10336.
- Based upon the results of a random continuing education audit, it was determined that she failed to timely complete her continuing education requirements for the audit period of January 1, 2014 through December 31, 2014.
- In addition to completing the required continuing education hours outside of the continuing education period, she falsely certified completion of her CE responsibilities in order to renew her interior design registration.
- During the course of staff’s investigation, Respondent failed to respond to two written requests for information.

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 5.69(g). The Board’s standard assessment for providing false information is $700.00.
- By failing to timely complete the required continuing education program hours, Respondent violated Board Rule 5.69(b). The standard administrative penalty assessed for this violation is $500.00.
- By failing to respond to two written requests for information within 30 days of staff’s requests, Respondent violated Board Rule 5.171 which requires a registered interior designer answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of $250.00 totaling $500.00.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $1,700.00.
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: 002-171
Respondent: Paul Brian Jankowski
Location of Respondent: Dallas, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Paul Brian Jankowski (hereafter “Respondent”) is a registered interior designer in Texas with registration number 4396.
- 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, 2015 through December 31, 2015.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

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 5.79. The Board’s standard assessment for providing false information is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
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: 093-16L  
Respondent: Barry Anthony Landry  
Location of Respondent: Austin, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:

- Barry Anthony Landry (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 1409.
- 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, 2015 through December 31, 2015.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 3.69(g)(2).

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.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of $700.
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: 001-17I  
Respondent: Stephen A. Mendel  
Location of Respondent: Houston, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Stephen A. Mendel (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 8149.
- On July 15, 2016, 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, 2014 through December 31, 2014.
- On August 11, 2016, Respondent responded by sending documentation to the Continuing Education Coordinator. A review of the documentation by the Continuing Education Coordinator determined that he failed to provide certificates of completion for the continuing education courses he had registered for within the audit period.
- Subsequently, Respondent completed supplemental CEPH pursuant to Board Rule 5.79(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, 2014 through December 31, 2014, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
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: 003-17A
Respondent: James A. Murff
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- James A. Murff (hereafter “Respondent”) is registered as an architect in Texas with registration number 17904.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete continuing education requirements for the audit period of January 1, 2015 through December 31, 2015, 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, but before his renewal period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $500.
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: 094-16A  
Respondent: Stephen Thomas Norman  
Location of Respondent: Dallas, Texas  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Stephen Thomas Norman (hereafter “Respondent”) is a registered architect in Texas with registration number 7110.
- 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, 2015 through December 31, 2015.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

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:
- The Executive Director recommends an administrative penalty of $700.
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: 022-17A
Respondent: Christopher J. Powers
Location of Respondent: Arlington, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Christopher J. Powers (hereafter “Respondent”) is registered as an architect in Texas with registration number 21524.
- 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, 2015 through December 31, 2015, 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:
- The Executive Director recommends an administrative penalty of $500.
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: 071-16I  
Respondent: Anthony Raffa  
Location of Respondent: Houston, Texas  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Anthony Raffa (hereafter “Respondent”) is a registered interior designer in Texas with registration number 2244.  
- 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, 2014 through December 31, 2014.  
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

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 5.79. The Board’s standard assessment for providing false information is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
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: 081-16L
Respondent: David C. Scarborough
Location of Respondent: Tyler, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- David C. Scarborough (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 489.
- 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, 2015 through December 31, 2015.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 3.69(g)(2).

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.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
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: 091-16L
Respondent: Cory Schulz
Location of Respondent: Plymouth, MN
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Cory Schulz (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 2032.
- 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, 2015 through December 31, 2015, 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 3.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $500.
Case Number: 105-16A
Respondent: Candace K. Sheeley
Location of Respondent: Effingham, KS
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Candace K. Sheeley (hereafter “Respondent”) is registered as an architect in Texas with registration number 11071.
- 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, 2015 through December 31, 2015, but completed them prior to the renewal of her 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:
- The Executive Director recommends an administrative penalty of $500.
ARTICLE I – NAME

The name by which this corporation shall be known in law is COUNCIL FOR INTERIOR DESIGN QUALIFICATION, INC. (herein “Council”).

ARTICLE II – OFFICES

The principal office of the Council shall be established and maintained at such place as the Council Board of Directors may from time to time determine. A statutory office of the Council shall be maintained in the City of Wilmington, County of New Castle, State of Delaware, at the office of the Council designated registered agent in Delaware.

ARTICLE III – TERMS & DEFINITIONS

The term for which this Council is organized is perpetual.

“Council Certificate” is defined as the document verifying the successful passage of the NCIDQ Examination in its entirety.

“Certificate Holder” shall mean any individual who has successfully passed the NCIDQ Examination in its entirety.

“Council” is defined as the legal corporate entity of the Council for Interior Design Qualification, Inc. Membership in the Council is defined in Article VI herein.

“Jurisdiction” shall mean any governmental or legislative subdivision of the United States, Canada or other country including any state, province, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the title and/or practice of interior design.

“Jurisdictional Board” shall mean the local body legally authorized to examine, recognize, regulate, or discipline interior designers within its specified jurisdiction.

“State” shall mean any political subdivisions of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of interior design.
“State Board” shall mean the body legally authorized to examine, register, or discipline interior designers.

“Provincial Board” shall mean the body legally authorized to examine, register, or discipline interior designers.

“Member Board” shall mean a jurisdictional board that is State Board, Provincial Board or self-regulatory agency which is a member of the Council.

“Council Assembly of Delegates” is the body of Official the Member Board Delegates appointed by the Member Boards of the Council pursuant to Article VII herein.

“Council Board of Directors” is the governing body of the Council, and the Council Board of Directors shall manage the activities and affairs of the Council. The members of the Council Board of Directors are nominated and appointed pursuant to Article IX herein.

“Examination” shall mean the examination(s) developed and administered by the Council to determine minimum competency in the practice of interior design.

“NCIDQ Exam” is a multi-part, minimum competency exam for interior designers. It assesses the exam taker’s ability to demonstrate sufficient professional practice knowledge in the areas of health, safety, and welfare as a means to provide reasonable protection of the public.

“Policies and Procedures” shall mean a set of operational guidelines supplemental and subordinate to the bylaws.

ARTICLE IV – PURPOSES AND POWERS

A. To aid and assist Member Boards and the general public in safeguarding the health, safety, and welfare of the public.

B. To aid and assist Member Boards and the general public by establishing and administering an examination to determine which practitioners of interior design shall be certified by the Council as practitioners competent to practice in the field of interior design.

C. To study and present new plans, programs, and guidelines for new legislation relative to the practice of interior design as well as plans, programs, and guidelines for recommended codes of conduct and recommended practices to be subscribed to by practitioners in the field of interior design, and to make all of the same available to the public.

D. To aid and assist the general public by establishing and administering an on-going certification program for practitioners in the field of interior design.

E. To serve as a forum for members of interior design licensing/registration/certification boards in the United States and Provincial Boards of management for interior designers in Canada, and Member Boards to compile, verify, and maintain records of those
persons who become licensed/registered/certified in order to facilitate reciprocal registration for interior designers in the various states and provinces/jurisdictions.

D.F. The above enumeration of specific purposes shall not be construed as limiting or restricting in any way the undertaking of such functions as shall advance the general purposes enumerated.

E.G. The Council shall have all powers conferred upon a non-profit, non-stock corporation by the laws of the State of Delaware.

ARTICLE V – NON-PROFIT STATUS

A. The Council shall not have authority to issue capital stock, is not organized for profit and no part of its net earnings shall inure to the benefit of any private member or individual. Upon any dissolution of the Council, all of its property and assets, tangible and intangible, after payment, satisfaction and discharge of all its liabilities and obligations, shall be distributed as the Council Board of Directors may determine to such one or more organizations with objects and purposes similar to those of the Council in accordance with the laws of the State of Delaware.

B. The purposes for which this Council is formed are to be promoted, transacted, and carried on without pecuniary profit.

ARTICLE VI – MEMBERSHIP

Section 1. Members Member Boards and Assembly of Delegates

The membership of the Council shall be the legally constituted Member Boards in good standing with the Council. Membership in the Council shall be attained through approval by the Council of Delegates/Board of Directors. Application shall be made upon forms furnished by the Council. The applicant shall provide the names and addresses of the members of the state/provincial/jurisdictional boards and other required information and provide two copies of the applicable law relating to the examination, recognition, regulation, or discipline of the profession of interior design in its jurisdiction. All members in good standing shall have equal rights and powers.

Membership in the Council shall be confined to:

A. State Boards, Provincial/Jurisdictional Boards and self-regulatory organizations duly established by law in the United States, and Canada, or other countries for the licensing, certification or registration of interior designers, provided such boards utilize, as part of their criteria for such licensing, certification, or registration, the examination produced and promulgated by the Council for testing persons practicing interior designers.

B. Qualifications of Membership shall be limited to such organizations as are admitted to membership by majority approval of the Council of Delegates/Board of Directors. In considering any application for admission to membership, the Council of Delegates/Board of Directors shall give due regard to:

i. The aims and purposes of the Council.
ii. The prior and current activities of the Member Board applicant.

iii. The applicant’s standards for admission of its interior design members.

iv. Whether such activities and standards of the applicant make it support the best interest of the Council that such applicant be admitted to membership in the Council.

Section 2. Removal

If, after written notification from the Council Board of Directors, a Member Board fails to pay its dues or other financial obligations to the Council or shall persistently refuse to abide by these Bylaws or the Policies and Procedures enacted by the Council, the Council Board of Directors may recommend to the Council that such Member Board be removed from Council membership. Upon such recommendation, the Member Board may be removed from membership in the Council by an affirmative vote of not less than two-thirds of all Member Boards.

ARTICLE VII – COUNCIL ASSEMBLY OF DELEGATES

Section 1. Delegates and Credentials

A. An Official Delegate shall be appointed to the Council Assembly of Delegates by each Member Board and shall serve until his/her successor is nominated and duly appointed by the Member Board. The Official Delegate should be a current board member of the Member Board.

B. The Official Delegate appointed to the Council Assembly of Delegates should be a NCIDQ certificate holder. However, in the event a Member Board does not have a NCIDQ certificate holder available to appoint to the Council Assembly of Delegates, then a non-certificate holder interior designer would be allowed and encouraged to participate on the Council Assembly of Delegates as the Member Board’s Official Delegate. In the event a non-certificate holder interior designer board member cannot serve as the Official Delegate, then a non-interior designer, non-certificate holder, as approved by the Member Board would be allowed and encouraged to participate on the Council of Delegates. A non-certificate holder delegate is not eligible for nomination to the Council Board of Directors.

C. An Official Delegate may not serve concurrently as both an Official Delegate and a Director or Officer of the Council.

D. Each Member Board admitted under Article VI, 1, A is entitled to be represented at meetings of the Council by one or more representatives of that Member Board. A Member Board may be represented by as many representatives as are able to attend, but only one vote may be cast by each Member Board in person, or to the extent allowed, and in the manner prescribed in the Council’s Policies and Procedures, by proxy by its Official Delegate.

E. Contemporaneously with the appointment of the Official Delegate, the Member Board shall name an Alternate Official Delegate who qualifies...
pursuant to Article VII of these Bylaws.

F. In the event that a voting Official Delegate is unable to be present for all or part of the Annual Meeting or Special Meeting, then the Alternate Official Delegate, if present, may vote on behalf of the Member Board.

Section 2. Annual Meeting

At the discretion of the Council Board of Directors, the Council Assembly of Delegates shall meet annually to discuss issues of common concern. The time and place shall be determined by the Council Board of Directors. Notice of the meeting shall be communicated to the Member Boards at least 90 days, but not more than 150 days before the scheduled date of such meeting and shall set forth the date, time, and place of such meeting. The Executive Director shall ensure that the minutes of the meeting are recorded.

Section 3. Special Meetings

Special meetings of the Council Assembly of Delegates may be called by the President, with the approval of the Council Board of Directors, or by a two-thirds majority of the Member Boards. The Bylaws pertaining to notification for and procedures and conduct of business of Annual Meetings shall apply to Special Meetings.

Section 4. Quorum

A quorum for the transaction of business at any meeting of the Council Assembly of Delegates shall be the majority of the all Member Boards, as represented by their Official Delegate or Alternate Delegate.

Section 5. Resolutions & Other Motions

Resolutions are the substantive matters placed on the agenda for a meeting of the Council Assembly of Delegates in accordance with this section. All resolutions to be considered at the Annual Meeting, except those submitted by special committees, shall be submitted to the Council Board of Directors not less than 90 days prior to the Annual Meeting. The Council Board of Directors shall review each resolution for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of compliance, consistency, and to avoid duplication. The Executive Director shall publish and distribute all resolutions to the Member Boards not less than 75 days prior to the Annual Meeting. If the Council Board of Directors takes a position on any resolution, they shall provide a position statement to be published with the resolution.

Only Member Boards and the Council Board of Directors may offer or amend resolutions to be presented at a meeting of the Council, amendments to resolutions at the Assembly of Delegates Meeting, or amendments to resolutions so presented. All other motions permitted under Robert’s Rules of Order may be made by any Official Delegate, Alternate Delegate, or the Council Board of Directors Officer or Director.

Section 6. Order of Business
An agenda outlining the order of business shall be prepared for all Council Assembly of Delegates meetings. The agenda shall be prepared under the direction of the Council Board of Directors, and printed and mailed to all Member Boards at least 30-45 days before the date set for the particular meeting.

Section 7. Rules of Order

The Council Meetings of the Assembly of Delegates shall be governed by Robert’s Rules of Order when not in conflict with the Bylaws of the Council.

Section 8. Voting

The affirmative vote of two-thirds of the Council of Delegates is required to pass any amendment to these Bylaws or to remove any Member Board from membership in the Council. Amendments to these bylaws shall be made in accordance with Article XV. The affirmative vote of the majority of the Council Board of Directors is required to pass any amendments to the policies and procedures of the Council. The affirmative vote of the majority of all Member Boards is required to pass any other resolution. Except as noted in Article IX, Section 5, with regard to the election of Directors, voting upon all other issues shall require the quorum of vote set forth in Robert’s Rules of Order. There shall be no voting by proxy. Voting by the Member Boards, as noted in these Bylaws, or as otherwise required by law, will require a two-thirds vote of the Member Boards at a physical meeting where quorum is present. Outside of a physical meeting, member boards may vote in any manner applicable by law, including through electronic transmission and require the affirmative vote of two-thirds of all Member Boards.

Section 9. Advisory Votes by Letter Ballot

The Council Board of Directors may from time to time submit an issue or question to the Member Boards for an advisory vote by letter ballot, provided the subject matter and the ballot have been officially submitted in writing to the Member Boards 60 days prior to a date set therein for final receipt of ballots. Only ballots returned in the prescribed time will be counted.

Section 10. Other Participants

Council Officers and Directors, Member Board staffs, when designated in writing by their Member Boards, persons designated by the Council Board of Directors, and persons designated by the presiding officer shall have the privilege of the floor at Council meetings and may take part in the discussion and perform all functions of the Official Delegates except to vote, or, except as provided in Article VII, Section 5, with respect to Officers and Directors, to initiate action.

ARTICLE VIII – OFFICERS

Section 1. Officers

The Officers of the Council shall be a President, President-Elect, and Past President. As needed for business and governmental purposes, the President-Elect may also be identified as the Treasurer, and the Past President may be identified as the Secretary of the organization and shall have the duties and responsibility to ensure a record of the proceedings of the meetings of the Board of Directors in a book to be kept for that purpose as preserved for reference and
Section 2. Qualifications and Limitations

To be eligible to serve as an Officer of the Council Board of Directors, a personal individual shall:

A. Be a licensed, certified, and/or registered interior designer if domiciled or employed in a jurisdiction where interior design is regulated.

B. Be an Active NCIDQ Certificate Holder in good standing.

C. Meet at least two (2) of the following five (5) criteria:
   1. Have been an Official Delegate or Alternate Delegate of the Council Assembly of Delegates for at least two (2) years within the previous eight (8) seven (7) years preceding the commencement of the Officer’s term; or
   2. Have been a member of a CIDQ Member Board for at least two (2) years within the previous eight (8) years;
   3. Have been a member of the Council Board of Directors for at least one (1) year within the seven (7) years preceding the commencement of the Officer’s term, previous eight (8) years;
   4. Have been a member of a CIDQ Chair of a Standing Council Committee or Task Force for at least a total of two (2) years within the seven (7) years preceding the commencement of the Officer’s term, previous eight (8) years; or
   5. Have been a board member president of one of the following interior design professional organizations: (ASID, IIDA, IDC, CIDQ, IDEC, IDCEC, AAHID American Academy of Healthcare Interior Designers (AAHID), American Society of Interior Designers (ASID), Council for Interior Design Accreditation (CIDA), Interior Design Continuing Education Council (IDCEC), Interior Design Educators Council (IDEC), Interior Designers of Canada (IDC), or the International Interior Design Association (IIDA), for at least one (1) year within the seven (7) years preceding the commencement of the Officer’s term within the previous five (5) years.

Section 3. Nomination of Elective Officers

The Nominating Committee shall identify a single nominee for each office and shall follow established procedures for selecting candidates pursuant to the Council’s Policies and Procedures Manual.

Section 4. Election of Officers

The Council Assembly of Delegates, by the affirmative vote of two-thirds of all Member Boards casting ballots, shall elect the candidate for President-Elect. The Nominating Committee shall resubmit a revised ballot until a candidate for President-Elect is elected by a vote of two-thirds of all Member Boards casting ballots.

Section 5. Terms of Office
The President shall serve for a term of one-year commencing on the first day of the Council’s Administrative Calendar year, and ending on the last day of the Council’s Administrative Calendar year for the ensuing year. The President may not be elected to serve consecutive terms; however, an individual may serve for more than one term.

The President-Elect is the successor to the President and shall serve as President-Elect for a one-year term before taking the office of the President.

The Past-President shall serve for a one-year term immediately after completing his/her term as President.

Section 6. Vacancies

A vacancy in the office of the President shall be filled by the President-Elect who shall complete the remaining term and fulfill his/her scheduled term the following year. In the event of a vacancy in the office of President-Elect, the Nominating Committee shall provide a candidate for President-Elect for election by the Council Assembly of Delegates as President-Elect, who meets the established criteria for President set forth in Section 2 above, to serve as President-Elect for the remaining term. In the event of a vacancy in the office of Past President, the Council Board of Directors shall, by vote, elect one of the previous Past Presidents to complete the term.

The Council Board of Directors, by unanimous vote, may remove a President, President-Elect, or Past-President from office with or without cause.

Section 7. The President

The President shall:

A. Be the Chief Executive Officer of the Council.

B. Preside at all meetings of the Council Board of Directors and the Council Assembly of Delegates.

C. Be charged with the general supervision of the affairs of the Council.

D. Be an ex-officio member of all committees of the Council except the Nominating Committee.

E. Ensure that all orders and resolutions of the Council Board of Directors are carried into effect.

F. Interpret these Bylaws and the Rules of Order in the conduct of meetings and the ruling shall govern.

G. Not serve as President while concurrently holding any national executive officer position in any other organization which operates on a national or provincial basis, whose membership is comprised primarily of interior designers.

H. At the discretion of the Council Board of Directors, and the finances of the Council permitting, be paid an honorarium in recognition of service as an Officer of the Council.
I. Be a non-voting member of the Council Board of Directors except in the case of a tie vote, at which time, the President shall cast the tie-breaking vote.

Section 8. The President-Elect

The President-Elect shall:

A. In the absence or incapacity of the President, exercise the duties of and possess all the powers of the President.

B. Oversee the receipt and disbursement of all funds of the Council.

C. Work with the Executive Director in the development of a proposed budget for the Council Board of Directors’ review and approval.

D. Make recommendations regarding investments for the Council’s funds.

E. Ensure accurate record keeping of the Council’s accounts and financial activities.

F. Oversee the strategic planning process for the Council.

G. Attend all Council Board of Directors and Council Assembly of Delegates meetings.

H. Be a voting member of the Council Board of Directors.

Section 9. The Past-President

The Past-President shall:

A. Serve as an advisor to the President and Council Board of Directors.

B. Provide historical knowledge and guidance.

C. During the term as Past-President, provide an archival letter of their term as President.

D. Be a voting member of the Council Board of Directors.

Section 10. Contracts and Disbursements

The Council Board of Directors may authorize any Officer(s) or agent(s) to enter into any contracts to execute and deliver any instrument, or to acknowledge any instrument required by law to be acknowledged in the name of and on behalf of the Council. Such authority may be general or confined to specific instances, but the appointment of any person other than an Officer should be made by instrument in writing. When the Council Board of Directors authorizes the execution of any other instrument in the name of and on behalf of the Council, without specifying the executing Officers(s), the President, President-Elect, or the Executive Director may execute the same.

All checks, drafts, or other orders for the prompt payment of money, notes or other evidences of
indebtedness issued in the name of the Council, shall be by such Officer(s) of the Council and in such manner as shall from time to time be determined by resolution of the Council Board of Directors.

ARTICLE IX – THE COUNCIL BOARD OF DIRECTORS

Section 1. Membership

The Council Board of Directors shall be composed of the Officers of the Council as designated in Section 1, Article VIII, and five (5) Directors. Effective January 1, 2009, at least four (4) of the seven (7) Certificate holder Directors shall have served as an official delegate, alternate-delegate or as a member of an NCIDQ Member Board for at least two (2) years within the seven (7) years preceding the commencement of each Director’s term.

Effective April 1, 2015, at least three (3) of the seven (7) Certificate-holder Directors shall have served as an official delegate, alternate-delegate, or as a member of an NCIDQ Member Board for at least two (2) years within the seven (7) years preceding the commencement of each Director’s term. The provisions of this act shall be null and of no force and effect on and after January 1, 2018. If the Nominating Committee is unable after diligent effort to identify candidates who have served as an Official Delegate, Alternate Delegate, or as a Member of a CIDQ Member Board, it is authorized to select candidates who have not so served.

Section 2. Qualifications and Limitations

A. To be eligible for election to serve as one of the At-Large Directors on the Council Board of Directors, all individuals except the Public Member Director shall:

1. Be a licensed, certified, and/or registered interior designer if domiciled or employed in a jurisdiction where interior design is regulated.

2. Be an Active NCIDQ Certificate Holder in good standing.

3. Meet at least one (1) of the following four (4) or five (5) criteria:
   a. Have been an official delegate or an alternate delegate for at least two (2) years within the previous eight (8) seven (7) years preceding the commencement of the Director’s term; or
   b. Have been a member of an NCIDQ Member Board for at least two (2) years within the previous eight (8) seven (7) years preceding the commencement of the Director’s term; or
   c. Have been a member of a CIDQ Council Committee(s) or task force for at least a total of two (2) years within the seven (7) years preceding the commencement of the Director’s term; or
   d. Have been a member of the Council Board of Directors within the previous eight (8) years; or
   e. Have been a board member of one of the following interior design

Commented [KW8]: Effective January 1, 2018, the requirement reverts back to 4 Directors. The Board and Bylaws Task Force would like to engage the Delegates in a discussion around the long-term viability of this criteria.

Commented [KW9]: Additional criteria added so as not to limit pool of applicants. The time frames on some criteria have also been adjusted to be less limiting.
professional organizations: AAHID, ASID, CIDA, IDCEC, IDEC, IDC, or IIDA within the previous five (5) years.

B. One of the At-Large Directors shall be a Public Member Director, who serves as representative of the public. The public representative shall not be, nor have been, an interior design practitioner or interior design educator. This Public Member Director shall be charged to represent the public’s health, safety, and welfare interest in the interior design profession. To be eligible for election to serve as the Public Member Director, the applicant shall:

1. Not be, nor have been, a practitioner or educator of interior design or architecture, or interior design practitioner or interior design educator.
2. Not be, nor have been, the spouse, child, parent, or significant other of a practitioner or educator of interior design or architecture, design professional, or educator.
3. Be unaffiliated with any Officer, Director, Council Delegate, member of Member Board (present, incoming, or immediately outgoing) or Council staff member. “Unaffiliated” shall be herein interpreted as currently not in, nor anticipated to be in, a contractual business relationship. “Business” shall be defined herein, as including, but not limited to: acting as a client, partner, employer, or employee in any endeavor for business and profit.

Section 3. Terms of Office

At-Large Directors shall serve for a two-year term, unless terminated or unable to fulfill his/her term, or to complete a term of office to replace a Director prior to completion of a full term of office. At-Large Directors may be elected to serve on the Council Board of Directors for multiple a total of two terms, two of which may be, but are not required to be consecutive. (Effective January 1, 2009)

At-Large Directors’ terms shall be staggered. Two (2) At-Large Directors’ terms will expire one year and three (3) At-Large Directors’ terms, one of which is the public member, will expire the next year, ensuring continuity to the Council Board of Directors.

Section 4. Nomination of At-Large Directors

The Nominating Committee shall identify a single slate of candidates nominee for each Director position and shall follow established procedures for selecting candidates pursuant to the Council’s Policies and Procedures Manual.

Section 5. Election of At-Large Directors

The Council Assembly of Delegates, by the affirmative vote of two-thirds of all Member Boards casting ballots, must approve a candidate elect At-Large Directors for the Council Board of Directors. In the event that one or more candidates is not elected, the Nominating Committee shall resubmit alternate candidates until the requisite number of At-Large Directors are approved by two-thirds of the Council Assembly of Delegates casting ballots.

Section 6. Vacancies
In the event an At-Large Director is terminated with or without cause, or is unable to fulfill his/her term, the Council Board of Directors shall direct the Nominating Committee to provide a candidate for election by the Council Assembly of Delegates. If the At-Large Director is the Public Member, the Council Board of Directors shall appoint a qualified Public Member to serve the remaining term. Qualifications as identified in Article IX Section 2 shall apply to persons filling vacancies. Elections must be held within 80 days from the date of vacancy.

Section 7. Removal

The Council of Delegates, Board of Directors, by two-thirds vote of all Official Delegates of all Member Boards, may remove an At-Large Director, with or without cause.

Section 8. Duties

The activities and affairs of the Council shall be managed by the Council Board of Directors, which shall have the right and authority to manage the affairs, property and funds of the Council and all policies and procedures of the Council. All actions taken by the Council or activities undertaken by the Council, except for Bylaw amendments and the election of Officers and Directors and admission/removal of Member Boards, require the approval of the Council Board of Directors.

The Council Board of Directors shall exercise all authority, rights, and powers granted to it by the laws of the State of Delaware and shall perform all duties required by said laws and these Bylaws, in accordance therewith. It shall not delegate any of the authority, rights, or power or any other duties imposed upon it by these Bylaws or otherwise, unless said delegation is specifically provided for in these Bylaws.

Section 9. Meetings of the Council Board of Directors

The Council Board of Directors shall actually meet in regular or special meetings in order to transact business in any manner allowed applicable by law, including through electronic transmission and telephonically by means in which all persons participating in the meeting can hear each other. Any agreement made, or action taken by the Council Board of Directors unanimously or otherwise, outside of such a meeting, shall not constitute or be an action of the Council Board of Directors or the Council, nor shall it be binding on any Director unless such action is taken by the unanimous written consent of all Board Members.

Regular meetings of the Council Board of Directors shall be held at such time and place as the Board may determine. Special meetings of the Board of Directors may be called by the President at his/her discretion at any time, but it shall be the duty of the President to call such a meeting at any time that he/she is requested to do so by the written request of five members of the Council Board of Directors who shall specify therein the purposes of such special meeting. Notice of any special meeting shall state the purpose or purposes thereof and no other business shall be transacted at any such special meeting. Notice of any regular or special meeting shall be given to each Director by mail, telefax, wire, or computer communications (e-mail) with return receipt requested, in each instance specifying time and place of the meeting and where required the special purpose or purposes thereof. All Directors shall be given due notice in writing of the time and place of all meetings.

Except as set forth below, the Council Board of Directors must actually meet to act on behalf of the Council. The President and/or President-Elect and three (3) At-Large Directors must be
present for any regular or special meeting of the Council Board of Directors for there to be a quorum. The Executive Director shall ensure that the minutes of all meetings of the Council Board of Directors are recorded. In the absence of the Executive Director, the President shall designate one of the Directors to ensure that the minutes of all meetings of the Council Board of Directors shall be recorded.

Whenever, in the judgment of the President, business of the Council so requires, the Council Board of Directors shall be authorized to meet by utilizing telephone or video conferencing facilities. All members of the Board shall be given at least two days prior notice of any such meeting, with such notice to be given either by telephone, fax, wire, or computer communications (e-mail) with return receipt requested. The Executive Director or his/her designee shall participate in any such telephone or videoconference unless such conference is deemed by the President to be confidential. The Executive Director shall ensure that the written minutes of such telephone or videoconferences shall promptly thereafter be distributed to all members of the Council Board of Directors.

Each At-Large Director and voting Officer shall be entitled to one vote at any regular, telephone or video conference or special meeting of the Council Board of Directors, and any action taken by the Council Board of Directors where a quorum is present shall require the affirmative approval of three (3) Directors who are present and voting.

At all meetings of the Council Board of Directors, the President, or in his/her absence, the President-Elect shall preside.

ARTICLE X – COMMITTEES AND TASK FORCES

Section 1. Authorization and Appointment of Committees and Task Forces

Committees and task forces may be established to perform services for the Council. The Council Board of Directors, upon a majority vote, shall create such committees and task forces that it deems in its own discretion appropriate; however, there shall always be a Nominating Committee.

Such committees or task forces may be appointed from time to time to perform special and limited functions as assigned. The President shall appoint the committee and task force members.

The Council Board of Directors may delegate to any of its Officers the authority to supervise the work of any of the committees or task forces. The President shall have the power to make appointments of any unfilled or vacant committee membership.

The Council Board of Directors may at any time discontinue a committee or task force, other than a standing committee established in the Bylaws, or make any changes in a committee’s or task force’s personnel without regard to the terms of appointment of the committee or task force members.

Section 2. Reports of Committees

Each committee shall report in writing annually to the Council Board of Directors at least 90 days prior to the Annual Meeting for inclusion in the Pre-Annual Meeting Report and, further, shall make interim reports to the Council Board of Directors as directed. Such reports shall be filed with the President with a copy to the Executive Director.

Commented [KW10]: Being moved to policies and procedures.
Section 23. General Procedure of Committees and Task Forces

Every committee or task force shall perform in accordance with these Bylaws and with the directions of the Council Board of Directors. With the approval of the Council Board of Directors, every committee or task force may call and hold meetings and meet with other organizations or their representatives.

No committee or task force, or any member or chairperson thereof, shall incur financial obligations unless funds have been properly appropriated therefore and specific authorization has been given by the Council Board of Directors. No member or chairperson, or any committee or task force member, shall contract, bind, commit, encumber, or represent the Council orally or otherwise to any matter unless specifically authorized to do so.

Section 34. Terms of Committee and Task Force Appointments

The term of committee appointments shall expire at the end of the calendar year during which the appointment was made, except as otherwise directed by the Council Board of Directors.

Section 45. Standing Committees

The following committees are hereby authorized as basic to proper functioning of the Council:

A. Nominating Committee

The Nominating Committee shall:
1. Be composed of the most Immediate Past-President, defined as the most recent past-president whose term has been completed on the Council Board of Directors, one current Delegate or Alternate Delegate, one current standing committee or task force chair, and one current sitting board member At-Large Director (excluding the Past President and President). All members of the Nominating Committee shall be voting members. No other members are permitted in any capacity. [The members shall have knowledge of the Council’s Member Boards and their concerns, the Council’s history and leadership pool]
2. Be ineligible for nomination to office and ineligible for nomination to the Council Board of Directors.
3. Have a chairperson appointed by the President no later than August 31st of the preceding year.
4. Be responsible for providing a slate of Officers and At-Large Directors as required in these Bylaws and pursuant to the Nominating Committee policies and guidelines.

B. Examinations Committee(s)

The Examinations Committee(s) shall:
1. Be responsible for the development and grading of the examinations.
2. Be responsible for the improvement of the process and other duties as determined by the Council Board of Directors.
3. Consist of a chairperson that is a Certificate Holder and if domiciled or employed in a jurisdiction where interior design is regulated be a licensed, registered, or certified interior designer.
C. Finance Committee

The Finance Committee shall:
1. Review the strategic plan of the Council and develop the annual work plan and budget for presentation to the Council Board of Directors.
2. Monitor all financial matters, including investments.
3. Perform other duties as determined by Council Board of Directors.

Policies and Procedures Committee

The Policies and Procedures Committee shall:
0. Review and recommend changes where appropriate to the policies and procedures of the Council.
0. Perform other duties as determined by the Council Board of Directors.

D. Council of Past Presidents

The Council of Past Presidents shall:
0. Act as a senior advisory board to the Board of Directors of NCIDQ and the Organization as a whole. They may take on certain projects for the benefit of the Organization and the advancement of the interior design profession as assigned by the President of NCIDQ. They will have no authority to assume the direction of the Council from the Board of Directors.
0. Be composed of all retired Past Presidents of the Board of Directors who are in “active” status with their Certificate. The most recent Past-President acts as Chair for one year. If the Past-President is unwilling or unable to assume the office, the Chair shall be elected from the Council of Past Presidents by the Council of Past Presidents.

Section 6. Committees of Special and Limited Function

Such committees may be appointed from time to time to perform special and limited functions as assigned. The committee members shall be appointed by the President.

ARTICLE XI – COUNCIL SERVICES TO MEMBER BOARDS

In order to accomplish the objectives of this Council, as stated in Article IV of these Bylaws, as recognition of the privilege and responsibility of membership in the Council, every Member Board shall be required to accept the actions and decisions of the Council and Council Board of Directors. This acceptance shall extend to all of the following Council services provided to Member Boards to the greatest extent permitted within the context of their individual state/provincial/jurisdictional laws.

A Member Board that does not adhere to the Council Bylaws, upon action taken by the Council, may have its membership rights revoked and no longer be entitled to any Council services or other rights and privileges of membership in the Council. The Council shall retain all membership dues paid by such Member Board.

Section 1. Examination
The Council shall produce examinations designed to test the knowledge, skills, and abilities required for the competent practice in interior design and shall issue appropriate description material on the examination for use by the Member Boards and candidates. The procedures and fees shall be established by the Council Board of Directors.

Section 2. Council Certificates

The Council Certificate carries the recommendation that an applicant, because of having demonstrated minimum competency by passing the Examination, be accorded favorable consideration by any Member Board to which that person may apply for registration, licensing, certification, or membership.

Section 3. Forms and Documents

In order to ensure uniformity in the reporting of an applicant's education, experience, registration (if applicable), and other necessary supporting examination data for determining eligibility for examination or reciprocal licensure, the Council shall study, prepare, and distribute forms and documents appropriate for use by the Council, Member Boards, and applicants.

Section 4. Research

The Council, through work of committees, shall engage in research pertinent to all matters relating to legal recognition of interior designers and the practice of the profession of interior design.

ARTICLE XII - COUNCIL SERVICES TO MEMBERS OF THE INTERIOR DESIGN PROFESSION

Section 1. Council Record Maintenance

The Council shall endeavor to maintain an active data bank of Certificate Holders. Fees for this record maintenance are established by the Council Board of Directors and are due on an annual basis. Applicants neglecting to remit annual maintenance fees waive the right to be maintained in a current record.

Section 2. Council Certificate

Candidates who successfully complete the Examination receive a certificate attesting to same. Upon request by the applicant and payment of the fee stipulated, the Council will forward confirmation to any Member Board that the applicant is a Certificate Holder, provided that the Certificate Holder has maintained a current record.

Certificate Holders not maintaining a current record with the Council will waive the right for the Council to verify that the applicant is a Certificate Holder.

Section 3. Continuing Education Registry

Commented [KW13]: No longer applicable; CEU’s for NCIDQ Certificate renewal are not tracked by the Council in this manner.
An active database is maintained relative to an interior designer’s participation in continuing education programs. Transcripts are provided to those interior designers registering courses with the Council. Fees for this registry are established by the Council Board of Directors.

ARTICLE XIII – FINANCES, FUNDS, ACCOUNTING AND INVESTMENTS

Section 1. Dues and Fees

A. Membership Dues. The annual membership dues from each Member Board shall be established by the Council Board of Directors.

B. Fees. The fees for Council services and products shall be established by the Council Board of Directors.

Section 2. Operating Fund

A. All dues from Member Boards and all other receipts from activities of the Council shall be placed in the operating fund of the Council. The operating fund of the Council shall be administered by the President-Elect who, with the approval of the Council Board of Directors, may delegate certain responsibilities.

B. General Budget. As soon as feasible prior to the Council Board of Directors Meeting concurrent with the Annual Meeting, the Council Board of Directors shall adopt a general budget, which shall show the anticipated income and expenditures for the next fiscal year. Financial statements will be provided by the Finance Committee and reviewed regularly by the Council Board of Directors and audited annually by an independent auditor for accuracy. The budget shall show in detail:

1. The anticipated gross income and net income from all sources during the fiscal year; and

2. The expenditures estimated as incidental and necessary to pay all costs and expenditures of publishing, printing and distributing documents and literature; all costs and expenses of developing, establishing, conducting, directing, supervising, administering and carrying on the activities and affairs of the Council in a proper, diligent, and efficient manner.

C. Authority to Expend and Disburse Money. No Officer, At-Large Director, committee or task force chair or member, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and on its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability or commitment has been properly incorporated into the budget and authorized by the Council Board of Directors in the manner herein set forth, and the Council Board of Directors has made an appropriation to pay the same. All checks shall be signed by an authorized representative or representatives as directed by the Council Board of Directors.

D. Fiscal Year. The fiscal year and the administrative year of the Council, which may or
may not be concurrent, shall be determined by the Council Board of Directors.

Section 3. Securities and Investments

The Council Board of Directors shall have charge of the investment of all funds of the Council not held in its operating fund. It shall sell, purchase, transfer, and convey securities and exercise all rights of proxy, or participation in reorganizations, of depositing securities and similar rights of the Council with respect to its securities, or it may authorize such purchase, sales, transfers, conveyances and the exercise of any or all of said right.

The members of the Council Board of Directors shall not be personally liable for any decrease of capital, surplus, income, balance, or reserve of any fund or account resulting from any of their acts performed in good faith. The accounts of such investments shall be incorporated into the annual report to the Council.

ARTICLE XIV

INDEMNIFICATION

A. To fullest extent permitted by law, and in accordance with the terms and conditions stated herein, the Council agrees to defend and indemnify all present, former and hereafter Officers, Directors, and committee members (and his/her heirs, executors and administrators) from and against all claims, liabilities, judgments, settlements, costs and expenses, including all reasonable attorneys' fees, imposed upon or reasonably incurred by him/her in connection with or resulting from any action, suit, proceeding or claim to which he/she is or may be made a party by reason of his/her being or having been an Officer, Director or committee member of the Council (whether or not a Director or Officer at the time such costs or expenses are incurred by or imposed upon him/her), except in relation to matters as to which he/she shall have been finally judged in such action, suit or proceeding to be liable for gross negligence or willful misconduct in the performance of such duties as Director, Officer or committee member. Any present or former At-Large Director, Officer, employee, or agent of the Council, or other such persons so designated in the discretion of the Council Board of Directors, or the legal representatives of such person, shall be indemnified (including advances against expenses) by the Council against all judgments, fines, settlements, and other reasonable costs, expenses, and counsel fees paid or incurred in connection with any action, suit, or proceeding to which any such person or his legal representative may be made a party by reason of his being or having been such a Director, Officer, employee, or agent if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Council, and, with respect to any criminal action or proceeding, had no reasonable cause to believe the person's conduct was unlawful and to the extent authorized by the Council Board of Directors. No indemnification or advance against expenses shall be approved by the Board or paid by the Council until after receipt from legal counsel of an opinion concerning the legality of the proposed indemnification or advance.

B. As a condition precedent to any defense and/or indemnification the individual seeking indemnification must provide written notification to the Council within 15 calendar days after notice of said action, suit, proceeding or claim. At the time of written notice to the Council, the Council shall, in its sole discretion, have the right to either appoint an
independent counsel to take over the defense of the claim, pursuant to the approval by the Council Board of Directors and any insurance carrier, or deny a defense to the individual at that time and reimburse the individual after final judgment, if so required.

C. In the event of a settlement, the indemnification shall be made only if the Council shall be advised by independent counsel to be appointed by the Council Board of Directors, that in the independent counsel’s opinion such Director, Officer or committee member was not guilty of gross negligence or willful misconduct in the performance of his/her duty, and in the event of a settlement, that such settlement was or is in the best interest of the Council.

ARTICLE XV – AMENDMENTS

These Bylaws may be amended at any special or annual meeting of the Council Assembly of Delegates by resolution submitted to the Member Boards not less than 75 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of all the Member Boards shall be required to secure adoption of any amendment to these Bylaws. There shall be no voting by proxy. All amendments so adopted shall become effective immediately, unless otherwise specified.
# TBAE Event Calendar 2016

## January
- **01** New Year’s Day (Agency Closed)
- **07** CLARB MBE Committee Meeting
- **15** NCARB 2016 MBE Engagement Sessions – San Francisco, CA
- **18** M.L. King Day (Agency Closed)
- **19** Confederate Heroes Day (Skeleton Crew)

## February
- **04** New Board Member Orientation
- **13** NCARB S. Conf. Educators & Practitioners Conference
  - New Orleans, LA
- **23** Rules Committee Meeting
- **24** Board Workshop – Strategic Planning/Reception Dinner
- **25** Board Meeting – CEO NCARB Visit

## March
- **02** Texas Ind. Day (Skeleton Crew)
- **10** NCARB MBE Workshop/
- **11** NCARB Regional Summit
  - Hyatt Regency Savannah
  - Savannah, GA
- **25** Good Friday (4 hrs. Skeleton Crew)
- **21** San Jacinto Day (Skeleton Crew)
- **28** 2016 Texas ASLA Annual Conf.
  - Fort Worth Convention Center

## April
- **02** Personal Financial Statement electronic filing due to The Ethics Commission NLT May 2
- **11** NCARB Annual Business Meeting
  - Fairmont Olympic Hotel
  - Seattle, WA
- **14** NCARB Annual Business Meeting
  - CLARB Annual Meeting
  - San Antonio, TX
- **15** NCARB Annual Business Meeting
  - CLARB Annual Meeting
  - San Antonio, TX
- **16** NCARB Annual Business Meeting
  - CLARB Annual Meeting
  - San Antonio, TX
- **18** NCARB Annual Business Meeting
  - CLARB Annual Meeting
  - San Antonio, TX
- **22** NCARB Annual Business Meeting
  - CLARB Annual Meeting
  - San Antonio, TX
- **25** NCARB Annual Business Meeting
  - CLARB Annual Meeting
  - San Antonio, TX
- **28** NCARB Annual Business Meeting
  - CLARB Annual Meeting
  - San Antonio, TX

## May
- **01** Advanced TX Admin Law Seminar
  - Julian – U/7 School of Law
- **02** Texas Ind. Day (Skeleton Crew)
- **10** NCARB MBE Workshop/
- **11** NCARB Regional Summit
  - Hyatt Regency Savannah
  - Savannah, GA
- **25** Good Friday (4 hrs. Skeleton Crew)

## June
- **01** Board Meeting
  - NCARB Committee Summit (Juke)
  - Miami, FL
- **09** NCARB Committee Summit (Juke)
  - Miami, FL
- **15** NCARB Annual Business Meeting
  - Fairmont Olympic Hotel
  - Seattle, WA

## July
- **04** Independence Day (Agency Closed)
- **25** Exec Leadership Program for Regulators/Driving Results for Regulatory Effectiveness – Denver, CO (Juke)

## August
- **01** BOAT Annual Conference
  - Sugarland, TX (Aug 2-5)
- **05** NCARB 2016 Licensing Advisors Summit – JW Marriott, Chicago, IL
- **11** METROCONIC Expo & Conference
  - Dallas, TX
- **17** Board Meeting – FY17 Budget/ED
  - Annual Performance Review

## September
- **01** Advanced TX Admin Law Seminar
  - Julian – U/7 School of Law
- **05** Labor Day (Agency Closed)
- **22** CLARB Annual Meeting
  - Westin, Philadelphia, PA
- **29** 2016 LRGV-AIA BCC Conference
  - South Padre Island Convention

## October
- **03** TxA Conference, San Antonio, TX
- **11** Veterans Day (Agency Closed)
- **23** Exec Leadership Program for Regulators/Driving Results for Regulatory Effectiveness – Denver, CO (Juke)
- **24** Thanksgiving Day (Agency Closed)
- **25** Day after Thanksgiving (Agency Closed)

## November
- **03** TxA Conference, San Antonio, TX
- **11** Veterans Day (Agency Closed)
- **23** Exec Leadership Program for Regulators/Driving Results for Regulatory Effectiveness – Denver, CO (Juke)
- **24** Thanksgiving Day (Agency Closed)
- **25** Day after Thanksgiving (Agency Closed)

## December
- **09** NCARB Committee Summit (Juke)
  - Miami, FL
- **15** NCARB Annual Business Meeting
  - Fairmont Olympic Hotel
  - Seattle, WA
- **23** TBAE Holiday (Agency Closed)
- **26** Day after Christmas (Agency Closed)
- **27** TBAE Holiday (Agency Closed)
- **28** TBAE Holiday (Skeleton Crew)
- **29** TBAE Holiday (Skeleton Crew)
- **30** TBAE Holiday (Skeleton Crew)

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The 85th Texas Legislature convenes on January 10, 2017

Oct 2016