TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Board Meeting Agenda
The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas
Thursday, May 26, 2016
9:00 a.m. – Conclusion

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

2. Approval of February 25, 2016 Board Meeting Minutes (Action) Debra Dockery

3. Executive Director Report (Information) Julie Hildebrand
   A. Summary of Executive Accomplishments (Information)
   B. Operating Budget/Scholarship: Presentation on 2nd quarter 2016 expenditures/revenues
   C. Report on conferences and meetings (Information)
      I. NCARB Member MBE Workshop/Regional Summit
         March 10-12
      II. 2016 Texas ASLA Annual Conference – April 28-29
   D. Report on upcoming conferences and meetings (information)
      I. NCARB Annual Business Meeting – June 16-18
      II. Executive Leadership Program for Regulators – July 25-28
      III. Building Officials Association of Texas – August 2-5
      IV. METROCON16 Expo and Conference – August 11-12

4. Approval of the 2017 – 2021 Strategic Plan (Action) Debra Dockery

5. Executive Director Performance Evaluation Process (Action) Sonya Odell

6. General Counsel Report (Action) Lance Brenton
   A. Proposed Amendments for Adoption
      I. Regarding eligibility for architectural registration by reciprocity, relating to educational requirements. Rule 1.22
      II. Regarding eligibility for architectural registration by examination, relating to NCARB’s overhaul of the intern development program. Rules 1.5, 1.191, and 1.192
B. Draft Amendments for Proposal

C. Discussion Item
   Discussion of Issues Relating to Recusal of Board Members

7. Enforcement Cases (Action)
   Review and possibly adopt ED’s or Interim ED’s recommendation in the following enforcement cases:
   A. Registrant/Non-Registrant Cases
      Cosco, Renee Love (#046-16I)
      Goleski, Michael Paul (#005-16N)
      Gustin, Wesley (#104-15A)
      Haness, Richard O. (#115-14A)
      Nnadozie, Emmanuel Ogbonna (#130-14A)
      Sanchez, Paul Anthony (#105-13I)
   B. CE Cases
      Asakura, Keiji (#051-16L)
      Denny, Lindsey Jacqueline (#026-16I)
      Elkins, Leslie Keith (#041-16I)
      Field, William Scott (#093-14A)
      Gonzalez, Robert Alexander (#067-16A)
      Greenwood, Thomas A. (#061-16I)
      Jones, Robert Todd (#027-16L)
      Lee, John W. (#062-16A)
      McFadin, Charlotte Celia (#050-16I)
      Ng, Leng-Wa (#042-16A)
      Ruggiero, Peter Michael (#052-16A)
    A. Voluntary Surrender
       Loessberg, Antoinette (#003-16I)

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

8. Review of NCARB Resolutions and Delegation of Voting Authority to be Acted Upon at the NCARB 2016 Annual Meeting (Action)
   A. Resolution 2016-01 Mutual Recognition Arrangement with Australia and New Zealand

   Debra Dockery
B. Resolution 2016-02 Certification Guidelines Amendment – Revision of the Alternatives to the Education Requirements for Certification

C. Resolution 2016-03 Certification Guidelines Amendment – Exam Equivalency for ARE 5.0

D. Resolution 2016-04 Certification Guidelines Amendment – Five-Year Rolling Clock and Rolling Clock Extension Policy Updates

E. Resolution 2016-05 NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option

F. Resolution 2016-06 NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Addition of Architect Emeritus Status

G. Resolution 2016-07 NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Reference to Military-Trained Applicants

H. Resolution 2016-08 NCARB Legislative Guidelines and Model Law/Model Regulations and Certification Guidelines Amendment – Updating the Name of the Intern Development Program

I. Resolution 2016-09 NCARB Bylaws Amendment – Updating Name of Internship Committee

J. Resolution 2016-10 Certification Guidelines Amendment – Approval of Changes to Program Requirements for the Intern Development Program

9. Budget Development for FY17 and Discussion of Internal Budget Policies (Action) Julie Hildebrand

10. Upcoming Board Meeting (Information) Debra Dockery
    Wednesday, August 17, 2016

11. Chair's Closing Remarks Debra Dockery

12. 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.
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TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
Minutes of February 25, 2016 Board Meeting  
William P. Hobby Jr. Building, 333 Guadalupe Street  
Tower III, Conference Room 102  
Austin, TX  78701  
9:00 a.m. until completion of business

AGENDA ITEMS

1A. Call to Order
Ms. Dockery called the meeting to order at 9:02 a.m.

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

Present Board Members
Debra Dockery  Chair
Paula Ann Miller  Secretary–Treasurer – Public Member
Charles (Chuck) Anastos  Architect Member
Sonya Odell  Registered Interior Design Member
Michael (Chad) Davis  Landscape Architect Member
Chase Bearden  Public Member
Jennifer Walker  Architect Member
Robert (Bob) Wetmore  Architect Member

1C. Excused and Unexcused absences
None.

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

1E. Recognition of Guests
At this time, no guests were present, however the following arrived later in the meeting:
Jarrett Hill, Governor’s Officer (arrived at 9:50 a.m.);
Michael J. Armstrong, CEO of NCARB;
Katherine (Kathy) Hillegas, Council Relations Director of NCARB; and
David Lancaster, Senior Advocate for Texas Society of Architects (arrived at 9:13 a.m.)

2. Introduction of New Board Members
Ms. Dockery acknowledged the recently appointed Board members and provided biographical information on each. Mr. Bearden, Ms. Walker and Mr. Wetmore introduced themselves.

At this time, Ms. Dockery acknowledged the staff members:
Julie Hildebrand, Executive Director
Lance Brenton, General Counsel
Glenn Garry, Communications Manager
Ms. Dockery provided the Chair’s opening remarks.

Michael Armstrong, CEO of NCARB, provided an update to the Board regarding NCARB programs.

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO APPROVE THE OCTOBER 29, 2015 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

Ms. Hildebrand provided an update to the Board regarding the Summary of Executive Accomplishments, the Operating Budget, and the Scholarship fund. The Board did not have any comments on the Executive Director’s Report.

Ms. Hildebrand provided a report on the following conferences and meetings:
A.  TxA 76th Annual Convention & Design Expo – Nov 5-7;  
B.  2015 Annual CIDQ Council of Delegates Meeting – Nov. 13-14;  
C.  CLARB MBE Committee Meeting – Jan. 7-8;  
D.  NCARB 2016 MBE Engagement Sessions – Jan. 15-16;  
E.  Southern Conference of NCARB Educators & Practitioners Conference – Feb. 12-13

Ms. Hildebrand provided a report on the following upcoming conferences and meetings: 
A.  NCARB MBE Workshop/Regional Summit – March 10-12  
Ms. Dockery, Mr. Davis, Ms. Odell, Ms. Hildebrand and Mr. Stamps will attend the workshop in Savannah, Georgia. 
B.  2016 Texas ALSA Annual Conference – April 28-29  
Ms. Hildebrand, Mr. Davis, Mr. Stamps and Mr. Alvarado will attend the conference in Galveston, Texas.

The Board did not have any comments on the Executive Director’s report on conferences and meetings.
5. General Counsel Report

Mr. Brenton stated that the following items have been published in the Texas Register and no comments were received by the agency. Therefore, these rules are presented for final adoption by the Board.

5A. Proposed Rules for Adoption

I. Relating to registration of military service members, military veterans, and military spouses, Board Rules 1.22, 3.22, 5.32, 1.29, 3.29, 5.39, 1.69, 3.69, 5.79, and 7.10.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.29, 3.29, 5.39, 1.22, 3.22, 5.32, 1.69, 3.69, 5.79, and 7.10 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

II. Relating to Elimination of Reference to NCIDQ IDEP Program, Board Rules 5.31 and 5.202.

A MOTION WAS MADE AND SECONDED (Odell/Wetmore) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§5.31 AND 5.202 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

III. Relating to Eligibility to Petition for Rulemaking, Board Rule 7.7

A MOTION WAS MADE AND SECONDED (Anastos/Miller) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §7.7, FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

IV. Relating to Employee Training Draft Rule 7.15

Mr. Brenton explained to the Board that the proposed rule mirrors the statute. The rule was proposed at the October Board meeting and the agency received no comments.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ADOPT THE PROPOSED DRAFT RULE TO 22 TEX. ADMIN. CODE §7.15, FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.
INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

V. Relating to Consideration of Foreign Landscape Architecture Degrees, Rules 3.21 and 3.191.
Mr. Brenton explained to the Board that the proposed rule was approved at the October Board meeting, published in the Texas Register in December and no comments were received by the agency; therefore, it is staff’s recommendation that the Board move to adopt rules 3.21 and 3.191 as proposed.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADOPT THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§3.21 AND 3.191 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

VI. Relating to Cleanup of Reference to $200 Professional Fee, Rules 1.65, 3.65, and 5.75.
Mr. Brenton explained to the Board that the proposed amendments were approved by the Board in October and published in the Texas Register in December and no comments were received by the agency; therefore, it is staff’s recommendation that the Board move to adopt rules 1.65, 3.65, and 5.75.

A MOTION WAS MADE AND SECONDED (Wetmore/Davis) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.65, 3.65, AND 5.75 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

The Board took a break at 10:20 a.m. and reconvened at 10:35 a.m.

The Chair recognized Mr. Jarrett Hill from the Governor’s office had joined the Board’s meeting and Mr. David Lancaster had joined the Board too.

5B. Draft Amendments for Proposal

I. Regarding eligibility for architectural registration by reciprocity, relating to education requirements, Board Rule 1.22.
Mr. Brenton explained to the Board that the draft amendments for proposal would be presented and if the Board approved the draft amendments, then Staff would prepare them for publication in the Texas Register and publish them for public comments.
A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE PROPOSED NEW RULE 22 TEX. ADMIN. CODE §1.22 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

II. Regarding eligibility for architectural registration by examination, relating to NCARB’s overhaul of the intern development program, Board Rules 1.5, 1.191, and 1.192.

Mr. Brenton explained that this was the second phase of the changes that NCARB is undertaking with regard to the IDP program. Previously, the number of the hours to complete IDP were reduced. This is the overhaul to the program which decreases the number of categories that must be completed by an applicant which requires a rule change by the Board.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE PROPOSED NEW RULES 22 TEX. ADMIN. CODE §1.5, 1.191, and 1.192 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

Mr. Anastos had a question regarding the effective date of the rule and whether it was retroactive for candidates. Mr. Armstrong stated that the program was retroactive and the candidates’ hours will migrate.

6. Discussion Items

A. Discussion of Issues Relating to Recusal to Board Members

Mr. Brenton gave a short presentation to the Board regarding recusals of Board members. Ms. Dockery asked if she needed to recuse herself and leave the room. Mr. Brenton stated that it was not necessary to leave the room. Ms. Dockery requested that the General Counsel do more research on recusals and the effects of voting on cases and provide additional information to the Board.

B. Executive Director Performance Evaluation Process

Ms. Dockery stated that Ms. Hildebrand has been Executive Director of the agency for almost one year and the Board will need to perform an annual review of the Executive Director. She stated that prior to the previous Executive Director’s retirement, the Board convened a committee to revise the performance review form and format. Ms. Dockery reestablished the committee to complete the work on the Executive Director review process and bring the form to the Board’s May meeting for consideration. Furthermore, the full review will be done in August.
7. Enforcement Cases

A. Non-Registrant Case

Rodriguez, Omar Eliezer (#149-14N)
Mr. Brenton stated that based upon the investigation, Respondent violated Board Rule 1.123 by using the title “architect” on his Facebook page and the Facebook page for his firm and a $4,000 administrative penalty was recommended.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT STAFF’S RECOMMENDATION OF A $4,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

B. Registrant Cases

Marquez, Michael J. (#048-15A)
Mr. Brenton stated that based upon the investigation, Respondent violated Board Rule 1.48(b) by practicing architecture when his registration was delinquent and stated that an administrative penalty of $1,000 was recommended.

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO ACCEPT STAFF’S RECOMMENDATION OF A $1,000 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Todd, Markham W. (#046-15A)
Mr. Brenton stated that based upon the investigation, Respondent violated Board Rule 1.124(a) by failing to register his architectural business with the Board and stated that an administrative penalty of $1,500 was recommended. Mr. Brenton stated that this violation was discovered as a result of another investigation instigated by the Board, but that investigation was dismissed for lack of evidence.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO ACCEPT STAFF’S RECOMMENDATION OF A $1,500 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

Wallace, Kevin Laurance (#119-15A)
Mr. Brenton stated that based upon the investigation, Respondent violated Board Rules 1.123 and 1.82(b) by using the title “architect” and providing architectural services for twelve (12) projects at a time when his certificate of registration was not in good standing. Furthermore, Respondent violated Board Rule 1.102(b) by affixing a seal with an incorrect registration number on the construction documents for twelve (12) projects; and by violating Board Rule 1.101 by failing to affix his seal, signature and date of signing to two (2) sheets of construction documents for the project 10621 Ivalenes Hope Dr., Avery Ranch, Texas. An administrative penalty of $4,500 was recommended.
A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT STAFF’S RECOMMENDATION OF A $4,500 ADMINISTRATIVE PENALTY. THE MOTION PASSED UNANIMOUSLY.

C. Registrant – CE Cases
Mr. Brenton stated that the Board would hear the next 16 cases and vote on them together as follows:
Alberstadt, Milton Louis (#033-16A)
Baker, Gary Taylor (#004-16A)
Biegel, Steven L. (#019-16A)
Blankenship, Lance Ray (#080-15A)
Bodron, Thomas M. (#029-16I)
Dioun, Massoud M. (#036-16I)
Durham, Robert Wayne (#035-16A)
Elliott, William C. (#032-16A)
Featherston, Laura Ann (#013-16I)
Grassle, Robert C. (#034-16A)
Larson, Ted William (#062-15I)
Matthiesen, Jay Scott (#028-16A)
Patel, Narendra (#147-15A)
Rougeau, Rhonda M. (#030-16I)
Torres, Alfonso Ybarra (#024-16A)
West, Charles Moss (#018-16A)

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. THE MOTION PASSED UNANIMOUSLY.

8. Board Election
Board Vice-Chair and Secretary/Treasurer
The Chair asked the Board if there were any nominations for the Board election. Mr. Davis nominated Sonya Odell as Vice-Chair. No further nominations were suggested.
THE BOARD VOTED ALL IN FAVOR FOR SONYA ODELL TO SERVE AS VICE-CHAIR OF THE BOARD.

The Chair stated that she would take nominations for Secretary-Treasurer. Mr. Davis nominated Paula Ann Miller to continue as Secretary-Treasurer.
THE BOARD VOTED ALL IN FAVOR FOR PAULA ANN MILLER TO SERVE AS SECRETARY-TREASURER OF THE BOARD.

9. Board Committee Assignments
The Chair stated that she had made her committee assignments as follows:

Rules Committee
Chuck Anastos, Chair; Chad Davis, Sonya Odell, and Jennifer Walker as committee members.

Executive Director Evaluation Committee
Sonya Odell, Chair; Chase Bearden and Paula Ann Miller as committee members.

Legislative Review Committee
Chad Davis, Chair; Chuck Anastos, Chase Bearden and Bob Wetmore as committee members.

10. Upcoming Board Meeting
Thursday, May 26, 2016 – Full Board & Budget Workshop

11. Chair’s Closing Remarks
Ms. Dockery and Mr. Davis thanked the Executive Director and Staff on the work that had been done in preparation for the meetings.

12. Adjournment
A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADJOURN THE MEETING AT 11:24 A.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

______________________________
DEBRA J. DOCKERY, AIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Summary of Executive Accomplishments
May 26, 2015

Executive

1. Conducted Environmental Scan; prepared for the Strategic Planning Workshop; and prepared the first draft of the Strategic Plan for approval by the full Board.
2. Completed Customer Service Survey and analyzed results – 94% satisfaction rate and 7.6% response rate
3. Prepared and submitted the Quarterly SDSI Report
4. I would like to recognize and congratulate Christine Brister, on our staff, for working towards and receiving her certification as an HR Professional from the Society of Human Resource Professionals. Her work and additional knowledge will be an asset to the agency.
5. Please see my monthly Executive Director Updates for more details.

Presentations with Impressions:

1. Presentation on working with building professionals at the NCARB Regional Meeting (Jack)
2. General Presentation and Booth at the Texas American Society of Landscape Architects Annual Meeting (Julie and Glenn)
3. General Presentation at Gensler in Houston (Glenn)
4. General Presentation at Houston AIA with their “emerging professionals” in Houston (Glenn)

NCARB

1. I was elected to be the Member Board Executive Director to the NCARB Region 3 Board and will serve for one year beginning July 1, 2016.
2. I was appointed to serve on the NCARB Procedures and Documents Committee for their FY17. The committee reviews proposed resolutions, procedures, and documents for their impact on and consistency with Council policies and programs. It also interprets Council standards relating to the qualifications for NCARB certification and reviews impediments to interstate architectural practice and recommends ways to eliminate them.
3. IDP is now AXP (Architectural Experience Program). The program’s current 17 experience categories will be realigned into 6 experience areas that more accurately reflect the general areas of practice identified by the most recent Practice Analysis. The new areas also correspond to the new ARE 5.0 divisions. The new areas are:
   a. Practice Management
   b. Project Management
   c. Program & Analysis
   d. Project Planning & Design
   e. Project Development & Documentation
   f. Construction & Evaluation
4. Please review the NCARB Fast Facts for May 2016 for more updates.
## Summary of Registration Department Accomplishments

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<td><strong>Total Registrations Issued</strong></td>
<td>81</td>
<td>74</td>
<td>80</td>
<td>71</td>
<td>82</td>
<td>81</td>
<td>93</td>
<td>66</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active Architects</td>
<td>11,681</td>
<td>11,701</td>
<td>11,747</td>
<td>11,759</td>
<td>11,837</td>
<td>11,820</td>
<td>11,849</td>
<td>11,870</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active Reg. Interior Designers</td>
<td>3,760</td>
<td>3,733</td>
<td>3,719</td>
<td>3,701</td>
<td>3,686</td>
<td>3,671</td>
<td>3,647</td>
<td>3,635</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active Landscape Architects</td>
<td>1,464</td>
<td>1,465</td>
<td>1,468</td>
<td>1,470</td>
<td>1,465</td>
<td>1,472</td>
<td>1,481</td>
<td>1,479</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Active Registrants</strong></td>
<td>16,905</td>
<td>16,899</td>
<td>16,934</td>
<td>16,930</td>
<td>16,948</td>
<td>16,953</td>
<td>16,977</td>
<td>16,984</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CE Audits Conducted</td>
<td>122</td>
<td>121</td>
<td>119</td>
<td>119</td>
<td>115</td>
<td>108</td>
<td>110</td>
<td>120</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>CE Audits Referred for Investigation</td>
<td>5</td>
<td>8</td>
<td>7</td>
<td>0</td>
<td>5</td>
<td>11</td>
<td>4</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Approved Scholarship Applications</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>7</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificates of Standing</td>
<td>15</td>
<td>9</td>
<td>12</td>
<td>10</td>
<td>6</td>
<td>9</td>
<td>8</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- All new registrants were registered within one day of all documentation being received and the fee being deposited.
### Summary of Enforcement Accomplishments
As of October 16, 2015

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Sep</th>
<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>Jun</th>
<th>Jul</th>
<th>Aug</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases Received and Opened</td>
<td>21</td>
<td>15</td>
<td>11</td>
<td>5</td>
<td>8</td>
<td>13</td>
<td>7</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cases Closed by Investigations</td>
<td>11</td>
<td>13</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>9</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cases Referred to Legal</td>
<td>10</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>6</td>
<td>3</td>
<td>3</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Number of Days to Investigate</td>
<td>77</td>
<td>68</td>
<td>73</td>
<td>71</td>
<td>87</td>
<td>93</td>
<td>82</td>
<td>84</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Cases Referred for Criminal Prosecution</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notices of Violation by Legal</td>
<td>11</td>
<td>5</td>
<td>18</td>
<td>5</td>
<td>8</td>
<td>4</td>
<td>8</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voluntary Surrenders by Legal</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disciplinary Action Entered by the Board</td>
<td>0</td>
<td>19</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warnings from Executive Director</td>
<td>9</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complaints Filed at SOAH</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Lance attended the Federation of Associations of Regulatory Boards Regulatory Law Conference.
- Lance attended the Government Law and Liability Conference presented by the Attorney General’s Office.
- Substantial revisions were made to the Board Member Training Manual.
- Lance attended the Austin Bar Association Administrative Law Division’s presentation on SOAH Proceedings.
# Texas Board of Architectural Examiners
## Fiscal Year 2016 Budget With Servers

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>FY 2016 Budget</th>
<th>FY 2016 Actual through 2-29-16</th>
<th>FY 2016 Percentage Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Licenses &amp; Fees</td>
<td>2,601,504</td>
<td>1,270,910</td>
<td>48.85%</td>
</tr>
<tr>
<td>Business Registration Fees</td>
<td>75,000</td>
<td>42,844</td>
<td>57.12%</td>
</tr>
<tr>
<td>Late Fee Payments</td>
<td>120,000</td>
<td>60,548</td>
<td>50.46%</td>
</tr>
<tr>
<td>Other</td>
<td>2,500</td>
<td>2,334</td>
<td>93.36%</td>
</tr>
<tr>
<td>Interest</td>
<td>1,000</td>
<td>619</td>
<td>61.86%</td>
</tr>
<tr>
<td><strong>Potential Draw on Fund Balance</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>2,800,004</td>
<td>1,377,254</td>
<td>49.19%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th>FY 2016 Budget</th>
<th>FY 2016 Actual</th>
<th>FY 2016 Percentage Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>1,456,300</td>
<td>694,940</td>
<td>47.72%</td>
</tr>
<tr>
<td>Payroll Related Costs</td>
<td>445,904</td>
<td>241,299</td>
<td>54.11%</td>
</tr>
<tr>
<td>Professional Fees &amp; Services</td>
<td>36,000</td>
<td>10,654</td>
<td>29.59%</td>
</tr>
<tr>
<td>Travel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board Travel</td>
<td>30,000</td>
<td>7,571</td>
<td>25.24%</td>
</tr>
<tr>
<td>Staff Travel</td>
<td>18,000</td>
<td>10,466</td>
<td>58.14%</td>
</tr>
<tr>
<td>Office Supplies</td>
<td>12,000</td>
<td>3,446</td>
<td>28.72%</td>
</tr>
<tr>
<td>Postage</td>
<td>15,000</td>
<td>8,026</td>
<td>53.51%</td>
</tr>
<tr>
<td>Communication and Utilities</td>
<td>18,800</td>
<td>6,166</td>
<td>32.80%</td>
</tr>
<tr>
<td>Repairs and Maintenance</td>
<td>1,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>Office Rental</td>
<td>78,000</td>
<td>25,500</td>
<td>32.69%</td>
</tr>
<tr>
<td>Equipment Leases--Copiers</td>
<td>10,000</td>
<td>4,361</td>
<td>43.61%</td>
</tr>
<tr>
<td>Printing</td>
<td>20,000</td>
<td>5,095</td>
<td>25.47%</td>
</tr>
<tr>
<td>Operating Expenditures</td>
<td>41,000</td>
<td>17,946</td>
<td>43.77%</td>
</tr>
<tr>
<td>Conference Registration Fees</td>
<td>4,000</td>
<td>65</td>
<td>1.63%</td>
</tr>
<tr>
<td>Membership Dues</td>
<td>20,000</td>
<td>13,558</td>
<td>67.79%</td>
</tr>
<tr>
<td>Staff Training</td>
<td>6,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>SWCAP Payment</td>
<td>38,000</td>
<td>32,571</td>
<td>85.71%</td>
</tr>
<tr>
<td>Payment to GR</td>
<td>510,000</td>
<td>255,000</td>
<td>50.00%</td>
</tr>
<tr>
<td><strong>IT Upgrades with Servers</strong></td>
<td>40,000</td>
<td>4,287</td>
<td>10.72%</td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td>2,800,004</td>
<td>1,340,952</td>
<td>47.89%</td>
</tr>
</tbody>
</table>

**Excess/(Deficiency) of Rev over Exp.** - 36,302

**Funding for 6 months** 1,400,002

**Excess Fund Balance** 1,162,808

**Total Fund Balance** 2,562,810

- Enforcement Penalties Collected $ 64,129
- General Revenue Collected $ 107,600
Texas Board of Architectural Examiners  
Fiscal Year 2016 Budget  
Scholarship Fund

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjusted Beginning Balance</td>
<td>-</td>
<td>-</td>
<td>77,946.18</td>
</tr>
<tr>
<td>Scholarship Fund Beginning Balance</td>
<td>98,985.57</td>
<td>98,985.57</td>
<td>77,946.18</td>
</tr>
<tr>
<td>Total Beginning Scholarship Fund Balance</td>
<td>98,985.57</td>
<td>98,985.57</td>
<td>77,946.18</td>
</tr>
<tr>
<td>Expenditures:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Expenditures-Scholarship Payments</td>
<td>21,039.39</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>21,039.39</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Excess/(Deficiency) of Rev. over Exp.</td>
<td>98,985.57</td>
<td>77,946.18</td>
<td>-</td>
</tr>
</tbody>
</table>

| Fund Balance                                   | 98,985.57      | 77,946.18                                               | 77,946.18               |

Number of Scholarships Awarded: 42  
Frequency per Fiscal Year—September 30, January 31, and May 31
Mission

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.

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

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

About TBAE

A. Agency Overview and Organizational Aspects

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

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

TBAE has a staff of 19 full-time equivalent positions and operates with an annual budget of $2.8M. TBAE Staff is divided into three broad functional units: Registration, Enforcement, and Administration. Each division is responsible for executing particular operational aspects of the Board’s statutory charge and mission. While separation of the units allows staff to fully engage in their respective areas of expertise, close collaboration and cross-training allows the agency as a whole to remain flexible for most any event.

B. Current Year Activities

Through the third quarter of fiscal year 2016, TBAE is operating under a balanced budget, in spite of legislative mandates requiring an increase in agency expenses. As a result, for the xx year in a row, TBAE did not raise registration fees. In fact, in response to legislative action repealing the professional fee, TBAE decreased fees by $200 per year. With such fiscal responsibility, TBAE has a healthy fund balance currently at 92% of its annual budget.
Looking at registration trends through the third quarter of this fiscal year, TBAE expects to see a xx% increase for active architect registrants, a xx% decrease for active registered interior designers and a xx% increase for active landscape architect registrants. It is also expected that TBAE will see more than xx new registrants from all three professions. These numbers closely track the registration trends in FY15. Specifically, TBAE has seen growth for architects and landscape architects for at least the previous seven years. TBAE believes that the continued decrease seen in registered interior designers is due to the 2013 legislative requirement for all registered interior designers to meet the current examination requirements by September 1, 2017.

In the enforcement unit, TBAE is on track to open approximately xx complaints. This number is in line with FY15 and previous years. Through the third quarter of FY16, the enforcement unit has closed xx cases, with xx resulting in disciplinary action by TBAE. This is a sharp increase over the number of cases closed and the number of disciplinary actions entered in FY15. The enforcement unit has worked hard to decrease the previous case load it experienced after the departure of its General Counsel and the Executive Director in FY15, a year in which the unit closed less cases than it received. Alongside the increased case closure rate, average days to complaint resolution is on track to decrease.

TBAE staff worked to implement all relevant legislation from the 84th Session, including the promulgation of rules and a new website section dedicated to military service members, veterans and their families. Staff also focused on special projects, including a new individual registration website, a new Annual Report on Trends, and its Continuity of Operations Plan. Additionally, the Executive Director focused on increasing the State of Texas’ influence on the national organizations of regulatory boards for all three professions by her service on several committees and task forces.

Beginning in FY15 and continuing into FY16, TBAE has seen replacements in several key positions for both staff and the Board. Julie Hildebrand became the Executive Director on April 2, 2015 after the interim Executive Director had served since September 2014. The General Counsel position was filled on May 1, 2015 after being vacant since February 2015. Finally, TBAE’s Registration Manager retired after 20 years of service in August 2015 and current staff was promoted to fill the position. In FY16, the terms of two architect board members expired, one of which terms was that of the long-standing Chair. They were replaced by two new members, and a new Chair was appointed by the governor. The new members received immediate training and were able to participate in the strategic planning process and board meetings.

C. External/Internal Assessment Issues and Trends

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

- Thriving Talent Pool/Emerging Professionals
- Workforce Demographics
- Improvement to the Regulatory System
- Unregistered Practice
- Technology
- Globalization/International Practice
- Positive Construction Forecasts
- Ethics
TBAE Goals and Action Plans

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

Specific Action Items to be Achieved Throughout the Strategic Plan Period

1. Ensure the professional qualifications of those practicing the regulated professions by setting relevant requirements for education, experience, and examination.
2. Increase public and professional awareness of TBAE’s mission, activities and services, with specific attention to the prevention of unregistered practice and the timely and appropriate registration of pre-professionals.
3. Improve the TBAE website to focus more on informing the public about the registration of the regulated professionals.
4. Improve relationships with related organizations in order to facilitate consistent regulation of the professions and further the Board’s mission and goals.
5. Anticipate and respond to an evolving registrant pool, with specific attention to the following factors:
   - changing demographics of registrants, exam candidates, and future professionals;
   - examination requirements for registered interior designers; and
   - reduced registration fees and barriers to registration.
6. Review the current continuing education requirements and compliance program to evaluate whether the requirements are relevant to the current practice, and whether the agency is facilitating registrants’ voluntarily compliance with continuing education requirements.
7. Review the current use of technology in the regulated professions and by the agency to ensure that state laws, rules, and services are keeping pace with the impacts of technology, and to improve operational efficiency, effectiveness, and customer service.
8. Improve data collection and analysis to better evaluate the successes and challenges of the agency’s various services.
9. Continue to monitor and update TBAE rules to ensure alignment and relevancy, and eliminate redundancies and impediments.
10. Enhance organizational effectiveness and improve the quality of customer service in all programs, by instituting a Model Board Paradigm based on state and national standards with the aim of continuous operational improvement. TBAE will look to maximize administrative leanness, while not sacrificing agency agility and responsiveness.
11. Ensure that leadership succession planning is strong and that cross-component working groups are developed to ensure the continuity of agency effectiveness and efficiency.
12. Protect fiscal soundness through policies, procedures, and preparation for expected revenue and expenditure fluctuations, with a focus on linking revenue in ways more directly related to the expenditure.

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

Accountable • Efficient • Effective • Transparent • Customer Service

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

#### Specific Action Items to Achieved Throughout the Strategic Plan Period

1. Ensure that all complaints and known violations are investigated and appropriate voluntary or disciplinary action is taken against all violators.
2. Investigate and prosecute complaints in a thorough and timely manner.
3. Pursue registrants’ compliance with disciplinary actions and conditions.
4. Establish regulatory standards of practice for the regulated professions.
5. Increase public and professional awareness of TBAE’s mission, activities and services, to encourage a better understanding of the regulatory requirements, voluntary compliance with the regulatory requirements, and feedback on ways to continuously improve.
6. Improve the TBAE website to focus more on informing the public about the registration of the regulated professionals.
7. Improve relationships with related organizations in order to facilitate consistent regulation of the professions and further the Board’s mission and goals.
8. Analyze and respond to incidents in the regulated professions that threaten the health, safety, and welfare of Texans.
9. Review the current use of technology in the regulated professions and by the agency to ensure that state laws, rules, and services are keeping pace with the impacts of technology, and to improve operational efficiency, effectiveness, and customer service.
10. Improve data collection and analysis to allow the Board and agency to better evaluate the successes and challenges of the agency’s various services.
11. Continue to monitor and update TBAE rules to ensure alignment and relevancy, and eliminate redundancies and impediments.
12. Enhance organizational effectiveness and improve the quality of customer service in all programs, by instituting a Model Board Paradigm based on state and national standards with the aim of continuous operational improvement. TBAE will look to maximize administrative leanness, while not sacrificing agency agility and responsiveness.
13. Ensure that leadership succession planning is strong and that cross-component working groups are developed to ensure the continuity of agency effectiveness and efficiency.
14. Protect fiscal soundness through policies, procedures, and preparation for expected revenue and expenditure fluctuations, with a focus on linking revenue in ways more directly related to the expenditure.

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

Accountable • Efficient • Effective • Transparent • Customer Service

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

<table>
<thead>
<tr>
<th>Service, Statute, Rule or Regulation (Provide Specific Citation, if applicable)</th>
<th>Describe why the Service, Statute, Rule or Regulation is Resulting in Inefficient or Ineffective Agency Operations</th>
<th>Provide Agency Recommendation for Modification or Elimination</th>
<th>Describe the Estimated Cost Savings or Other Benefit Associated with Recommended Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>None at this time (see below)*</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

*The TBAE has done a preliminary evaluation of the core services, state statutes, and state rules and regulations applicable to TBAE and does not recommend modifications or eliminations at this time. However, this type of self-evaluation is part of the culture of this agency. TBAE will continue its ongoing evaluation throughout the strategic planning period with the goal of reducing any barriers to the economic prosperity of Texas and making the agency more effective and efficient in achieving its core mission.

As part of its ongoing self-evaluation to eliminate redundancies and impediment this fiscal year, TBAE has reviewed its own rules and has made the following updates to improve the efficiency and effectiveness of the agency’s operations.

- TBAE reduced the number of hours required to complete an architectural internship by eliminating about a year’s worth of elective hours, with interns documenting only the hours in core experience areas.
- TBAE realigned the experience areas required for registration as an architect from 17 specific areas to six broad areas. The new experience areas will align with the newest version of the Architectural Registration Examination.
- TBAE expanded the registration possibilities for a landscape architect who graduated from a landscape architectural program located outside of the United States.
- TBAE removed references in rules to defunct internship programs for registered interior designers.
Proposed Amendments to Rule 1.22

Relating to Eligibility for Architect Registration by Reciprocity

Background

Rule 1.22 identifies the eligibility requirements for architect registration by reciprocity. Currently, Rule 1.22 states that an applicant for registration by reciprocity may show eligibility by either becoming NCARB certified, or by demonstrating completion of the intern development program (IDP) and the archetect registration exam (ARE). The rule does not address an educational requirement for registration by reciprocity, and it has been previous practice to grant reciprocity eligibility to applicants without NAAB-accredited architecture degrees. However, this practice is arguably contrary to the Board’s enabling law (and subsection (a) of Rule 1.22), which limits the Board’s authority to grant reciprocity eligibility to an applicant registered in another state “that has licensure or registration requirements substantially equivalent” to Texas requirements, which has been defined as a professional degree in architecture from a NAAB-accredited program.

The proposed amendments to Rule 1.22, which were approved for proposal at the February Board meeting, would require applicants for reciprocity registration to demonstrate completion of a professional degree in architecture from a NAAB-accredited program, in addition to completion of the IDP and the ARE, thereby ensuring consistency between the requirements for initial and reciprocity registration. The rule would preserve the alternate path to registration through NCARB certification.

Rule Proposal and Comments

The proposed amendments were published in the Texas Register on April 8, 2016 (41 TexReg 2572). The Board received five comments on the proposed amendments, all of which expressed opposition to the immediate implementation of the rule. The comments are attached herein. Three comments were received from 2010 graduates of UTSA with bachelor’s degrees in architecture, who have pursued registration under more permissive requirements in Arizona with the goal of qualifying for reciprocity in Texas. Each of these applicants is in the process of completing the ARE, and propose that the Board consider a period of transition that would allow similarly situated registrants additional time to pass the ARE and qualify for reciprocity.

Matthew Dyer, a 2008 graduate of Texas A&M with a four-year degree in Environmental Design, also commented on the rule. Mr. Dyer completed IDP in 2012, and states that he contacted TBAE in September 2014 to confirm that he would be eligible for reciprocity if he pursued registration in Colorado with his four year degree. Mr. Dyer also requests a transition period during which applicants without NAAB degrees can qualify for registration prior to implementation of the rule. Please note that Mr. Dyer has already submitted an application, which will be considered under the rule already in effect.
Finally, Jonathan Chades also commented on the rule. Mr. Chades states that he has recently moved to Texas from Florida to expand his employer’s architectural firm. Because he is a graduate of a non-accredited architectural program, Mr. Chades opposes the rule change.

The submitted comments describe the potential hardship for hopeful reciprocity candidates who have relied upon the existing rule to make important decisions relating to education, occupation, and residency. On the other hand, some of the comments illustrate how Texas-educated residents have pursued out-of-state licensure for the sole reason of gaining Texas registration, thereby frustrating the Board’s previous determination that a NAAB-accredited degree is the expected standard. Though this would rightly be called a loophole or workaround, it is apparent that this is a path to registration that was previously offered by board staff and on which a large number of people are now currently relying, and a sudden change to the rule could cause hardship for such individuals.

In light of the comments, Staff has prepared an alternative version of the rule change for consideration by the Board. This alternative would result in a two-stage adoption of educational requirements for reciprocity. First, applicants who apply and qualify for reciprocity registration before December 31, 2020 would be required to have completed a pre-professional bachelor’s degree in architecture by a U.S. regionally accredited institution. Any applicant who applies or becomes qualified for reciprocity registration after that date would be required to complete a NAAB-accredited degree, as described under the initial registration rule. Under this deadline, a sufficiently-motivated, Spring-2016 graduate of a four-year program would be able to complete the requirement of 96 months of combined education and experience for registration in Arizona, pass the ARE, and complete IDP in time to apply for reciprocity in Texas. It would not be easy, but it would be possible. Therefore, this time period should be sufficient to allow any hopeful applicant who has already acted in reliance of the current rule a reasonable opportunity to complete the process.

**Staff Recommendation**

Given the potential hardship to individuals who have relied upon the previous interpretation of the rule, Staff recommends that the Board include a transition period for applicants with four-year degrees in architecture in adopting changes to the reciprocity requirements. If this is acceptable to the Board, Staff recommends that the Board move to withdraw the previously proposed amendments to 22 Texas Admin. Code §1.22, and move to approve the alternative draft amendments to 22 Tex. Admin. Code §1.22 for publication in the Texas Register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.
RULE §1.22 Registration by Reciprocal Transfer

(a) A person may apply for architectural registration by reciprocal transfer if the person holds an architectural registration that is active and in good standing in another jurisdiction and the other jurisdiction:

(1) has licensing or registration requirements substantially equivalent to Texas registration requirements; or

(2) has entered into a reciprocity agreement with the Board that has been approved by the Governor of Texas.

(b) In order to obtain architectural registration by reciprocal transfer, an Applicant must demonstrate the following:

(1) the Applicant has:

(A) successfully completed a professional degree in architecture as described by §1.21(a)(1) of this Subchapter;

(B) successfully completed the Architect Registration Examination (ARE) or another architectural registration examination which the National Council of Architectural Registration Boards (NCARB) has approved as conforming to NCARB’s examination standards; and

(B) (C) successfully completed the requirements of the Intern Development Program (IDP) or acquired at least three years of acceptable architectural experience following registration in another jurisdiction; or

(2) the Applicant has been given Council Certification by NCARB and such Council Certification is not currently in an expired or revoked status.

(c) An Applicant who applies for architectural registration by reciprocity on or before December 31, 2020, and otherwise demonstrates satisfaction of all requirements for registration at that time, is not required to complete a professional degree in architecture, as described by Rule §1.21(a)(1) of this Subchapter, provided that the applicant has successfully completed a pre-professional bachelor’s degree in architecture by a U.S. regionally accredited institution. This subsection is repealed effective July 1, 2019.

(d) An Applicant for architectural registration by reciprocal transfer must remit the required registration fee to the Board within 60 days after the date of the tentative approval letter sent to the Applicant by the Board.
RULE §1.22  Registration by Reciprocal Transfer

(a) A person may apply for architectural registration by reciprocal transfer if the person holds an architectural registration that is active and in good standing in another jurisdiction and the other jurisdiction:

(1) has licensing or registration requirements substantially equivalent to Texas registration requirements; or

(2) has entered into a reciprocity agreement with the Board that has been approved by the Governor of Texas.

(b) In order to obtain architectural registration by reciprocal transfer, an Applicant must demonstrate the following:

(1) the Applicant has:

(A) successfully completed a professional degree in architecture as described by §1.21(a)(1) of this Subchapter;

(B) successfully completed the Architect Registration Examination (ARE) or another architectural registration examination which the National Council of Architectural Registration Boards (NCARB) has approved as conforming to NCARB’s examination standards; and

(CB) successfully completed the requirements of the Intern Development Program (IDP) or acquired at least three years of acceptable architectural experience following registration in another jurisdiction; or

(2) the Applicant has been given Council Certification by NCARB and such Council Certification is not currently in an expired or revoked status.

(c) An Applicant for architectural registration by reciprocal transfer must remit the required registration fee to the Board within 60 days after the date of the tentative approval letter sent to the Applicant by the Board.
April 19, 2016

Julie Hildebrand  
Executive Director  
Texas Board of Architectural Examiners  
333 Guadalupe Street, Ste. 2-350  
Austin, TX 78701

Dear Ms. Hildebrand:

It has recently been brought to my attention that TBAE is considering making modifications to the rules and regulations affecting the reciprocity process; more specifically reciprocity from a state with different educational requirements.

I am currently employed by Nextgen Architects as a full-time employee. I have been working in the industry for over six years, have completed NCARB’s Internship Development Program, have started the licensing testing process, and I am planning on completing within the current year.

I graduated ‘cum laude’ from the University of Texas at San Antonio with a Bachelor of Science in Architecture. In the spring of 2009, I was fortunate enough to attend a semester abroad in Barcelona, Spain which allowed me to not only broaden my knowledge of architecture but also gain an appreciation that will forever be engraved in my mind. I graduated in the spring of 2010, which to my disadvantage, the economy was not at its best. This is when I decided to venture to California where I was able to acquire a brief internship with a general contractor, Corporate Contractors. After realizing the shortage of jobs in my field, I decided to move back to San Antonio, Texas where I was blessed to find a full-time job at PBK Architects. Since then, I have been able to successfully advance within my field. I first started as an Architectural Intern at PBK, later becoming an Assistant Project Manager within the same firm. In 2013 I had the opportunity to join Nextgen Architects as a founding member and currently serve as the BIM Project Manager for the firm. In order to maintain my professional growth, I attained LEED AP BD+C accreditation and CSI Construction Document Technologist Accreditation. After 3 years in the field I realized that I needed to pursue my architectural licensure in order to continue to attain my personal and professional goals.

Due to personal obligations, my options were limited and decided that I needed to seek approval for ARE testing without leaving my full-time job. Through research on the NCARB website, I noticed that there were several states that allowed me to start taking the ARE exams based on my current work experience and accomplishments. Arizona was one of the nearest states with an option of reciprocity with the state of Texas but by no means was it an easy process. I was required to submit my completed degree, demonstrate a minimum of three years of architectural experience, two letters of recommendation, one experience reference from a direct supervisor, and a detailed summary of qualifying experience. I was approved and began the taking my ARE exams.
As I understand, the final vote on this particular issue is scheduled to take place on the May 26, 2016 board meeting. I am deeply concerned how this may affect my professional career as well as those who have opted for this path of reliance upon TBAE’s practice of accepting these types of reciprocity applications. After committing time and money to this long process, the newly emerged changes will prove detrimental to my career as well as my personal life. It is my wish, that at the very least, TBAE would consider a transition period before the changes take place. I’m a vested Texan who has built a personal and professional career in this state. It would be a shame if the ability to practice architecture as a licensed architect was taken away from me.

If you have any additional questions about my current situation, please contact me at:

email: dparedes@nextgenarchitects.com

phone: 915.727.6802

Kind regards,

Diana E. Paredes, Assoc. AIA, CDT, LEED AP BD+C
BIM Project Manager
Nextgen Architects

cc: Lance Brenton
David Lancaster, Hon AIA.
April 29, 2016
Via Electronic Mail
Texas Board of Architectural Examiners
333 Guadalupe St.
Austin, TX 78701

Dear TBAE,

I appreciate you taking the time from your busy schedule to read this letter. It has recently been brought to my attention that TBAE is planning to make some modifications to the rules and regulations affecting the reciprocity process; more specifically, reciprocity from a state with different educational requirements.

I am a first generation American and a life long Texan. I paid for my own education through scholarships and student loans. I am currently employed by Open Studio Architecture as a full time employee. I have been working in the industry for over six years, have completed NCARB’s Internship Development Program, and have started the licensing testing process. To date, I have passed 5 ARE exams and will complete the last two within the present year.

I am a magna cum laude graduate of UTSA, Bachelor of Science Architecture. I was the recipient of the LIFE award for most outstanding undergraduate architecture student. In 2009, I was also fortunate enough to do a study abroad semester in Italy which allowed me to not only broaden my knowledge of architecture but also to return to Texas with a different and unique perspective. I graduated in the spring of 2010, which to my disadvantage the economy was at a low point, however, through persistence I was blessed to find a full time job at a firm. Since then, I have been able to successfully make strides within the architecture field. I first started as an architectural intern at a small private firm and now I am currently a Project Manager at Open Studio Architecture. In order to maintain the momentum in my professional growth I attained LEED AP BD+C accreditation. After 3 years in an architecture firm, I learned that I needed to seek licensure in order to progress competitively in the field I had found I truly loved.

My only option at the time was to seek approval for ARE testing without leaving my full time job because of many financial obligations. Through research on the NCARB website, I saw that there were a couple of states that allowed me to start taking ARE exams based on work experience and accomplishments. Arizona was the closest and the least expensive option, but by no means was it an easy process. I had to submit my completed degree, demonstrate three years of architectural experience, have three letters of recommendations completed by my supervisors, and submit a detailed summary of qualifying experience. I was approved and promptly started on my path to licensure.

As I understand, the final vote is scheduled to take place in May’s board meeting. I am deeply concerned about how this is going to affect not only myself but many other soon to be licensed architects within Texas who have chosen to rely upon TBAE’s practice of accepting these types of reciprocity applications. After all this time, personal sacrifice, and money invested in this long process, the newly emerged changes will prove detrimental to my
professional and personal life. With all this said, I hope at the very least a period of transition is allowed before the final changes take place. I truly hope to finish my ultimate goal which is to practice in this great state of Texas as a licensed architect.

Feel free to contact me if you have any additional questions about my current situation. You can reach me at:
email: maritza.alvarado03@gmail.com
phone: 956.358.8600

Sincerely,

[Signature]

Maritza Alvarado

CC:
julie.hildebrand@tbae.state.tx.us
lance.brenton@tbae.state.tx.us
April 20, 2016
Texas Board of Architectural Examiners
333 Guadalupe St.
Austin, TX 78701

Dear TBAE,

I appreciate you taking the time from your busy schedule to read this letter. It has recently been brought to my attention that TBAE is planning to make some modifications to the rules and regulations affecting the reciprocity process; more specifically reciprocity from a state with different educational requirements.

I am currently employed by Stantec as a full time employee. I have been working in the industry for over six years, have completed NCARB’s Internship Development Program, and have started the licensing testing process. I have passed 3 exams and am planning on competing the last two within the present year.

I am a cum laude graduate of UTSA, Bachelor of Science Architecture. I was also fortunate enough to do a study abroad semester in Italy which allowed me to not only broaden my knowledge of architecture but also gain an appreciation that will forever be engrained in my mind. I graduated in the Spring of 2010, which to my disadvantage the economy was not at its best, however, I was blessed to find a full time job at a firm. Since then, I have been able to successfully move up within my field. I first started as an architectural intern at a small private firm and now I am currently a Project Designer/BIM Project Lead at Stantec. In order to maintain the momentum in my professional growth I attained LEED AP BD+C accreditation and after 3 years in the field realized I must seek licensure in order to keep reaching my career and personal goals.

My only option at the time was to seek approval for ARE testing without leaving my full time job because of financial obligations. Through research on the NCARB website, I saw that there were a couple of states that allowed me to start taking ARE exams based on work experience and accomplishments. Arizona was the closest and the least expensive option, but by no means was it an easy process. I had to submit my completed degree, demonstrate three years of architectural experience, have three letters of recommendations completed by my supervisors, and submit a detailed summary of qualifying experience. I was approved and promptly started on my licensure path.

As I understand, the final vote on this particular issue is scheduled to take place in May’s board meeting. I am deeply concerned how this is going to affect not only myself but many other soon to be licensed architects within Texas who have chosen this set path, in reliance upon TBAE’s practice of accepting these
types of reciprocity applications. After all this time and money invested in this long process, the newly emerged changes will prove detrimental to my career as well as my personal life. With all this said, I hope at the very least a transition period is allowed before the final changes take place. I truly hope to finish my ultimate goal which is to practice in this great state of Texas as a licensed architect.

Feel free to contact me if you have any additional questions about my current situation.
You can reach me at
Personal Email: megan.monedero@gmail.com
Cell Phone: 915.449.0755

Best,
Megan Monedero
Designer
Stantec
20 East Greenway Plaza Suite 200 Houston TX 77046-2012
To: Julie Hildebrand  
Executive Director  
Texas Board of Architectural Examiners  
333 Guadalupe, Suite 2-350  
Austin, TX 78701

Re: Reciprocity Application and Implementation of New Rule

Dear Ms. Hildebrand,

I am a licensed Architect whose application for reciprocity whose reciprocity application is pending but has not been approved based on the recent rule change proposed to the Board for approval. I would like to take this opportunity to present my case to the Board. My sincere hope is that the Board will consider an alternative implementation strategy and timeline for this very impactful rule change.

I graduated from Texas A&M University in 2008 with a four-year Bachelors of Environmental Design, which is a non-NAAB accredited degree program. Additionally, I completed a Minor in Business, and graduated Summa Cum Laude. Following graduation in 2008, I began my professional career with SHW Group (now Stantec Architecture), where I am currently still employed. Over the past eight years I have gained experience in project design, documentation and management on a wide range of project types and sizes, from small additions to multi-building campuses. I completed the IDP process in 2012, and in 2014 I began exploring my options towards professional licensure. In September of 2014, I read the requirements for Reciprocal Registration on both NCARB’s “Registration Board Requirements” webpage and the TBAE’s “Architectural Registration by Reciprocal Transfer” webpage. Both of these websites indicated that applicants holding a valid Architectural license from another state could submit the required Certificate of Standing, application and fees, Proof of Legal Status, transcript and fingerprint documentation to the Board as a means of receiving reciprocal registration in Texas. To confirm this information, on September 29th, 2014, I called the TBAE’s direct line (512-305-9000) and was directed to a Registration Coordinator, who verbally confirmed that an applicant with my specific pre-professional degree who completed the A.R.E. and held an Architectural license from another state could apply for and receive reciprocal registration in Texas.

Had this option not been available to me, I might have chosen an alternate path towards licensure, such as a 2 or 3 year NAAB-accredited graduate degree. If I had pursued this option, I might have completed the professional degree education requirement and become registered directly in Texas. However, since the reciprocal licensure path was available and directly validated by the TBAE, I elected to pursue this option and began the next steps in the reciprocity process.
applied for and took the A.R.E. through the State of Colorado, completing my final exam in October of 2015. With my exams completed, I applied for and received my Architectural license in Colorado (ARC 00404138) on November 6, 2015. At this time, I confirmed the “Architectural Registration by Reciprocal Transfer” requirements on TBAE’s website and began the application process. Throughout this application process I was in contact with Steve Ramirez, who confirmed receipt of each of the required application submissions. On February 17, 2016 I received an email from Steve that explained that the Board would be meeting on February 25, 2016 to review the approval of reciprocal applicants, and that “no approvals will be granted without a professional architectural degree until [the agency is] given direction on the matter from our board members.” I received a follow-up call from Steve on February 26th, 2016 after the Board meeting, confirming that the amendment proposal had been approved, and that my application for reciprocity would not be approved.

I want to encourage the Board to consider a more reasonable implementation method and timeline for the proposed rule change, as the implications of such a change impact my professional career in an immediate and drastic way. One example of how other organizations have handled similar transitions can be seen with NCARB. When NCARB enacts changes to the IDP program, the A.R.E., or other broad-reaching milestones in the path towards licensure, it gives its members months of advance notice with regular email communication advising of the pending change, the period of overlap between the old and new procedures, and the date that the old procedures will expire. The phasing in of IDP 2.0 and graduated conversion from the A.R.E. 4.0 to 5.0 are both instances of major changes accompanied by effective communication and implementation timelines. In my situation, Mr. Ramirez’ email on February 17th, 2016 informed me that my application for reciprocity would not be approved even though the Board had not yet met to discuss the proposed rule change is an example of an implementation timeline. To me, this sudden, unforeseen denial of my completed (and paid for) application for reciprocity does not align with TBAE’s usually progressive communication strategy, or with the implementation procedures of other national organizations. At the time I submitted my application for reciprocity (including all forms, fees, fingerprinting and other documentation), I met the requirements as published on both NCARB’s and TBAE’s websites. With my application all-but-approved, this abrupt rejection seems unreasonable.

Given my reliance on the TBAE’s published rules at the onset of my path towards reciprocity, the subsequent verbal confirmation by a TBAE Registration Coordinator, the completion of all IDP, A.R.E. and professional licensure requirements, and my completed application for reciprocity with the TBAE, I want to respectfully request that the Board review my case and approve my application. Please do not hesitate to contact me if any clarification or additional information is needed.
Sincerely yours,

Matthew Dyer
Project Architect
Stantec Architecture
200 E. Greenway Plaza, Suite 200
Houston, TX 77046-2012
Lance Brenton

From: Mike Alvarado  
Sent: Monday, May 02, 2016 8:23 AM  
To: Lance Brenton  
Cc: Julie Hildebrand  
Subject: FW: Hearing in May-Requirements for Reciprocal Registration  

Follow Up Flag: Follow up  
Flag Status: Flagged

From: Steve M. Ramirez  
Sent: Monday, May 02, 2016 8:16 AM  
To: Mike Alvarado <mike.alvarado@tbae.state.tx.us>  
Subject: FW: Hearing in May-Requirements for Reciprocal Registration

From: Jonathan Chades [mailto:jonchades@me.com]  
Sent: Saturday, April 30, 2016 10:59 PM  
To: Steve M. Ramirez <steve.ramirez@tbae.state.tx.us>  
Subject: Hearing in May-Requirements for Reciprocal Registration

Dear Texas Board of Architects & Engineers,

I am writing to you in regards to the recent motion to deny a candidate (architect) from applying for reciprocal registration if that candidate does not hold a NAAB accredited degree. I am concerned because this decision affects me personally as well as many others that may be in the same position.

Unfortunately the architectural degree that I currently hold is not a NAAB accredited degree. Due to personal circumstances I cannot pursue to further my education to achieve such an accredited degree in order to satisfy this proposed requirement. Within the last year I became a registered architect and therefore cannot apply for an NCARB certificate through the BEA program for some time - even though I have close to 10 years of professional experience in the field prior to obtaining licensure. I ask that you please take this into consideration for those candidates such as myself who do not hold the educational standards but instead have supplemental real world experience to qualify for registration.

Because the current requirements of the TBAE allows architects without an accredited degree the ability to apply for reciprocal registration through endorsement, I have been granted the opportunity to pursue expanding my firm's practice to Texas with plans for immediate developments throughout the state in both private and public sectors. As a result my family and I have journeyed to Texas with plans to further my career as a registered architect in your great state. It would be very unfortunate if this proposed motion passes as it will close the only path available to me for reciprocal registration; thus impacting not only my career but my family's way of life and reason for relocating to begin with.

I hope that you consider the effects of this decision and pray for a ruling in favor of keeping the current requirements which do not depend upon an accredited degree. I look forward to processing my application for
reciprocal registration in the near future through the Texas Board of Architects & Engineers. Thank you for your time and attention.

Best Regards,
Jonathan N. Chades
Adoption of Proposed Amendments to Rules 1.5, 1.191, and 1.192
Relating to NCARB IDP Overhaul

Background

In February, the Board voted to propose amendments to Rules 1.5, 1.191, and 1.192, in order to implement NCARB’s “overhaul” of the IDP program. IDP Overhaul follows the IDP Streamline initiative from last year in which NCARB decreased the number of hours required to complete IDP from 5,600 to 3,740. IDP Overhaul will bring further changes to the IDP program by consolidating the 17 current IDP “experience areas” into six broad practice-based areas. Furthermore, the IDP Overhaul consolidates the three experience settings into two. A chart is attached which illustrates the forthcoming changes under IDP Overhaul.

Once IDP Overhaul takes effect on June 29, 2016, Board Rules 1.191 and 1.192 will become obsolete, as these rules make reference to the current division of IDP into 17 experience areas. Under the proposed amendments, rules 1.191 and 1.192 would be deleted in their entirety, leaving Rules 1.21 and 1.22, which simply require applicants to “successfully demonstrate completion of the Intern Development Program.” “Intern development program” is defined as “A comprehensive internship program established, interpreted, and enforced by NCARB.”

This would be more consistent with the Board’s processes, in that TBAE does not independently confirm whether an applicant has completed the required hours in each individual experience area. Rather, NCARB determines whether IDP has been completed, and then certifies such completion to staff. Because the Board does not independently analyze the applicant’s hours, and because the Board’s internship requirements do not differ from the requirements of NCARB, it is unnecessary to repeat the specific requirements of IDP in a separate rule. Furthermore, reference to NCARB IDP simplifies the process for applicants who are attempting to verify Texas registration requirements. Staff has discussed the issue with NCARB, and this is the method that most states use to lay out the IDP requirement.

Proposed Amendments

The proposed amendments were published in the April 8, 2016 edition of the Texas Register (41 TexReg 2570). No comments were received on the proposed rules, which are summarized as follows:

- Rules 1.191 and 1.192
  - Deletes both rules that are contained in Chapter 1, Subchapter J of the Board’s rules
- Rule 1.5(37)
  - Delete definition to “intern development training requirement,” which is the title of Subchapter J (which contains Rules 1.191 and 1.192).

Attached you will find the following supporting documents:
- NCARB’s IDP Overhaul Graphic
- Copies of all rules proposed for amendment, with underline and strikethrough formatting indicating all changes

**Staff Recommendation**

Move to approve the proposed amendments to 22 Tex. Admin. Code §§ 1.5, 1.191, and 1.192 for final adoption.
SUBCHAPTER A SCOPE; DEFINITIONS

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) – (36) No change

(37) Intern Development Training Requirement—Architectural experience necessary for an Applicant to obtain architectural registration by examination in Texas.

Renumber (38) – (74)
RULE §1.191—Description of Experience Required for Registration by Examination

(a) Pursuant to §1.21 of this title (relating to Registration by Examination), an Applicant must successfully demonstrate completion of the Intern Development Training Requirement by earning credit for at least 3,740 Training Hours as described in this subchapter.

(b) An Applicant must earn credit for at least 260 Core Minimum Training Hours in the area of pre-design in accordance with the following chart:

<table>
<thead>
<tr>
<th>Category 1: Pre-Design</th>
<th>Minimum Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Programming</td>
<td>80</td>
</tr>
<tr>
<td>Site and Building Analysis</td>
<td>80</td>
</tr>
<tr>
<td>Project Cost and Feasibility</td>
<td>40</td>
</tr>
<tr>
<td>Planning and Zoning Regulations</td>
<td>60</td>
</tr>
<tr>
<td>Core Minimum Hours</td>
<td>260</td>
</tr>
</tbody>
</table>

(c) An Applicant must earn credit for at least 2,600 Core Minimum Training Hours in the area of design in accordance with the following chart:

<table>
<thead>
<tr>
<th>Category 2: Design</th>
<th>Minimum Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schematic Design</td>
<td>320</td>
</tr>
<tr>
<td>Engineering Systems</td>
<td>360</td>
</tr>
<tr>
<td>Construction Cost</td>
<td>120</td>
</tr>
<tr>
<td>Codes and Regulations</td>
<td>120</td>
</tr>
<tr>
<td>Design Development</td>
<td>320</td>
</tr>
<tr>
<td>Construction Documents</td>
<td>1,200</td>
</tr>
<tr>
<td>Material Selection and Specification</td>
<td>160</td>
</tr>
<tr>
<td>Core Minimum Hours</td>
<td>2,600</td>
</tr>
</tbody>
</table>
(d) An Applicant must earn credit for at least 720 Core Minimum Training Hours in the area of project management in accordance with the following chart:

<table>
<thead>
<tr>
<th>Category 3: Project Management</th>
<th>Minimum Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bidding and Contract Negotiation</td>
<td>120</td>
</tr>
<tr>
<td>Construction Administration</td>
<td>240</td>
</tr>
<tr>
<td>Construction Phase: Observation</td>
<td>120</td>
</tr>
<tr>
<td>General Project Management</td>
<td>240</td>
</tr>
<tr>
<td>Core Minimum Hours</td>
<td>720</td>
</tr>
</tbody>
</table>

(e) An Applicant must earn credit for at least 160 Core Minimum Training Hours in the area of practice management in accordance with the following chart:

<table>
<thead>
<tr>
<th>Category 4: Practice Management</th>
<th>Minimum Training Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Operations</td>
<td>80</td>
</tr>
<tr>
<td>Leadership and Service</td>
<td>80</td>
</tr>
<tr>
<td>Core Minimum Hours</td>
<td>160</td>
</tr>
</tbody>
</table>

(f) An Applicant shall receive credit for Training Hours in accordance with the following chart:

<table>
<thead>
<tr>
<th>Experience Setting</th>
<th>Maximum Training Hours Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience Setting A: Practice of Architecture Training under the Supervision and Control of an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing</td>
<td>No limit</td>
</tr>
<tr>
<td></td>
<td>Every Applicant must earn at least 1,860 Training Hours in Experience Setting A.</td>
</tr>
<tr>
<td><strong>Academic Internships</strong></td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Must meet durational requirements and internship must be completed training in Experience Setting A or Experience Setting O.</td>
<td></td>
</tr>
</tbody>
</table>

**Training Setting O: Other Work Settings**

<table>
<thead>
<tr>
<th></th>
<th>1,860 Training Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervision and Control of an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements who is employed in an organization not engaged in the Practice of Architecture.</td>
<td></td>
</tr>
<tr>
<td>Supervision and Control of an IDP supervisor who is not licensed in the United States or Canada but who is engaged in the Practice of Architecture outside of the United States or Canada.</td>
<td></td>
</tr>
<tr>
<td>Supervision and Control by a landscape architect or licensed professional engineer (practicing as a structural, civil, mechanical, fire protection, or electrical engineer in the field of building construction).</td>
<td></td>
</tr>
</tbody>
</table>

**Training Setting S: Supplemental Experience**

<table>
<thead>
<tr>
<th></th>
<th>930 Training Hours (Maximum)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supplemental Experience for Core Hours</strong></td>
<td>Core hours earned through supplemental experience are applied to specific IDP experience areas.</td>
</tr>
<tr>
<td><strong>Design or Construction Related Employment</strong></td>
<td>Design or construction related activities under the direct supervision of a person experienced in the</td>
</tr>
</tbody>
</table>
activity (e.g., analysis of existing buildings; planning; programming; design of interior space; review of technical submissions; engaging in building construction activities).

**Leadership and Service**
Qualifying experience is pro bono, in support of an organized activity or in support of a specific organization. There must be an individual who can certify to NCARB that you have performed services in support of the organization.

**Additional Opportunities for Core Hours**
A maximum of 40 core hours in each of the IDP experience areas may be earned by completing any combination of these experience opportunities:
1. NCARB’s Emerging Professional’s Companion (EPC): Activities
2. NCARB’s Professional Conduct Monograph
4. Community-Based Design Center/Collaborative
5. Design Competitions
6. Site Visit with Mentor

80 Training Hours (Minimum)
320 Training Hours (Maximum)

600 Training Hours (Maximum)
SUBCHAPTER J  INTERN DEVELOPMENT TRAINING REQUIREMENT

RULE 61.192 Additional Criteria

(a) One Training Hour shall equal one hour of acceptable experience. Training Hours may be reported in increments of not less than .25 of an hour.

(b) An Applicant may earn credit for Training Hours after obtaining a high school diploma, General Education Degree (GED) equivalent, or other equivalent diploma or degree.

(c) Every training activity, the setting in which it took place, and the time devoted to the activity must be verified by the person who supervised the activity.
### OVERHAUL OF IDP EXPERIENCE AREA MAP

<table>
<thead>
<tr>
<th>Category</th>
<th>Current Experience Areas</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pre-Design</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1A Programming</td>
<td></td>
<td>80</td>
</tr>
<tr>
<td>1B Site and Building Analysis</td>
<td></td>
<td>80</td>
</tr>
<tr>
<td>1C Project Cost and Feasibility</td>
<td></td>
<td>40</td>
</tr>
<tr>
<td>1D Planning and Zoning Regulations</td>
<td></td>
<td>60</td>
</tr>
<tr>
<td><strong>Design</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2A Schematic Design</td>
<td></td>
<td>320</td>
</tr>
<tr>
<td>2B Engineering Systems</td>
<td></td>
<td>360</td>
</tr>
<tr>
<td>2C Construction Cost</td>
<td></td>
<td>120</td>
</tr>
<tr>
<td>2D Codes and Regulations</td>
<td></td>
<td>120</td>
</tr>
<tr>
<td>2E Design Development</td>
<td></td>
<td>320</td>
</tr>
<tr>
<td>2F Construction Documents</td>
<td></td>
<td>1,200</td>
</tr>
<tr>
<td>2G Material Selection and Specifications</td>
<td></td>
<td>160</td>
</tr>
<tr>
<td><strong>Project Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3A Bidding and Contract Negotiation</td>
<td></td>
<td>120</td>
</tr>
<tr>
<td>3B Construction Administration</td>
<td></td>
<td>240</td>
</tr>
<tr>
<td>3C Construction Phase: Observation</td>
<td></td>
<td>120</td>
</tr>
<tr>
<td>3D General Project Management</td>
<td></td>
<td>240</td>
</tr>
<tr>
<td><strong>Practice Management</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4A Business Operations</td>
<td></td>
<td>80</td>
</tr>
<tr>
<td>4B Leadership and Service</td>
<td></td>
<td>80</td>
</tr>
<tr>
<td><strong>Total Hours</strong></td>
<td></td>
<td>3,740</td>
</tr>
</tbody>
</table>
Consideration of Draft Amendments Relating to Disciplinary Issues:
Administrative Penalties, Warnings, and Reprimands

Background

In August, the rules committee considered a draft amendment to Rule 1.177 that would have explicitly identified unauthorized use of an architectural seal as a “major” violation subject to the maximum $5,000 administrative penalty allowable under our law. The committee was generally in favor of this change, but also expressed concern about other issues in the rule. Staff was asked to provide the committee with an alternate version of the rule that would provide more guidance on the appropriate levels of administrative penalties for other violations. Subsequently, staff identified two other issues relating to disciplinary sanctions: the issuance of warnings under Rule 1.174 and the reference to reprimands in Rule 1.232 (relating to recommended penalties in disciplinary actions). These issues were further discussed by the Rules Committee in February, and draft amendments have been developed for each of these rules in Chapters 1, 3, and 5. These rules are now presented to the Rules Committee and full Board for approval for proposal in the Texas Register.

Issues Presented:

Warnings

The issuance of warnings is governed by Rules 1.174, 3.174, and 5.184. Copies of these rules are attached, including amendments for discussion and staff comments in the margins. The issue with this rule is that it provides very broad authority for the issuance of warnings that gives staff little guidance in determining whether the issuance of a warning would be appropriate. It is staff’s recommendation that the Board specifically identify individual violations that would be appropriate for issuance of a warning. This would allow staff to act with greater confidence and consistency in implementing the Board’s policy determinations in issuing warnings.

Administrative Penalty Schedule (Rule 1.177)

The administrative penalties schedule is contained in Rules 1.177, 3.177, and 5.187. These rules provide the Board and staff with guidance in determining the appropriate amount of administrative penalties in settlement and contested case matters. As currently written, the rule attempts to define a given violation as major, moderate, or minor based upon the analysis of three factors: seriousness of misconduct, economic harm, and sanction history. As described in the

1 Here, and elsewhere in this document, the reference to the chapter 1 rule relating to architects applies equally to the companion rules in chapters 3 and 5, and draft amendments have been drafted for all three chapters.
comments accompanying the rule text, this procedure often leaves staff and the Board with little
guidance in determining an appropriate administrative penalty.

As an alternative, staff has drafted amendments for discussion which would specifically
identify certain violations of the Board’s laws and rules as minor, moderate, or major, with
maximum penalties of $1,000, $3,000, and $5,000, respectively. Each violation would then be
considered individually on the factors contained in Board Rules 1.141(c) and 1.165(f) (and Chapter
3 and 5 equivalents) to arrive at a specific penalty amount within the recommended range. This
approach has the advantage of providing staff with more objective guidance in recommending
administrative penalties, while reserving the ability to consider each case individually.

Reprimands

A reprimand is an authorized disciplinary action under Tex. Occ. Code Sec. 1051.751 and
is also listed as a recommended sanction in the Board’s disciplinary guidelines in Rules 1.232,
3.232, and 5.242. However, it does not appear that the Board has issued a reprimand since 2004.
Given that the issuance of reprimands is no longer within the Board’s regular practice, removal of
this sanction from the disciplinary guidelines should be considered. Otherwise, there is a risk that
an Administrative Law Judge (ALJ) would recommend a reprimand as an appropriate penalty
following a SOAH hearing. This would force the Board to decide whether to overrule the ALJ on
sanction, which is a permissible action but one that arguably increases the likelihood of appeal in
district court. Staff’s recommendation is to update the disciplinary guidelines in order to achieve
consistency with current practice.

Additional amendments for discussion include the alteration of procedural language in
subsection (d), and the inclusion of language that clarifies the Board’s authority to issue
administrative penalties in addition to other sanctions. These proposals are more fully discussed
in the comments accompanying the rule text.

Staff’s Recommendation:

Staff recommends that the Board move to approve draft amendments to 22 Tex. Admin. Code
§§1.174, 3.174, 5.184, 1.177, 3.177, 5.187, 1.232, 3.232, and 5.242 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.
CHAPTER 1   ARCHITECTS

SUBCHAPTER I   DISCIPLINARY ACTION

RULE §1.174   Complaint Process

(a) A person may file a complaint by submitting the following information to the Board:

(1) the name of and contact information for the complainant unless evidence regarding a possible violation was submitted anonymously;

(2) the name of the person against whom the complaint is filed;

(3) the address, telephone number, Web site, or other contact information for the person against whom the complaint is filed, if available;

(4) the date and location of the alleged violation that is the subject of the complaint;

(5) a description of each alleged violation; and

(6) the name, address, and telephone number for any known witness who can provide information regarding the alleged violation.

(b) A complaint should be submitted on the complaint form that may be obtained by accessing the form on the Board’s Web site or by contacting the Board’s staff. If a completed complaint form is not submitted, the Board’s staff will not be able to initiate an investigation unless the Board’s staff receives information sufficient to establish probable cause to believe an actionable violation might have occurred.

(c) Once a complaint has been received, the Board’s enforcement staff shall:

(1) conduct a preliminary evaluation of the complaint within thirty (30) days to determine:

(A) Jurisdiction: whether the complaint provides information sufficient to establish probable cause for the Board’s staff to believe an actionable violation might have occurred;

(B) Disciplinary History: whether there has been previous enforcement activity involving the person against whom the complaint has been filed; and

(C) Priority Level: the seriousness of the complaint relative to other pending enforcement matters;

(2) provide the complainant and respondent with information which will permit review of the Board’s policies and procedures from the Board’s website regarding complaint investigation and resolution. If the complainant or respondent requests a copy of the policies and procedures in written format a copy shall be mailed upon request.

(3) notify the complainant and respondent of the status of the investigation at least quarterly unless providing notice would jeopardize an investigation; and

(4) maintain a complaint file that includes at least:

Rule 1.174
(A) the name of the person who filed the complaint unless the complaint was filed anonymously;
(B) the date the complaint was received by the Board's staff;
(C) a description of the subject matter of the complaint;
(D) the name of each person contacted in relation to the complaint;
(E) a summary of the results of the review and investigation of the complaint; and
(F) an explanation for the reason the complaint was dismissed if the complaint was dismissed without action other than the investigation of the complaint.
(d) After the preliminary evaluation period, the Board's staff may contact the complainant, the respondent, and any known witness concerning the complaint.
(e) After the preliminary evaluation period, the Board's staff shall take steps to dismiss the complaint or proceed with an investigation of the allegation(s) against the respondent. A complaint may be referred to another government agency if it appears that the other agency might have jurisdiction over the issue(s) raised in the complaint.
(f) If the Board's staff proceeds with an investigation, the staff shall:

(1) investigate the complaint according to the priority level assigned to the complaint;
(2) notify the complainant and respondent that, as a result of the staff's preliminary evaluation of the complaint, the staff has determined that the Board has jurisdiction over the allegation(s) described in the complaint and has decided to proceed with an investigation of the allegation(s) against the respondent; and
(3) gather sufficient information and evidence to determine whether there is probable cause to believe that a violation of a statutory provision or rule enforced by the Board has occurred.
(g) The Board's staff may conduct an investigation regardless of whether a complaint form was received as described in subsection (a) of this section.
(h) If the information and evidence gathered during an investigation are insufficient to establish probable cause to believe that a violation has occurred, the Board's staff shall:

(1) dismiss the complaint;
(2) send notices to the complainant and respondent regarding the dismissal;
(3) if warranted, include in the respondent's notice a recommendation or warning regarding the respondent's future conduct; and
(4) if a complaint is determined to be unfounded, state in the respondent's notice that no violation was found.
(i) If the information and evidence gathered during an investigation are sufficient to establish probable cause to believe that a violation has occurred, the Board's staff shall:

(1) seek to resolve the matter pursuant to §§1.165, 1.166 or 1.173 of this subchapter; or

Rule 1.174
(2) issue a warning in accordance with Subsection (j) to the respondent if the violation is the respondent’s first violation and:

(A) the respondent has not received a written warning or advisory notice from the Board;

(B) the respondent provided a satisfactory remedy which has eliminated any harm or threat to the health or safety of the public; and

(C) the guidelines for determining an appropriate penalty for the violation recommend an administrative penalty or a reprimand as an appropriate sanction for the violation;

(j) A warning may be issued by the Executive Director only as follows:

(1) the violation is the Respondent’s only violation of the Board’s laws and rules;

(2) the Respondent has not previously been subject to a Board warning or order;

(3) the Respondent has provided a satisfactory remedy which has eliminated any harm or threat to the health or safety of the public; and

(4) The Respondent has committed one of the following violations:

(A) failure to provide or timely provide plans and specifications to TDLR under the requirements of Govt. Chap. 469 (Elimination of Architectural Barriers);

(B) Unauthorized use of term “architect” or “architecture”;

(C) Failure to respond to a Board inquiry;

(D) Failure to provide a statement of jurisdiction;

(E) Failure to seal documents or insert statement in lieu of seal;

(F) Use of a non-compliant seal by registrant;

(G) Practice of architecture while registration is delinquent;

(H) Failure to register or annually renew the registration of a business; or

(I) Creation of misleading impression by an architect advertising for services.

(k) The decision to issue a warning is at the sole discretion of the Executive Director and not available as a result of a contested case proceeding pursuant to the Government Code Chapter 2001.

(I) Before a proposed settlement agreement may be approved by the Board:

(1) the complainant, if known, must be notified of the terms of the agreement and the date, time, and location of the meeting during which the Board will consider the agreement; and

(2) the terms of the agreement must be reviewed by legal counsel for the Board to ensure that all legal requirements have been satisfied.

(m) If a complaint is dismissed, the complainant may submit to the Executive Director a written request for reconsideration. The written request must explain why the complaint should not have been.

Commented [LB1]: These provisions are retained below in subsection (j).

Commented [LB2]: The guidelines which are referred to here are contained in Rule 1.232. The issue is that many violations that would not normally be considered for a warning meet this requirement. This includes:

• Unauthorized use of a seal
• Unauthorized practice of architecture
• Unlawful practice of architecture by emeritus architect
• Continuing education violations
• Disclosure of fee information inconsistent with the PSPA

Commented [LB3]: This has been included on the list for Board member consideration. According to staff research, this is a violation that has previously resulted in a warning on about 18 occasions. However, this has not been a recent practice. 2/23/15 Rule Committee recommends this provision be removed

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Commented [LB4]: This is a violation on which we might receive a self-report. Would we want to reserve the possibility of a warning in this type of case? Possible alternatives—eliminate from the list; offer warnings only for limited period of practice i.e. less than a month or two; or leave as is. 2/23/15 Rule Committee recommends this provision be removed

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Commented [LB5]: This provision identifies a warning as a matter of agency discretion and not a sanction available for a SOAH ALJ.

Commented [LB6]: This provision is far more extensive than what is required under the statute, as well as standard practice by other agencies.
1 dismissed. The Executive Director may, but is not required to, respond to the request for
2 reconsideration.
CHAPTER 3   LANDSCAPE ARCHITECTS

SUBCHAPTER I   DISCIPLINARY ACTION

RULE §3.174  Complaint Process

(a) A person may file a complaint by submitting the following information to the Board:

(1) the name of and contact information for the complainant unless evidence regarding a possible
violation was submitted anonymously;

(2) the name of the person against whom the complaint is filed;

(3) the address, telephone number, Web site, or other contact information for the person against
whom the complaint is filed, if available;

(4) the date and location of the alleged violation that is the subject of the complaint;

(5) a description of each alleged violation; and

(6) the name, address, and telephone number for any known witness who can provide information
regarding the alleged violation.

(b) A complaint should be submitted on the complaint form that may be obtained by accessing the form
on the Board's Web site or by contacting the Board's staff. If a completed complaint form is not
submitted, the Board's staff will not be able to initiate an investigation unless the Board's staff receives
information sufficient to establish probable cause to believe an actionable violation might have
occurred.

(c) Once a complaint has been received, the Board's enforcement staff shall:

(1) conduct a preliminary evaluation of the complaint within thirty (30) days to determine:

(A) Jurisdiction: whether the complaint provides information sufficient to establish probable cause for
the Board's staff to believe an actionable violation might have occurred;

(B) Disciplinary History: whether there has been previous enforcement activity involving the person
against whom the complaint has been filed; and

(C) Priority Level: the seriousness of the complaint relative to other pending enforcement matters;

(2) provide the complainant and respondent with information which will permit review of the Board's
policies and procedures from the Board's web site regarding complaint investigation and resolution. If
the complainant or respondent requests a copy of the policies and procedures in written format a copy
shall be mailed upon request.

(3) notify the complainant and respondent of the status of the investigation at least quarterly unless
providing notice would jeopardize an investigation; and

(4) maintain a complaint file that includes at least:

(A) the name of the person who filed the complaint unless the complaint was filed anonymously;
(B) the date the complaint was received by the Board's staff;
(C) a description of the subject matter of the complaint;
(D) the name of each person contacted in relation to the complaint;
(E) a summary of the results of the review and investigation of the complaint; and
(F) an explanation for the reason the complaint was dismissed if the complaint was dismissed without action other than the investigation of the complaint.

(d) During the preliminary evaluation period, the Board's staff may contact the complainant, the respondent, and any known witness concerning the complaint.
(e) After the preliminary evaluation period, the Board's staff shall take steps to dismiss the complaint or proceed with an investigation of the allegation(s) against the respondent. A complaint may be referred to another government agency if it appears that the other agency might have jurisdiction over the issue(s) raised in the complaint.
(f) If the Board's staff proceeds with an investigation, the staff shall:
   (1) investigate the complaint according to the priority level assigned to the complaint;
   (2) notify the complainant and respondent that, as a result of the staff's preliminary evaluation of the complaint, the staff has determined that the Board has jurisdiction over the allegation(s) described in the complaint and has decided to proceed with an investigation of the allegation(s) against the respondent; and
   (3) gather sufficient information and evidence to determine whether there is probable cause to believe that a violation of a statutory provision or rule enforced by the Board has occurred.

(g) The Board's staff may conduct an investigation regardless of whether a complaint form was received as described in subsection (a) of this section.
(h) If the information and evidence gathered during an investigation are insufficient to establish probable cause to believe that a violation has occurred, the Board's staff shall:
   (1) dismiss the complaint;
   (2) send notices to the complainant and respondent regarding the dismissal;
   (3) if warranted, include in the respondent's notice a recommendation or warning regarding the respondent's future conduct; and
   (4) if a complaint is determined to be unfounded, state in the respondent's notice that no violation was found.
(i) If the information and evidence gathered during an investigation are sufficient to establish probable cause to believe that a violation has occurred, the Board's staff shall:
   (1) seek to resolve the matter pursuant to §§3.165, 3.166 or 3.173 of this subchapter; or
(2) issue a warning in accordance with Subsection (j) to the respondent, if the violation is the respondent's first violation and:

— (A) the respondent has not received a written warning or advisory notice from the Board;
— (B) the respondent provided a satisfactory remedy which has eliminated any harm or threat to the health or safety of the public; and
— (C) the guidelines for determining an appropriate penalty for the violation recommend an administrative penalty or a reprimand as an appropriate sanction for the violation.

(j) A warning may be issued by the Executive Director only as follows:

(1) the violation is the Respondent’s only violation of the Board’s laws and rules;
(2) the Respondent has not previously been subject to a Board warning or order;
(3) the Respondent has provided a satisfactory remedy which has eliminated any harm or threat to the health or safety of the public; and
(4) The Respondent has committed one of the following violations:

— (A) failure to provide or timely provide plans and specifications to TDLR under the requirements of Govt. Code Chap. 469 (Elimination of Architectural Barriers);
— (B) Unauthorized use of term “landscape architect” or “landscape architecture”;
— (C) Failure to respond to a Board inquiry;
— (D) Failure to provide a statement of jurisdiction;
— (E) Use of a non-compliant seal by registrant;
— (F) Failure to register or annually renew the registration of a business; or
— (G) Creation of misleading impression by a landscape architect advertising for services.

(k) The decision to issue a warning is at the sole discretion of the Executive Director and not available as a result of a contested case proceeding conducted pursuant to the Government Code Chapter 2001.

(l) Before a proposed settlement agreement may be approved by the Board:

— (1) the complainant, if known, must be notified of the terms of the agreement and the date, time, and location of the meeting during which the Board will consider the agreement; and
— (2) the terms of the agreement must be reviewed by legal counsel for the Board to ensure that all legal requirements have been satisfied.

(m) If a complaint is dismissed, the complainant may submit to the Executive Director a written request for reconsideration. The written request must explain why the complaint should not have been dismissed. The Executive Director may, but is not required to, respond to the request for reconsideration.
CHAPTER 5    REGISTERED INTERIOR DESIGNERS

SUBCHAPTER I    DISCIPLINARY ACTION

RULE §5.184    Complaint Process

(a) A person may file a complaint by submitting the following information to the Board:

(1) the name of and contact information for the complainant unless evidence regarding a possible
violation was submitted anonymously;

(2) the name of the person against whom the complaint is filed;

(3) the address, telephone number, Web site, or other contact information for the person against
whom the complaint is filed, if available;

(4) the date and location of the alleged violation that is the subject of the complaint;

(5) a description of each alleged violation; and

(6) the name, address, and telephone number for any known witness who can provide information
regarding the alleged violation.

(b) A complaint should be submitted on the complaint form that may be obtained by accessing the form
on the Board's Web site or by contacting the Board's staff. If a completed complaint form is not
submitted, the Board's staff will not be able to initiate an investigation unless the Board's staff receives
information sufficient to establish probable cause to believe an actionable violation might have
occurred.

(c) Once a complaint has been received, the Board's enforcement staff shall:

(1) conduct a preliminary evaluation of the complaint within thirty (30) days to determine:

   (A) Jurisdiction: whether the complaint provides information sufficient to establish probable cause for
the Board's staff to believe an actionable violation might have occurred;

   (B) Disciplinary History: whether there has been previous enforcement activity involving the person
against whom the complaint has been filed; and

   (C) Priority Level: the seriousness of the complaint relative to other pending enforcement matters;

(2) provide the complainant and respondent with information which will permit review of the Board's
policies and procedures from the Board's web site regarding complaint investigation and resolution. If
the complainant or respondent requests a copy of the policies and procedures in written format a copy
shall be mailed upon request;

(3) notify the complainant and respondent of the status of the investigation at least quarterly unless
providing notice would jeopardize an investigation; and

(4) maintain a complaint file that includes at least:

   (A) the name of the person who filed the complaint unless the complaint was filed anonymously;
(B) the date the complaint was received by the Board's staff;
(C) a description of the subject matter of the complaint;
(D) the name of each person contacted in relation to the complaint;
(E) a summary of the results of the review and investigation of the complaint; and
(F) an explanation for the reason the complaint was dismissed if the complaint was dismissed without action other than the investigation of the complaint.
(d) After the preliminary evaluation period, the Board's staff may contact the complainant, the respondent, and any known witness concerning the complaint.
(e) After the preliminary evaluation period, the Board's staff shall take steps to dismiss the complaint or proceed with an investigation of the allegation(s) against the respondent. A complaint may be referred to another government agency if it appears that the other agency might have jurisdiction over the issue(s) raised in the complaint.
(f) If the Board's staff proceeds with an investigation, the staff shall:
   (1) investigate the complaint according to the priority level assigned to the complaint;
   (2) notify the complainant and respondent that, as a result of the staff's preliminary evaluation of the complaint, the staff has determined that the Board has jurisdiction over the allegation(s) described in the complaint and has decided to proceed with an investigation of the allegation(s) against the respondent; and
   (3) gather sufficient information and evidence to determine whether there is probable cause to believe that a violation of a statutory provision or rule enforced by the Board has occurred.
(g) The Board's staff may conduct an investigation regardless of whether a complaint form was received as described in subsection (a) of this section.
(h) If the information and evidence gathered during an investigation are insufficient to establish probable cause to believe that a violation has occurred, the Board's staff shall:
   (1) dismiss the complaint;
   (2) send notices to the complainant and respondent regarding the dismissal;
   (3) if warranted, include in the respondent's notice a recommendation or warning regarding the respondent's future conduct; and
   (4) if a complaint is determined to be unfounded, state in the respondent's notice that no violation was found.
(i) If the information and evidence gathered during an investigation are sufficient to establish probable cause to believe that a violation has occurred, the Board's staff shall:
   (1) seek to resolve the matter pursuant to §§5.175, 5.176 or 5.183 of this subchapter; or

Rule 5.184
(2) issue a warning in accordance with Subsection (j), to the respondent if the violation is the respondent's first violation and:

— (A) the respondent has not received a written warning or advisory notice from the Board;
— (B) the respondent provided a satisfactory remedy which has eliminated any harm or threat to the health or safety of the public; and
— (C) the guidelines for determining an appropriate penalty for the violation recommend an administrative penalty or a reprimand as an appropriate sanction for the violation.

(j) A warning may be issued by the Executive Director only as follows:

(1) the violation is the Respondent’s only violation of the Board’s laws and rules;
(2) the Respondent has not previously been subject to a Board warning or order;
(3) the Respondent has provided a satisfactory remedy which has eliminated any harm or threat to the health or safety of the public; and
(4) The Respondent has committed one of the following violations:

— (A) failure to provide or timely provide plans and specifications to TDLR under the requirements of Govt. Code Chap. 469 (Elimination of Architectural Barriers);
— (B) Unauthorized use of term “registered interior designer”;
— (C) Failure to respond to a Board inquiry;
— (D) Failure to provide a statement of jurisdiction;
— (E) Use of a non-compliant seal by registrant;
— (F) Failure to register or annually renew the registration of a business; or
— (G) Creation of misleading impression by a registered interior designer advertising for services.

(k) The decision to issue a warning is at the sole discretion of the Executive Director and not available as a result of a contested case proceeding conducted pursuant to the Government Code Chapter 2001.

(l) Before a proposed settlement agreement may be approved by the Board,

— (l) the complainant, if known, must be notified of the terms of the agreement and the date, time, and location of the meeting during which the Board will consider the agreement; and
— (2) the terms of the agreement must be reviewed by legal counsel for the Board to ensure that all legal requirements have been satisfied.

(km) If a complaint is dismissed, the complainant may submit to the Executive Director a written request for reconsideration. The written request must explain why the complaint should not have been dismissed. The Executive Director may, but is not required to, respond to the request for reconsideration.
If the Board determines that an administrative penalty is the appropriate sanction for a violation of any of the statutory provisions or rules enforced by the Board, the following guidelines shall be applied to guide the Board’s assessment of an appropriate administrative penalty:

(1) The Board shall consider the following factors to determine whether the violation is minor, moderate, or major:

(A) Seriousness of misconduct and efforts to correct the ground for sanction:

(i) Minor—the respondent has demonstrated that he/she was unaware that his/her conduct was prohibited and unaware that the conduct was reasonably likely to cause the harm that resulted from the conduct or the respondent has demonstrated that there were significant extenuating circumstances or intervening causes for the violation, and the respondent has demonstrated that he/she provided a satisfactory remedy that alleviated or eliminated any harm or threat to the health or safety of the public.

(ii) Moderate—the violation shows that the respondent knowingly disregarded a standard or practice normally followed by a reasonably prudent person under the same or similar circumstances. A violation of a Board order shall constitute, at a minimum, a moderate violation.

(iii) Major—the conduct demonstrates gross negligence or recklessness or resulted in a threat to the health or safety of the public and the respondent, after being notified of the alleged violation intentionally refused or failed to take prompt and remedial action.

(B) Economic harm:

(i) Minor—there was no apparent economic damage to property or monetary loss to the project owner or other involved persons and entities.

(ii) Moderate—economic damage to property or monetary harm to other persons or entities did not exceed $1,000, or damage exceeding $1,000 was reasonably unforeseeable.

(iii) Major—economic damage to property or economic injury to other persons or entities exceeded $1,000.

(C) Sanction history:

(i) Minor—the respondent has not previously received a written warning, advisory notice or been subject to other enforcement proceedings from the Board.

Commented [LB1]: While these factors are certainly relevant in considering the level of administrative penalty, Staff feels they should not be the primary test. Problems include:

- Difficulty of proving state of mind
  - Determination of negligence, gross negligence, and recklessness is subjective, and could result in battle of experts at hearing. This subjectivity and unpredictability is not conducive to staff/Board determinations of the appropriate penalty at settlement stage
  - The tests are not necessarily mutually exclusive and/or collectively exhaustive
    - Possibility that one violation could qualify under two or more tests, i.e. both unaware conduct was prohibited nature but also negligent
    - Satisfies one part of the test but not another, i.e. in subsection (iii): threat to health and safety but not notified of alleged violation/did not refuse to take prompt remedial action

Commented [LB2]: Often, there is no economic harm, economic harm is impossible to quantify, or staff lacks evidence of economic harm. Obviously, this does not necessarily mean the violation is minor.
(ii) Moderate— the respondent was previously subject to an order of the Board or other enforcement proceedings which resulted in a finding of a violation of the laws or rules over which the TBAE has jurisdiction.

(iii) Major— the respondent has received at least two prior written notices or has been subject to two disciplinary actions for violation of the rules and laws over which the TBAE has jurisdiction.

1. In determining whether a minor, moderate, or major penalty is imposed under subsection (2) of this rule, the following classifications shall apply:

<table>
<thead>
<tr>
<th>Minor Violations</th>
<th>§1.62</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorized duplication of registration certificate or failure to display registration certificate as required.</td>
<td></td>
</tr>
<tr>
<td>Failure to respond to a Board inquiry.</td>
<td>§1.171</td>
</tr>
<tr>
<td>Failure to provide statement of jurisdiction.</td>
<td></td>
</tr>
<tr>
<td>Failure to provide or timely provide plans and specifications to TDLR under the requirements of Govt. Code Chap. 469 (Elimination of Architectural Barriers). Tex. Occ. Code Sec. 1051.752(2) and §1.170</td>
<td></td>
</tr>
<tr>
<td>Use of a non-compliant seal by registrant.</td>
<td>§1.102</td>
</tr>
<tr>
<td>Failure to register or annually renew the registration of a business.</td>
<td>§1.124</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Moderate Violations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlawful practice by emeritus architect or practice of architecture while registration is inactive.</td>
<td>§1.67</td>
</tr>
<tr>
<td>§1.68</td>
<td></td>
</tr>
<tr>
<td>Practice of architecture while registration is expired.</td>
<td>§1.82(b)</td>
</tr>
<tr>
<td>Aiding or abetting an unregistered person in violating the Board’s laws and rules. Tex. Occ. Code Sec. 1051.606 and §1.123(c)</td>
<td></td>
</tr>
<tr>
<td>Unauthorized use of term “architect” or “architectural.”</td>
<td></td>
</tr>
<tr>
<td>§1.103(c)</td>
<td></td>
</tr>
<tr>
<td>Failure to maintain a sealed document for ten years.</td>
<td></td>
</tr>
<tr>
<td>§1.103</td>
<td></td>
</tr>
<tr>
<td>§1.105</td>
<td></td>
</tr>
<tr>
<td>§1.122(c),(e)</td>
<td></td>
</tr>
<tr>
<td>Failure to seal documents</td>
<td></td>
</tr>
<tr>
<td>§1.103(b)</td>
<td></td>
</tr>
<tr>
<td>Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required</td>
<td></td>
</tr>
<tr>
<td>§1.105</td>
<td></td>
</tr>
<tr>
<td>Violation of prototypical design requirements</td>
<td></td>
</tr>
<tr>
<td>§1.104(d)</td>
<td></td>
</tr>
<tr>
<td>Failure to take reasonable steps to notify sealing Architect of intent to modify that architect’s sealed documents and/or failure to clearly indicate extent of modifications to sealed plans</td>
<td></td>
</tr>
</tbody>
</table>

Commented [LB3]: Given the difficulties discussed above, it is possible in many cases that a clear answer might not be available for “seriousness of misconduct” or “economic harm.” That would leave the determination to be made on this factor alone. Most cases don’t have disciplinary history, which could result in an otherwise serious violation being considered a “minor” violation.
<table>
<thead>
<tr>
<th>Failure to comply with requirements relating to preparation of only a portion of a document</th>
<th>§1.104(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal of seal after issuance of documents</td>
<td>§1.104(e)</td>
</tr>
<tr>
<td>Failure to enter into a written agreement of association when required</td>
<td>§1.122</td>
</tr>
<tr>
<td>Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture</td>
<td>§1.124(c)</td>
</tr>
</tbody>
</table>

**Major Violations**

<table>
<thead>
<tr>
<th>Submitting or soliciting a prohibited competitive bid under Govt. Code 2254, or direct or indirect disclosure of fee information</th>
<th>Tex. Occ. Code Sec. 1051.203 and §1.147</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work.</td>
<td>§1.144(c)</td>
</tr>
<tr>
<td>Giving false or forged evidence to the board or a board member in obtaining or assisting another person to obtain a certificate of registration.</td>
<td>Tex. Occ. Code Sec. 1051.752(7)</td>
</tr>
<tr>
<td>Dishonest practice in the practice of architecture by the holder of a certificate of registration.</td>
<td>Tex. Occ. Code Sec. 1051.752(6) and §1.144</td>
</tr>
<tr>
<td>Using or attempting to use as the person’s own the certificate of registration of another person.</td>
<td>Tex. Occ. Code Sec. 1051.752(9)</td>
</tr>
<tr>
<td>Affixation of seal by an architect on a document not prepared by or under the supervision and control of the architect</td>
<td>§1.104(a)</td>
</tr>
<tr>
<td>Failure to exercise Supervision and Control or Responsible Charge over the preparation of a document, as required</td>
<td>§1.122(c) or (e)</td>
</tr>
<tr>
<td>Use of an architect’s seal, or a copy or replica of an architect’s seal without the architect’s consent.</td>
<td>§1.104(c)</td>
</tr>
<tr>
<td>Engaging in the practice of architecture as defined by Sec. 1051.001(7)(A), (B), or (C) without a registration and not exempted by Sec. 3051.606.</td>
<td>Tex. Occ. Code Sec. 1051.701(a)</td>
</tr>
<tr>
<td>Recklessness in the practice of architecture, including recklessness in the construction or alteration of a building by an architect designing, planning, or observing the construction or alteration.</td>
<td>Tex. Occ. Code Sec. 1051.752(5) and §1.143</td>
</tr>
<tr>
<td>Failure to report a course of action taken against an Architect’s advice which may have a materially adverse effect on the safe use of a completed building.</td>
<td>§1.216</td>
</tr>
<tr>
<td>Gross incompetency in the practice of architecture</td>
<td>Tex. Occ. Code Section 1051.752(4) And §1.142</td>
</tr>
</tbody>
</table>

(2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:
(A) Minor violations— If the violation is minor in any category described in paragraph (1) of this section, an administrative penalty of not more than $1,000 shall be imposed.

(B) Moderate violations— If the violation is moderate in any category described in paragraph (1) of this section, an administrative penalty of not more than $23,000 shall be imposed.

(C) Major violations— If the violation is major in any category described in paragraph (1) of this section or if the Board determines that the facts of the case indicate a higher penalty is necessary in order to deter similar misconduct in the future, an administrative penalty of not more than $5,000 shall be imposed.

(3) In determining the specific amount of an administrative penalty within the minor, moderate, or major range, the Board shall consider the factors outlined in Board Rules 1.141(c) and/or 1.165(f).

(4) If a violation of the Board’s laws or rules is not specifically defined in subsection (1) as a minor, moderate, or major violation, the Board shall consider the factors outlined in Board Rules 1.141(c) and/or 1.165(f) in determining an appropriate administrative penalty.

(5) Previous Disciplinary History - If the respondent was previously found to have violated the Board’s laws or rules in a warning or Order of the Board, then any subsequent disciplinary action may be considered at the next higher level of severity.

(6) Multiple Violations

(A) The administrative penalty ranges discussed in subsection (2) are to be applied to each individual violation of the Board’s laws and rules. If a respondent has violated multiple laws and/or rules, or has committed multiple violations of a single law or rule, the Respondent shall be subject to a separate administrative penalty for each violation.

(B) Each sheet of architectural plans and specifications created or issued in violation of the Board’s laws and rules shall be considered a separate violation for purposes of calculating the total administrative penalty under subsection (6)(A).

(C) In the case of a continuing violation, each day a violation continues or occurs shall be considered a separate violation for purposes of calculating the total administrative penalty under subsection (6)(A).

(7) The administrative penalties set out in this section may be considered in addition to any other disciplinary actions, such as revocation, suspension, or refusal to renew a registration.

(4) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.

(5) Because of the threat to human health, safety, and well-being which necessarily arises out of a Nonregistrant preparing and issuing architectural plans and specifications the Board possesses a compelling interest in ensuring that architectural plans and specifications are prepared and issued only by a registered architect or by a person who is working under the active and documented Supervision and Control of a registered Architect when required by law. If the evidence establishes that Architectural plans and specifications for a project that is not exempt from the Architects’ Practice Act were prepared by a person who is not registered to engage in the Practice of Architecture and was not working under the active and documented Supervision and Control of an Architect the violation shall be presumed to

Commented [LB4]: The range of penalty is established under subsection 1, and then the specific amount within the range is determined under subsection (3).

Commented [LB5]: This retains the Board’s ability to consider violations on a “per sheet” basis.

Commented [LB6]: Previously, the Board has entered orders which include administrative penalties in addition to other sanctions. It is appropriate to establish this practice in the rule.
be a major violation and each sheet of architectural plans or separate section of the specifications shall
be considered a separate violation for purposes of calculating and imposing administrative penalties.

—(E) Because of the threat to human health, safety and welfare which necessarily arises from
Nonregistrants engaging in the Practice of Architecture the Board has a compelling interest in ensuring
that only those persons who are registered to engage in the Practice of Architecture or whose work is
conducted under the active and documented Supervision and Control of a registered architect engage in
the Practice of Architecture. If the evidence establishes that an Architect has sealed architectural plans
and separately numbered section of the specifications without having exercised active and documented
 Supervision and Control of the Nonregistrant’s activities the Board shall presume such conduct by the
sealing architect to be a major violation and each sheet of architectural plans or separate section of the
specifications shall be considered a separate violation for purposes of calculating and imposing
administrative penalties.

—(F) The agency is responsible for protecting the public’s health, safety and welfare by interpreting and
enforcing the Architects’ Practice Act. In fulfilling this statutory duty the Board depends upon, and
expects that Registrants and Applicants will provide complete, truthful and accurate information to the
Board upon request. This prompt and accurate provision of information is essential to protecting the
public’s health, safety and welfare.

—(G) An Architect, Candidate, or Applicant who fail, without good cause, to provide information to
the Board under provision of §1.171 of this subchapter (relating to Responding to Request for
Information) is presumed to be interfering with and preventing the Board from fulfilling its
responsibilities. For these reasons a violation of §1.171 of this subchapter shall be considered a
moderate violation if a complete response is not received within 30 days after receipt of the
Board’s written inquiry. Any further- additional 15 day delay constitutes a moderate violation, and
each 15 day delay thereafter shall be considered a separate major violation of these rules.

—(3) In order to determine the appropriate amount in a penalty range described in paragraph (2) of this
section, the Board shall consider the factors described in paragraph (1) of this section.

—(4) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this
section.

Rule 1.177
CHAPTER 3    LANDSCAPE ARCHITECTS

SUBCHAPTER I    DISCIPLINARY ACTION

RULE §3.177    Administrative Penalty Schedule

If the Board determines that an administrative penalty is the appropriate sanction for a violation of any of the statutory provisions or rules enforced by the Board, the following guidelines shall be applied to guide the Board’s assessment of an appropriate administrative penalty:

--(1) The Board shall consider the following factors to determine whether the violation is minor, moderate, or major:

--(A) Seriousness of misconduct and efforts to correct the ground for sanction:

---(i) Minor—the respondent had demonstrated that he/she was unable that his/her conduct was prohibited and unaware that the conduct was reasonably likely to cause the harm that resulted from the conduct or the respondent has demonstrated that there were significant extenuating circumstances or intervening causes for the violation; and the respondent has demonstrated that he/she provided a satisfactory remedy that alleviated or eliminated any harm or threat to the health or safety of the public.

---(ii) Moderate—the violation shows that the respondent knowingly disregarded a standard or practice normally followed by a reasonably prudent person under the same or similar circumstances. A violation of a Board order shall constitute, at a minimum, a moderate violation.

---(iii) Major—the conduct demonstrates gross negligence or recklessness or resulted in a threat to the health or safety of the public and the respondent, after being notified of the alleged violation intentionally refused or failed to take prompt and remedial action.

--(B) Economic harm:

---(i) Minor—there was no apparent economic damage to property or monetary loss to the project owner or other involved persons and entities.

---(ii) Moderate—economic damage to property or monetary harm to other persons or entities did not exceed $1,000, or damage exceeding $1,000 was reasonably unforeseeable.

---(iii) Major—economic damage to property or economic injury to other persons or entities exceeded $1,000.

--(C) Sanction history:

---(i) Minor—the respondent has not previously received a written warning, advisory notice or been subject to other enforcement proceedings from the Board.

---(ii) Moderate—the respondent was previously subject to an order of the Board or other enforcement proceedings which resulted in a finding of a violation of the laws or rules over which the TBAE has jurisdiction.
(iii) Major— the respondent has received at least two prior written notices or has been subject to two disciplinary actions for violation of the rules and laws over which the TBAE has jurisdiction.

(1) In determining whether a minor, moderate, or major penalty is imposed under subsection (2) of this rule, the following classifications shall apply:

### Minor Violations

<table>
<thead>
<tr>
<th>Violation</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorized duplication of registration certificate or failure to display registration certificate as required.</td>
<td>§3.62</td>
</tr>
<tr>
<td>Failure to respond to a Board inquiry.</td>
<td>§3.171</td>
</tr>
<tr>
<td>Failure to provide statement of jurisdiction.</td>
<td>§3.106</td>
</tr>
<tr>
<td>Failure to provide or timely provide plans and specifications to TDLR under the requirements of Govt. Code Chap. 469 (Elimination of Architectural Barriers).</td>
<td>§3.170</td>
</tr>
<tr>
<td>Use of a non-compliant seal by registrant.</td>
<td>§3.102</td>
</tr>
<tr>
<td>Failure to register or annually renew the registration of a business.</td>
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</table>

### Moderate Violations

<table>
<thead>
<tr>
<th>Violation</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlawful practice by emeritus landscape architect or practice of landscape architecture while registration is inactive.</td>
<td>§3.67</td>
</tr>
<tr>
<td>Practice of landscape architecture while registration is expired.</td>
<td>§3.68</td>
</tr>
<tr>
<td>Aiding or abetting an unregistered person in violating the Board’s laws and rules.</td>
<td>§3.82(b)</td>
</tr>
<tr>
<td>Unauthorized use of term “landscape architect” or related term</td>
<td>Tex. Occ. Code Sec. 1052.252(10) and §3.123(c)</td>
</tr>
<tr>
<td>Failure to maintain a sealed document for ten years.</td>
<td>§3.103(c)</td>
</tr>
<tr>
<td>Failure to seal documents or insert statement in lieu of seal.</td>
<td>§3.103</td>
</tr>
<tr>
<td>Violation of prototypical design requirements</td>
<td>§3.105</td>
</tr>
<tr>
<td>Failure to notify another landscape architect of modification to sealed plans and/or failure to clearly indicate extent of modifications to sealed plans</td>
<td>§3.104(d)</td>
</tr>
<tr>
<td>Failure to comply with requirements relating to preparation of only a portion of a document</td>
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</tr>
<tr>
<td>Removal of seal after issuance of documents</td>
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<tr>
<td>Failure to enter into a written agreement of association when required</td>
<td>§3.122</td>
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<td>Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture</td>
<td>§3.124(c)</td>
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**Major Violations**

<table>
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<th>Violation</th>
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<tr>
<td>Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work.</td>
<td>§3.144(c)</td>
</tr>
<tr>
<td>Using fraud or deceit or giving false or forged evidence to the board or a board member in obtaining or assisting another person to obtain a certificate of registration.</td>
<td>Tex. Occ. Code Sec. 1052.252(2) or (3)</td>
</tr>
<tr>
<td>Acting dishonestly in the practice of landscape architecture.</td>
<td>Tex. Occ. Code Sec. 1052.252(9) and §3.144</td>
</tr>
<tr>
<td>Using or attempting to use as the person's own the certificate of registration of another person.</td>
<td>Tex. Occ. Code Sec. 1052.252(4)</td>
</tr>
<tr>
<td>Use of the term “engineer,” “professional engineer,” or related term or otherwise creating the impression that one is authorized to practice engineering unless the person is registered under Occupations Code Chapter 1001</td>
<td>Tex. Occ. Code Sec. 1052.252(5)</td>
</tr>
<tr>
<td>Use of the term “surveyor” or related term or otherwise creating the impression that one is authorized to practice surveying unless the person is registered under Occupations Code Chapter 1071</td>
<td>Tex. Occ. Code Sec. 1052.252(6)</td>
</tr>
<tr>
<td>Affixation of seal by a landscape architect on a document not prepared by or under the supervision and control of the landscape architect</td>
<td>§3.104(a) and/or §3.122(c)&amp;(e)</td>
</tr>
<tr>
<td>Failure to exercise Supervision and Control or Responsible Charge over the preparation of a document, as required</td>
<td>§3.122(c) or (e)</td>
</tr>
<tr>
<td>Use of a landscape architect’s seal, or a copy or replica of a landscape architect’s seal, without the landscape architect’s consent.</td>
<td>§3.104(c)</td>
</tr>
<tr>
<td>Engaging in the practice of landscape architecture without a registration and not exempted by Sec. 1052.003.</td>
<td>Tex. Occ. Code Sec. 1052.151(a)</td>
</tr>
<tr>
<td>Recklessness in the practice of landscape architecture.</td>
<td>Tex. Occ. Code Sec. 1052.752(7) and §3.143</td>
</tr>
<tr>
<td>Gross incompetency in the practice of landscape architecture</td>
<td>Tex. Occ. Code Section 1052.252(7) and §3.142</td>
</tr>
<tr>
<td>Failure to report a course of action taken against the landscape architect’s advice as required</td>
<td>§3.106(d)</td>
</tr>
</tbody>
</table>

(2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:

(A) Minor violations—If the violation is minor in every category described in paragraph (1) of this section, an administrative penalty of not more than $500-1,000 shall be imposed.

(B) Moderate violations—If the violation is moderate in any category described in paragraph (1) of this section, an administrative penalty of not more than $23,000 shall be imposed.
(C) Major violations—If the violation is major in any category described in paragraph (1) of this section or if the Board determines that the facts of the case indicate a higher penalty is necessary in order to deter similar misconduct in the future, an administrative penalty of not more than $5,000 shall be imposed.

(3) In determining the specific amount of an administrative penalty within the minor, moderate, or major range, the Board shall consider the factors outlined in Board Rules 3.141(c) and/or 3.165(f).

(4) If a violation of the Board’s laws or rules is not specifically defined in subsection (1) as a minor, moderate, or major violation, the Board shall consider the factors outlined in Board Rules 3.141(c) and/or 3.165(f) in determining an appropriate administrative penalty.

(5) Previous Disciplinary History - If the respondent was previously found to have violated the Board’s laws or rules in a warning or Order of the Board, then any subsequent disciplinary action may be considered at the next higher level of severity.

(6) Multiple Violations

(A) The administrative penalty ranges discussed in subsection (2) are to be applied to each individual violation of the Board’s laws and rules. If a respondent has violated multiple laws and/or rules, or has committed multiple violations of a single law or rule, the Respondent shall be subject to a separate administrative penalty for each violation.

(B) Each sheet of plans and specifications created or issued in violation of the Board’s laws and rules shall be considered a separate violation for purposes of calculating the total administrative penalty under subsection (6)(A).

(C) In the case of a continuing violation, each day a violation continues or occurs shall be considered a separate violation for purposes of calculating the total administrative penalty under subsection (6)(A).

(7) The administrative penalties set out in this section may be considered in addition to any other disciplinary actions, such as revocation, suspension, or refusal to renew a registration.

(8) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.

(D) Because of the threat to human health, safety and well-being which necessarily arises out of a Nonregistrant preparing and issuing landscape architectural plans and specifications the Board possesses a compelling interest in ensuring that landscape architectural plans and specifications are prepared and issued only by registered landscape architect or by a person who is working under the active and documented Supervision and Control of a registered Landscape Architect when required by law. If the evidence establishes that Landscape Architectural plans and specifications for a project that is not exempt from the Landscape Architects’ Practice Act were prepared by a person who is not registered to engage in the Practice of Landscape Architecture and was not working under the active and documented Supervision and Control of a Landscape Architect the violation shall be presumed to be a major violation and each sheet of architectural plans or separate section of the specifications shall be considered a separate section of the specifications shall be considered a separate violation for purposes of calculating and imposing administrative penalties.
—(E) Because of the threat to human health, safety and welfare which necessarily arises from
Nonregistrants engaging in the Practice of Landscape Architecture the Board has a compelling interest in
ensuring that only those persons who are registered to engage in the Practice of Landscape Architecture
or whose work is conducted under the active and documented Supervision and Control of a registered
Landscape Architect engage in the Practice of Landscape Architecture. If the evidence establishes that a
Landscape Architect has sealed landscape architectural plans and separately numbered section of the
specifications without having exercised active and documented Supervision and Control of the
Nonregistrants’s activities the Board shall presume such conduct by the sealing landscape architect to be
a major violation and each sheet of landscape architectural plans or separate section of the
specifications shall be considered a separate violation for purposes of calculating and imposing
administrative penalties.

—(F) The agency is responsible for protecting the public's health, safety and welfare by interpreting and
enforcing the Landscape Architects’ Practice Act. In fulfilling this statutory duty the Board depends upon,
and expects, that Registrants and Applicants will provide complete, truthful and accurate information to
the Board upon request. This prompt and accurate provision of information is essential to protecting the
public’s health, safety and welfare.

- (9) —(G) A Landscape Architect, Candidate, or Applicant who fails, without good cause, to provide
information to the Board under the provision of §3.171 of this subchapter (relating to Responding to
Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its
responsibilities. For these reasons a A violation of §3.171 of this subchapter shall be considered a
minor violation if a complete response is not received within 30 days after receipt of the Board's
written inquiry. An additionally further 15 day delay constitutes a moderate major violation, and, e Each 15
day delay thereafter shall be considered a separate major violation of these rules.

—(3) In order to determine the appropriate amount in a penalty range described in paragraph (2) of this
section, the Board shall consider the factors described in paragraph (1) of this section.

—(4) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this
section.
CHAPTER 5  REGISTERED INTERIOR DESIGNERS

SUBCHAPTER I  DISCIPLINARY ACTION

RULE §5.187  Administrative Penalty Schedule

If the Board determines that an administrative penalty is the appropriate sanction for a violation of any of the statutory provisions or rules enforced by the Board, the following guidelines shall be applied to guide the Board’s assessment of an appropriate administrative penalty:

---(1) The Board shall consider the following factors to determine whether the violation is minor, moderate, or major:

---(A) Seriousness of misconduct and efforts to correct the ground for sanction:

---(i) Minor—the respondent has demonstrated that he/she was unaware that his/her conduct was prohibited and unaware that the conduct was reasonably likely to cause the harm that resulted from the conduct or the respondent has demonstrated that there were significant extenuating circumstances or intervening causes for the violation; and the respondent has demonstrated that he/she provided a satisfactory remedy that alleviated or eliminated any harm or threat to the health or safety of the public.

---(ii) Moderate—the violation shows that the respondent knowingly disregarded a standard or practice normally followed by a reasonably prudent person under the same or similar circumstances. A violation of a Board order shall constitute, at a minimum, a moderate violation.

---(iii) Major—the conduct demonstrates gross negligence or recklessness or resulted in a threat to the health or safety of the public and the respondent, after being notified of the alleged violation intentionally refused or failed to take prompt and remedial action.

---(B) Economic harm:

---(i) Minor—there was no apparent economic damage to property or monetary loss to the project owner or other involved persons and entities.

---(ii) Moderate—economic damage to property or monetary harm to other persons or entities did not exceed $1,000, or damage exceeding $1,000 was reasonably unforeseeable.

---(iii) Major—economic damage to property or economic injury to other persons or entities exceeded $1,000.

---(C) Sanction history:

---(i) Minor—the respondent has not previously received a written warning, advisory notice or been subject to other enforcement proceedings from the Board.

---(ii) Moderate—the respondent was previously subject to an order of the Board or other enforcement proceedings which resulted in a finding of a violation of the laws or rules over which the TBAE has jurisdiction.

Rule 5.187
(iii) The respondent has received at least two prior written notices or has been subject to two disciplinary actions for violation of the rules and laws over which the TBAE has jurisdiction.

(1) In determining whether a minor, moderate, or major penalty is imposed under subsection (2) of this rule, the following classifications shall apply:

**Minor Violations**

<table>
<thead>
<tr>
<th>Violation</th>
<th>Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorized duplication of registration certificate or failure to display registration certificate as required.</td>
<td>§5.72</td>
</tr>
<tr>
<td>Failure to respond to a Board inquiry.</td>
<td>§5.181</td>
</tr>
<tr>
<td>Failure to provide statement of jurisdiction.</td>
<td>§5.115</td>
</tr>
<tr>
<td>Failure to provide or timely provide plans and specifications to TDLR under the requirements of Govt. Code Chap. 469 (Elimination of Architectural Barriers).</td>
<td>Tex. Occ. Code Sec. 1053.252(8) and §5.180</td>
</tr>
<tr>
<td>Use of a non-compliant seal by registrant.</td>
<td>§5.112</td>
</tr>
<tr>
<td>Failure to register or annually renew the registration of a business.</td>
<td>§5.134</td>
</tr>
</tbody>
</table>

**Moderate Violations**

<table>
<thead>
<tr>
<th>Violation</th>
<th>Rule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of title “registered interior designer” while on emeritus status</td>
<td>§5.77</td>
</tr>
<tr>
<td>Practice of interior design while registration is inactive.</td>
<td>§5.78</td>
</tr>
<tr>
<td>Practice of interior design while registration is expired.</td>
<td>§5.92(b)</td>
</tr>
<tr>
<td>Aiding or abetting an unregistered person in violating the Board’s laws and rules.</td>
<td>Tex. Occ. Code Sec. 1053.101 and §5.133(c)</td>
</tr>
<tr>
<td>Unauthorized use of term “registered interior designer.”</td>
<td>Tex. Occ. Code Sec. 1053.252(7)</td>
</tr>
<tr>
<td>Failure to maintain a sealed document for ten years.</td>
<td>§5.113(c)</td>
</tr>
<tr>
<td>Failure to seal documents or insert statement in lieu of seal.</td>
<td>§5.113</td>
</tr>
<tr>
<td>Failure to notify another registered interior designer of modification to sealed plans and/or failure to clearly indicate extent of modifications to sealed plans</td>
<td>§5.114(d)</td>
</tr>
<tr>
<td>Failure to comply with requirements relating to preparation of only a portion of a document</td>
<td>§5.114(b)</td>
</tr>
<tr>
<td>Removal of seal after issuance of documents</td>
<td>§5.114(e)</td>
</tr>
<tr>
<td>Failure to enter into a written agreement of association when required</td>
<td>§5.132</td>
</tr>
<tr>
<td>Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture</td>
<td>§5.134(c)</td>
</tr>
</tbody>
</table>

**Major Violations**

Rule 5.187
<table>
<thead>
<tr>
<th>Violation</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work.</td>
<td>§5.154(c)</td>
</tr>
<tr>
<td>Using fraud or deceit in obtaining a certificate of registration, or giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration</td>
<td>Tex. Occ. Code Sec. 1053.252(3) or (9)</td>
</tr>
<tr>
<td>Acting dishonestly in the practice of interior design by the holder of a certificate of registration.</td>
<td>Tex. Occ. Code Sec. 1053.252(11) and §5.154</td>
</tr>
<tr>
<td>Advertising in a manner that tends to deceive or defraud the public</td>
<td>Tex. Occ. Code Sec. 1053.252(6)</td>
</tr>
<tr>
<td>Using or attempting to use as the person’s own the certificate of registration of another person.</td>
<td>Tex. Occ. Code Sec. 1053.252(10)</td>
</tr>
<tr>
<td>Affixation of seal by a registered interior designer on a document not prepared by or under the supervision and control of the registered interior designer</td>
<td>§5.114(a) and/or §5.132(c)&amp;(e)</td>
</tr>
<tr>
<td>Failure to exercise Supervision and Control or Responsible Charge over the preparation of a document, as required</td>
<td>$5.132(c) or (e)</td>
</tr>
<tr>
<td>Use of a registered interior designer’s seal, or a copy or replica of a registered interior designer’s seal without the registered interior designer’s consent.</td>
<td>$5.114(c)</td>
</tr>
<tr>
<td>Recklessness in the practice of interior design.</td>
<td>Tex. Occ. Code Sec. 1053.252(4) and §5.153</td>
</tr>
<tr>
<td>Failure to report a course of action taken against a registered interior designer’s advice as required</td>
<td>§5.115(d)</td>
</tr>
<tr>
<td>Gross incompetency in the practice of interior design</td>
<td>Tex. Occ. Code Section 1053.252(4) and §5.152(c)</td>
</tr>
</tbody>
</table>

2. (2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:

   (A) Minor violations— if the violation is minor in every category described in paragraph (1) of this section, an administrative penalty of not more than $1,050 shall be imposed.

   (B) Moderate violations— if the violation is moderate in any category described in paragraph (1) of this section, an administrative penalty of not more than $32,000 shall be imposed.

   (C) Major violations— if the violation is major in any category described in paragraph (1) of this section or if the Board determines that the facts of the case indicate a higher penalty is necessary in order to deter similar misconduct in the future, an administrative penalty of not more than $5,000 shall be imposed.

   (3) In determining the specific amount of an administrative penalty within the minor, moderate, or major range, the Board shall consider the factors outlined in Board Rules 5.151(c) and/or 5.175(f).
(4) If a violation of the Board’s laws or rules is not specifically defined in subsection (1) as a minor, moderate, or major violation, the Board shall consider the factors outlined in Board Rules 5.151(c) and/or 5.175(f) in determining an appropriate administrative penalty.

(5) Previous Disciplinary History - If the respondent was previously found to have violated the Board’s laws or rules in a warning or Order of the Board, then any subsequent disciplinary action may be considered at the next higher level of severity.

(6) Multiple Violations

(A) The administrative penalty ranges discussed in subsection (2) are to be applied to each individual violation of the Board’s laws and rules. If a respondent has violated multiple laws and/or rules, or has committed multiple violations of a single law or rule, the Respondent shall be subject to a separate administrative penalty for each violation.

(B) Each sheet of architectural plans and specifications created or issued in violation of the Board’s laws and rules shall be considered a separate violation for purposes of calculating the total administrative penalty under subsection (6)(A).

(C) In the case of a continuing violation, each day a violation continues or occurs shall be considered a separate violation for purposes of calculating the total administrative penalty under subsection (6)(A).

(7) The administrative penalties set out in this section may be considered in addition to any other disciplinary actions, such as revocation, suspension, or refusal to renew a registration.

(48) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.

(D) Because of the threat to human health, safety and well being which necessarily arises from a Nonregistrant representing himself or herself to be registered as a Registered Interior Designer the Board possesses a compelling interest in ensuring that only those persons who are permitted by statute and rule to use the title "registered interior designer" do so. If the evidence establishes that a person not registered as a Registered Interior Designer has represented himself or herself as a registrant, the violation shall be classified as a major violation and each sheet of Interior Design plans or separate section of the specifications shall be considered a separate violation for purposes of calculating and imposing administrative penalties.

(E) The agency is responsible for protecting the public's health, safety and welfare by interpreting and enforcing the Interior Designers' Registration Law. In fulfilling this statutory duty the Board depends upon, and expects, that Registrants, Candidates and Applicants will provide complete, truthful and accurate information to the Board upon request. This prompt and accurate provision of information is essential to protecting the public's health, safety and welfare.

(F) A Registered Interior Designer, a Candidate, or an Applicant who fails, without good cause, to provide information to the Board under §5.181 of this subchapter (relating to Responding to Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its responsibilities. For these reasons a violation of §5.181 of this subchapter shall be considered a moderate-minor violation if a complete response is not received within 30 days after receipt of the
Board’s written inquiry the violation. Any additional 15 day further delay constitutes a major-moderate violation, and. Each 15 day delay thereafter shall be considered a separate violation of these rules.

(3) In order to determine the appropriate amount in a penalty range described in paragraph (2) of this section, the Board shall consider the factors described in paragraph (1) of this section.

(4) If the facts of a case are unique or unusual, the Board may suspend the guidelines described in this section.
TITLE 22  EXAMINING BOARDS
PART 1  TEXAS BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 1  ARCHITECTS
SUBCHAPTER L HEARINGS—CONTESTED CASES
RULE 1.232  Board Responsibilities
(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases
informally as provided in Subchapter I of this chapter (relating to Disciplinary Action). However, if a
Contested Case is not settled informally pursuant to Subchapter I of this chapter, it shall be referred to
SOAH for a formal hearing to determine whether there has been a violation of any of the statutory
provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.
(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the
formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may
render a final decision with regard to the Contested Case. The proposal for decision shall include
findings of fact and conclusions of law.

(d) Any party of record in a Contested Case who is adversely affected by the proposal for decision may
file exceptions and briefs within 30 days after the date of service of the proposal for decision. Replies to
exceptions and briefs may be filed within 15 days after the date for filing of exceptions and briefs.
Exceptions, briefs, and replies shall be filed with the Board and copies shall be served on the
administrative law judge and on all other parties in the same manner as for serving other documents in
a Contested Case. If a party submits proposed findings of fact or conclusions of law, the proposal for
decision shall include a ruling on each proposed finding or conclusion.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for
an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge
and on all other parties in the same manner as for serving other documents in a Contested Case. The
Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a
request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral
presentation to the Board. The oral presentation shall be confined to matters contained within the
administrative record.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and
briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and
briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a
finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an
order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules,
written policies, or prior administrative decisions;

Rule 1.232

Commented [LB1]: These procedures are governed by the SOAH rules, and TBAE does not have authority to
override those rules. Staff recommends removal of this provision.

Commented [LB2]: Under Sec. 2001.141(e), an agency
may adopt a rule requiring an ALJ to make a ruling on
proposed findings of fact and conclusions of law supplied by
the parties. Staff recommends adoption of the amendment
to allow for this procedure.
(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or
(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board’s decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Rule or Statutory Rule(s) Cited(Citation)</th>
<th>Recommended Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorized duplication of certificate of registration or failure to display certificate of registration as required</td>
<td>§1.62</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Unlawful practice of architecture while registration is on emeritus status</td>
<td>§1.67(b)</td>
<td>Administrative penalty and cease and desist order</td>
</tr>
<tr>
<td>Practice of architecture while registration is inactive or expired</td>
<td>§1.68 or §1.82(b)</td>
<td>Administrative penalty and cease and desist order</td>
</tr>
<tr>
<td>Failure to fulfill mandatory continuing education requirements</td>
<td>§1.69</td>
<td>Administrative penalty or suspension, or both</td>
</tr>
<tr>
<td>Failure to timely complete required continuing education program hours</td>
<td>§1.69(b)</td>
<td>Administrative penalty of $500; subject to higher penalties or suspension for second or subsequent offenses</td>
</tr>
</tbody>
</table>

Figure: 22 TAC §1.232(j)

Commented [LB3]: According to our research, a reprimand has not been issued since 2004, which was about the time the Board began issuing warnings. Since this is not a sanction that we use, Staff’s recommendation is to remove it from the guidelines so that it isn’t relied upon by SOAH.

Commented [LB4]: A cease and desist letter is not normally associated with a disciplinary sanction. Rather, a cease and desist letter is usually issued at the beginning of an investigation, if at all. Staff recommends elimination of cease and desist as a disciplinary sanction for all violations.
<table>
<thead>
<tr>
<th>Violation Description</th>
<th>Section(s)</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Falsely reporting compliance with mandatory continuing education requirements</td>
<td>§1.69(g)</td>
<td>Administrative penalty of $700; subject to higher penalties or suspension for second or subsequent offenses</td>
</tr>
<tr>
<td>Failure to maintain a detailed record of continuing education activities</td>
<td>§1.69(g)(1)</td>
<td>Administrative penalty of $700; subject to higher penalties for second or subsequent offenses</td>
</tr>
<tr>
<td>Failure to use appropriate seal or signature Use of non-compliant seal by registrant</td>
<td>§1.102 §1.104(e)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to seal documents</td>
<td>§1.103 §1.105 §1.122(c),(e)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required</td>
<td>§1.103(b)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Sealing or authorizing the sealing of a document prepared by another without Supervision and Control or Responsible Charge – “plan stamping”</td>
<td>§1.104(a) and §1.122(c) and or (e)</td>
<td>Administrative penalty and either Suspension or revocation</td>
</tr>
<tr>
<td>Failure to take reasonable steps to notify sealing Architect of intent to modify that architect’s sealed documents</td>
<td>§1.104(d)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to indicate modifications or additions to a document prepared by another Architect</td>
<td>§1.104(b) and (d)</td>
<td>Administrative penalty, Suspension, administrative penalty, or both, or reprimand</td>
</tr>
<tr>
<td>Removal of seal after issuance of documents</td>
<td>§1.104(e)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to maintain a document for 10 years as required</td>
<td>§1.103(g) §1.105(b) §1.122(d)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Unauthorized use of a seal or a copy or replica of a seal or unauthorized modification of a document</td>
<td>§1.104(b) and (c)</td>
<td>Administrative penalty, reprimand, or suspension, or both</td>
</tr>
<tr>
<td>Failure to comply with requirements relating to preparation of only a portion of a document</td>
<td>§1.104(b)</td>
<td>Administrative penalty, suspension, or both</td>
</tr>
</tbody>
</table>

Commented [LB5]: Implementation of the Rules Committee recommendation from August regarding claims of lost or stolen CE documentation.

Commented [LB6]: It is a common practice for the Board to issue an administrative penalty in addition to a suspension, so Staff recommends changing the language to reflect this practice.

Commented [LB7]: Consistency between cells as suggest by Mr. Anastos.
<table>
<thead>
<tr>
<th>Violation of requirements regarding prototypical design</th>
<th>§1.105</th>
<th>Administrative penalty, reprimand, or suspension, or both</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to provide Statement of Jurisdiction</td>
<td>§1.106</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to enter into a written agreement of association when required</td>
<td>§1.122</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to exercise Supervision and Control over the preparation of a document as required</td>
<td>§1.122</td>
<td>Administrative penalty and either suspension, or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to exercise Responsible Charge over the preparation of a document as required</td>
<td>§1.122</td>
<td>Administrative penalty and either suspension, or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure of a firm, business entity, or association to register</td>
<td>§1.124(a) and (b)</td>
<td>Administrative penalty, cease and desist order, or both</td>
</tr>
<tr>
<td>Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture</td>
<td>§1.124(c)</td>
<td>Administrative penalty, reprimand, or suspension, or both</td>
</tr>
<tr>
<td>Offering or rendering the Practice of Architecture by and through a firm, business entity or association that is not duly registered</td>
<td>§1.124</td>
<td>Administrative penalty, cease and desist order, or both</td>
</tr>
<tr>
<td>Gross incompetency</td>
<td>Tex. Occ. Code §1051.752(4), §1.142</td>
<td>Administrative penalty and either suspension, or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Recklessness</td>
<td>Tex. Occ. Code §1051.752(5) §1.143</td>
<td>Administrative penalty and either suspension, or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Dishonest practice</td>
<td>Tex. Occ. Code §1051.752(6) §1.144(a),(b),(c)</td>
<td>Administrative penalty and either suspension, or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work</td>
<td>§1.144(bc)</td>
<td>Administrative penalty and either suspension, or revocation, and payment of restitution</td>
</tr>
</tbody>
</table>

Commented [LB8]: According to subsection (l) below, where revocation is a recommended penalty, it also includes refusal to renew, so it is unnecessary to list both in the guidelines.
<table>
<thead>
<tr>
<th>Conflict of interest</th>
<th>§1.145</th>
<th>Administrative penalty and either Suspension, or revocation, or refusal to renew registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participating in a plan, scheme or arrangement to violate the Act or rules of the Board</td>
<td>§1.146(a)</td>
<td>Administrative penalty, suspension, and/or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to provide information regarding an Applicant upon request; failure to report lost, stolen or misused architectural seal</td>
<td>§1.146(b), (c)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Submission or solicitation of a competitive bid in violation of the Professional Services Procurement Act, or direct or indirect disclosure of fee information</td>
<td>§1.147</td>
<td>Administrative penalty and either Suspension or revocation</td>
</tr>
<tr>
<td>Disclosure of fee information inconsistent with the Professional Services Procurement Act</td>
<td>§1.147</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Unauthorized practice or use of title &quot;architect&quot;</td>
<td>§1.123</td>
<td>Administrative penalty, denial of registration, or refusal to renew, reinstate, or reactivate registration</td>
</tr>
<tr>
<td>§1.148</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal conviction</td>
<td>§1.149</td>
<td>Suspension or revocation</td>
</tr>
<tr>
<td>Gross incompetence caused by substance abuse</td>
<td>§1.150</td>
<td>Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety, followed by probated suspension if appropriate</td>
</tr>
<tr>
<td>Violation by Applicant regarding unlawful use of the title “architect”, unlawful practice, or criminal convictions</td>
<td>§1.148</td>
<td>Reprimand, or Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or rejection, denial of right to reapply, or probationary initial registration</td>
</tr>
<tr>
<td>§1.149</td>
<td></td>
<td></td>
</tr>
<tr>
<td>§1.151</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failure to submit a document as required by the Architectural Barriers Act</td>
<td>Tex. Occ. Code §1051.752(2), §1.170</td>
<td>Reprimand or Administrative penalty</td>
</tr>
<tr>
<td>Failure to respond to a Board inquiry</td>
<td>§1.171</td>
<td>Administrative penalty</td>
</tr>
<tr>
<td>Giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration</td>
<td>Tex. Occ. Code §1051.752(7)</td>
<td>Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration</td>
</tr>
</tbody>
</table>

Commented [LB9]: Relocated above.
<table>
<thead>
<tr>
<th>Using or attempting to use as the person's own the certificate of registration of another person</th>
<th>Tex. Occ. Code §1051.752(9)</th>
<th>Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unregistered individual engaging in construction observation for a nonexempt building</td>
<td>§1.217</td>
<td>Administrative penalty, reprimand, denial of application, denial of reapplication for up to five years, and/or probationary initial registration; denial of registration or refusal to renew, reinstate, or reactivate registration</td>
</tr>
<tr>
<td>Failure to report course of action likely to have material adverse effect on safe use of building or failure to refuse to consent to the course of action</td>
<td>§1.216</td>
<td>Administrative penalty and either suspension, or revocation or refusal to renew registration</td>
</tr>
<tr>
<td>Aiding or abetting an unregistered person in violating Occupations Code Chapters 1051, 1052, or 1053</td>
<td>Tex. Occ. Code §1051.752(9)</td>
<td>Administrative penalty equivalent to that which would be appropriate for the underlying conduct by the unregistered person, and/or suspension or revocation</td>
</tr>
</tbody>
</table>

1. (k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent. If the Respondent has previously been subject to disciplinary action before the Board, more severe discipline may be imposed.

2. (l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent’s certificate of registration also shall be an appropriate penalty for the violation.

3. (m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §1.177 of this chapter (relating to Administrative Penalty Schedule) shall be applied to determine the amount of the administrative penalty.
CHAPTER 3  LANDSCAPE ARCHITECTS

SUBCHAPTER K  HEARINGS--CONTESTED CASES

RULE §3.232  Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of this chapter (relating to Disciplinary Action). However, if a Contested Case is not settled informally pursuant to Subchapter I of this chapter, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) Any party of record in a Contested Case who is adversely affected by the proposal for decision may file exceptions and briefs within 20 days after the date of service of the proposal for decision. Replies to exceptions and briefs may be filed within 15 days after the date for the filing of exceptions and briefs. Exceptions, briefs, and replies shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. If a party submits proposed findings of fact or conclusions of law, the proposal for decision shall include a ruling on each proposed finding or conclusion.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board. The oral presentation shall be limited to matters contained in the administrative record.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

Rule 3.232
(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board’s decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Rule(s) Cited</th>
<th>Recommended Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unauthorized duplication of certificate of registration or failure to display certificate of registration as required</td>
<td>§3.62</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Unlawful practice of landscape architecture while registration is on emeritus status</td>
<td>§3.67(b)</td>
<td>Administrative penalty and cease and desist order</td>
</tr>
<tr>
<td>Practice of landscape architecture while registration is inactive or expired</td>
<td>§3.68</td>
<td>Administrative penalty</td>
</tr>
<tr>
<td>Failure to fulfill mandatory continuing education requirements</td>
<td>§3.69</td>
<td>Administrative penalty, suspension, or both</td>
</tr>
<tr>
<td>Failure to timely complete required continuing education program hours</td>
<td>§3.69(b)</td>
<td>Administrative penalty of $500; subject to higher penalties or suspension for second or subsequent offenses</td>
</tr>
<tr>
<td>Falsely reporting compliance with mandatory continuing education requirements</td>
<td>§3.69(g)</td>
<td>Administrative penalty of $700; subject to higher penalties or suspension for second or subsequent offenses</td>
</tr>
<tr>
<td>Violation</td>
<td>Section(s)</td>
<td>Penalty</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Failure to maintain a detailed record of continuing education activities</td>
<td>§3.69(g)(1)</td>
<td>Administrative penalty of $700; subject to higher penalties for second or subsequent offenses</td>
</tr>
<tr>
<td>Failure to use appropriate seal or signature and Use of non-compliant seal by registrant</td>
<td>§3.102 §3.104(e)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to seal documents</td>
<td>§3.103 §3.105 §3.122(c), (e)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required</td>
<td>§3.103(b)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Sealing or authorizing the sealing of a document prepared by another without Supervision and Control or Responsible Charge – “plan stamping”</td>
<td>§3.104(a) and (b) §3.122(c) and (e)</td>
<td>Suspension, Administrative penalty and either suspension or revocation</td>
</tr>
<tr>
<td>Failure to take reasonable steps to notify sealing Landscape Architect or of intent to modify that Landscape Architect’s sealed documents</td>
<td>§3.104(d)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to indicate modifications or additions to a document prepared by another Landscape Architect</td>
<td>§3.104(e)</td>
<td>Administrative penalty, suspension, or both or reprimand</td>
</tr>
<tr>
<td>Removal of seal after issuance of documents</td>
<td>§3.104(e)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to maintain a document for 10 years as required</td>
<td>§3.103(g) §3.105(b) §3.122(d)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Unauthorized use of a seal or a copy or replica of a seal or unauthorized modification of a document</td>
<td>§3.104(b) and (c)</td>
<td>Administrative penalty, reprimand or suspension, or both</td>
</tr>
<tr>
<td>Failure to comply with requirements relating to preparation of only a portion of a document</td>
<td>§3.104(b)</td>
<td>Administrative penalty, suspension, or both</td>
</tr>
</tbody>
</table>

Rule 3.232
<table>
<thead>
<tr>
<th>Violation of requirements regarding prototypical design</th>
<th>§3.105</th>
<th>Administrative penalty, reprimand or suspension, or both</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to provide Statement of Jurisdiction</td>
<td>§3.105\textsuperscript{106}</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to report a course of action taken against the landscape architect's respondent's advice as required</td>
<td>§3.106(d)</td>
<td>Suspension, Administrative penalty and either suspension or revocation or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to enter into a written agreement of association when required</td>
<td>§3.122</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to exercise Supervision and Control over the preparation of a document as required</td>
<td>§3.122(c)</td>
<td>Administrative penalty, and either suspension or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to exercise Responsible Charge over the preparation of a document as required</td>
<td>§3.122(e)</td>
<td>Administrative penalty and either suspension or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure of a firm, business entity, or association to register</td>
<td>§3.124(a) and (b)</td>
<td>Administrative penalty, cease and desist order, or both</td>
</tr>
<tr>
<td>Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide landscape architecture</td>
<td>§3.124(c)</td>
<td>Administrative penalty, reprimand, or suspension, suspension, or both</td>
</tr>
<tr>
<td>Offering or rendering Landscape Architecture by and through a firm, business entity or association that is not duly registered</td>
<td>§3.124 *\textsuperscript{3} §3.146(a)(2)(B)</td>
<td>Administrative penalty, cease and desist order, or both</td>
</tr>
<tr>
<td>Gross incompetency</td>
<td>Tex. Occ. Code §1052.252(7) §3.142</td>
<td>Administrative penalty and either suspension or revocation, suspension, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Recklessness</td>
<td>Tex. Occ. Code §1052.252(7) §3.143</td>
<td>Administrative penalty and either suspension or revocation, suspension, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Violation</td>
<td>Rule(s)</td>
<td>Penalty</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dishonest practice</td>
<td>§1052.252(9) §3.144(a), (b), (c)</td>
<td>Administrative penalty and either suspension or revocation, Suspension or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work</td>
<td>§3.144(bc)</td>
<td>Administrative penalty, suspension, and/or revocation, Suspension or revocation, and payment of restitution</td>
</tr>
<tr>
<td>Conflict of interest</td>
<td>§3.145</td>
<td>Administrative penalty and either suspension or revocation, Suspension, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Participating in a plans, scheme or arrangement to violate the Act or the rules of the Board</td>
<td>§3.146(a)</td>
<td>Administrative penalty, suspension, and/or revocation, Suspension, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to provide information regarding an Applicant upon request; failure to report lost, stolen or misused landscape architectural seal</td>
<td>§3.146(b), (c)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Submission of a competitive bid in violation of the Professional Services Procurement Act</td>
<td>§3.147</td>
<td>Suspension or revocation</td>
</tr>
<tr>
<td>Disclosure of fee information inconsistent with the Professional Services Procurement Act</td>
<td>§3.147</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Disclosure of information with the intent to indirectly disclose fee information</td>
<td>§3.147</td>
<td>Suspension or revocation</td>
</tr>
<tr>
<td>Unauthorized practice or use of title “landscape architect”</td>
<td>§3.123 §3.148</td>
<td>Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration, Administrative penalty, denial of</td>
</tr>
<tr>
<td>Violation</td>
<td>Rule</td>
<td>Code</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Criminal conviction</td>
<td>§3.149</td>
<td>§3.149, §3.151</td>
</tr>
<tr>
<td>Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety, followed by probated suspension if appropriate</td>
<td>§43.150</td>
<td></td>
</tr>
<tr>
<td>Gross incompetence caused by substance abuse</td>
<td>§3.149</td>
<td>§3.151</td>
</tr>
<tr>
<td>Violation by Applicant regarding unlawful use of title “landscape architect”, unlawful practice, or criminal convictions</td>
<td>§3.148</td>
<td>§3.149, §3.151</td>
</tr>
<tr>
<td>Failure to submit a document as required by the Architectural Barriers Act</td>
<td>Tex. Occ. Code §1052.252(8), §3.170</td>
<td></td>
</tr>
<tr>
<td>Failure to respond to a Board inquiry</td>
<td>§3.171</td>
<td>§3.151</td>
</tr>
<tr>
<td>Using fraud or deceit in obtaining a certificate of registration, or giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration</td>
<td>Tex. Occ. Code §1052.252(2) or (3)</td>
<td>Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration</td>
</tr>
<tr>
<td>Using or attempting to use as the person's own the certificate of registration of another person.</td>
<td>Tex. Occ. Code §1052.252(4)</td>
<td>Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration</td>
</tr>
<tr>
<td>Use of the term “engineer,” “professional engineer,” or related term or otherwise creating the impression that one is authorized to practice engineering unless the person is registered under Occupations Code Chapter 1001</td>
<td>Tex. Occ. Code §1052.252(5)</td>
<td>Administrative Penalty</td>
</tr>
<tr>
<td>Use of the term “surveyor” or related term or otherwise creating the impression that one is authorized to practice surveying unless the person is registered under Occupations Code Chapter 1001</td>
<td>Tex. Occ. Code §1052.252(6)</td>
<td>Administrative Penalty</td>
</tr>
</tbody>
</table>
Rule 3.232

<table>
<thead>
<tr>
<th>Occupation Code</th>
<th>Tex. Occ. Code</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1071</td>
<td>§1052.252(10)</td>
<td>Administrative penalty equivalent to that which would be appropriate for the underlying conduct by the unregistered person, and/or suspension or revocation</td>
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(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent. If the Respondent has previously been subject to disciplinary action before the Board, more severe discipline may be imposed.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent’s certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §3.177 shall be applied to determine the amount of the administrative penalty.
CHAPTER 5    REGISTERED INTERIOR DESIGNERS

SUBCHAPTER K  HEARINGS--CONTESTED CASES

RULE §5.242    Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases
informally as provided in Subchapter I of this chapter (relating to Disciplinary Action). However, if a
Contested Case is not settled informally pursuant to Subchapter I of this chapter, it shall be referred to
SOAH for a formal hearing to determine whether there has been a violation of any of the statutory
provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the
formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may
render a final decision with regard to the Contested Case. The proposal for decision shall include
findings of fact and conclusions of law.

(d) Any party of record in a Contested Case who is adversely affected by the proposal for decision may
file exceptions and briefs within 20 days after the date of service of the proposal for decision. Replies to
exceptions and briefs may be filed within 15 days after the date for the filing of exceptions and briefs.

Exceptions, briefs, and replies shall be filed with the Board and copies shall be served on the
administrative law judge and on all other parties in the same manner as for serving other documents in
a Contested Case. If a party submits proposed findings of fact or conclusions of law, the proposal for
decision shall include a ruling on each proposed finding or conclusion.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for
an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge
and on all other parties in the same manner as for serving other documents in a Contested Case. The
Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a
request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral
presentation to the Board. The oral presentation shall be confined to matters contained within the
administrative record.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and
briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and
briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a
finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an
order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules,
written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or
should be changed; or

(3) that a technical error in a finding of fact should be changed.
(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board’s decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

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<tr>
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<td>§5.72</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Using the title “Registered Interior Designer” while on emeritus status</td>
<td>§5.77(b)</td>
<td>Administrative penalty and cease and desist order</td>
</tr>
<tr>
<td>Practice of Interior Design while registration is inactive or expired</td>
<td>§5.78 or §5.92(b)</td>
<td>Administrative penalty and cease and desist order</td>
</tr>
<tr>
<td>Failure to fulfill mandatory continuing education requirements</td>
<td>§5.79</td>
<td>Administrative penalty or suspension</td>
</tr>
<tr>
<td>Failure to timely complete required continuing education program hours</td>
<td>§5.79(b)</td>
<td>Administrative penalty of $500; subject to higher penalties or suspension for second or subsequent offenses</td>
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<tr>
<td>Falsely reporting compliance with mandatory continuing education requirements</td>
<td>§5.79(g)</td>
<td>Administrative penalty of $700; subject to higher penalties for second or</td>
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<tr>
<td>Failure to maintain a detailed record of continuing education activities</td>
<td>§5.79(g)(1)</td>
<td>Administrative penalty of $700; subject to higher penalties for second or subsequent offenses</td>
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<td>------</td>
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</tr>
<tr>
<td>Failure to use appropriate seal or signature</td>
<td>§5.112, §5.114(c)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Use of non-compliant seal by registrant</td>
<td></td>
<td></td>
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<tr>
<td>Failure to seal documents</td>
<td>§5.113, §5.132(c) and (e)</td>
<td>Administrative penalty or reprimand</td>
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<tr>
<td>Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required</td>
<td>§5.113(b)</td>
<td>Administrative penalty or reprimand</td>
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<tr>
<td>Sealing or authorizing the sealing of a document prepared by another without Supervision and Control or Responsible Charge – “plan stamping”</td>
<td>§5.114(a) and (b), §5.132(c) and (e)</td>
<td>Administrative penalty and either suspension or revocation</td>
</tr>
<tr>
<td>Failure to take reasonable steps to notify sealing Registered Interior Designer of intent to modify sealed documents</td>
<td>§5.114(d)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to indicate modifications to or portion of document prepared by Registered Interior Designer</td>
<td>§5.114(b) and (d)</td>
<td>Suspension, administrative penalty, suspension, or both or reprimand</td>
</tr>
<tr>
<td>Removal of seal after issuance of documents</td>
<td>§5.114(e)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to maintain a document for 10 years as required</td>
<td>§5.113(c), §5.132(d)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Unauthorized use of a seal or a copy or replica of a seal or unauthorized modification of a document</td>
<td>§5.114(b) and (c)</td>
<td>Administrative penalty, reprimand, or suspension, or both</td>
</tr>
<tr>
<td>Failure to comply with requirements relating to preparation of only a portion of a document</td>
<td>§5.115(b)</td>
<td>Administrative penalty, suspension, or both</td>
</tr>
<tr>
<td>Violation</td>
<td>Section</td>
<td>Sanction</td>
</tr>
<tr>
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</tr>
<tr>
<td>Failure to provide Statement of Jurisdiction</td>
<td>§5.115(a)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to report a course of action taken against the <em>interior designer</em>’s advice as required</td>
<td>§5.115(d)</td>
<td>Administrative penalty and either suspension, or revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to enter into a written agreement of association when required</td>
<td>§5.132</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to exercise Supervision and Control over the preparation of a document as required</td>
<td>§5.132(c)</td>
<td>Administrative penalty and either suspension or, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to exercise Responsible Charge over the preparation of a document as required</td>
<td>§5.132(e)</td>
<td>Administrative penalty and either suspension or, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Failure of a firm, business entity, or association to register</td>
<td>§5.134(a) and (b)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Failure to timely notify the Board upon dissolution of a business entity or association or upon loss of the entity or association’s lawful authority to use the title “registered interior designer”</td>
<td>§5.134(c)</td>
<td>Administrative penalty, cease and desist order, or both</td>
</tr>
<tr>
<td>Representing an <em>unregistered</em> firm, business entity or association which is not registered as a Registered Interior Designer firm</td>
<td>§5.134</td>
<td>Administrative penalty, cease and desist order, or both</td>
</tr>
<tr>
<td>Gross incompetency</td>
<td>§5.152</td>
<td>Administrative penalty and either suspension or, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Recklessness</td>
<td>§5.153</td>
<td>Administrative penalty and either suspension or, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Dishonest practice</td>
<td>§5.154(a), (c)</td>
<td>Administrative penalty and either suspension or, revocation, or refusal to renew registration</td>
</tr>
<tr>
<td>Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work</td>
<td>§5.154(b)</td>
<td>Administrative penalty and either §5.155 suspension or revocation and payment of restitution</td>
</tr>
<tr>
<td>Conflict of interest</td>
<td>§5.155</td>
<td>Administrative penalty and either §5.155 suspension or revocation or refusal to renew registration</td>
</tr>
<tr>
<td>Participating in a plan, scheme, or arrangement to violate the Act or rules of the Board</td>
<td>§5.156(a)</td>
<td>Administrative penalty, suspension, and/or revocation or refusal to renew registration</td>
</tr>
<tr>
<td>Failure to provide information regarding an Applicant upon request; failure to report lost, stolen, or misused registered interior design seal</td>
<td>§5.156(b), (c)</td>
<td>Administrative penalty or reprimand</td>
</tr>
<tr>
<td>Unauthorized practice or use of title &quot;registered interior designer&quot;</td>
<td>§5.133 §5.157</td>
<td>Administrative penalty, denial of registration, or refusal to renew, reinstate, or reactive registration</td>
</tr>
<tr>
<td>Criminal conviction</td>
<td>§5.158</td>
<td>Suspension or revocation</td>
</tr>
<tr>
<td>Gross incompetency caused by substance abuse</td>
<td>§5.159</td>
<td>Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety, followed by probated suspension if appropriate</td>
</tr>
<tr>
<td>Violation by Applicant regarding unlawful use of the title “registered interior designer,” unlawful practice or criminal convictions</td>
<td>§5.157 §5.158 §5.160</td>
<td>Reprimand, administrative penalty, suspension, revocation, rejection of application, denial of reapplication for up to five years, right to reapply, and/or probationary initial registration</td>
</tr>
<tr>
<td>Failure to submit a document as required by the Architectural Barriers Act</td>
<td>Tex. Occ. Code §1053.252(8) §5.180</td>
<td>Reprimand or administrative penalty</td>
</tr>
<tr>
<td>Failure to respond to a Board inquiry</td>
<td>§5.181</td>
<td>Administrative penalty</td>
</tr>
<tr>
<td>Using fraud or deceit in obtaining a certificate of registration, or giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration</td>
<td>Tex. Occ. Code §1053.252(3) or (9)</td>
<td>Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration</td>
</tr>
<tr>
<td>Practicing in a manner detrimental to the public health, safety, or welfare</td>
<td>Tex. Occ. Code §1053.252(5)</td>
<td>Administrative penalty, suspension, or revocation</td>
</tr>
<tr>
<td>Using or attempting to use as the person's own the certificate of registration of another person.</td>
<td>Tex. Occ. Code §1053.252(10)</td>
<td>Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration</td>
</tr>
<tr>
<td>Advertising in a manner that tends to deceive or defraud the public</td>
<td>Tex. Occ. Code §1053.252(6)</td>
<td>Administrative penalty, suspension, or revocation</td>
</tr>
<tr>
<td>Aiding or abetting an unregistered person in violating Occupations Code Chapters 1051, 1052, or 1053</td>
<td>Tex. Occ. Code §1053.252(7)</td>
<td>Administrative penalty equivalent to that which would be appropriate for the underlying conduct by the unregistered person, and/or suspension or revocation</td>
</tr>
</tbody>
</table>

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent. If the Respondent has previously been subject to disciplinary action before the Board, more severe discipline may be imposed.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §5.187 of this title (relating to Administrative Penalty Schedule) shall be applied to determine the amount of the administrative penalty.
CASE NUMBER: 046-16I
RESPONDENT: Renee Love Cosco
LOCATION OF RESPONDENT: Houston, Texas
INSTRUMENT: Revised Report and Notice of Violation

FINDINGS:
- Renee Love Cosco (hereafter “Respondent”) is a registered interior designer in Texas with registration number 3503.
- Respondent is the Principal and owner of Inclusion Interior + Design.
- During the period June 1, 2015 through December 30, 2015, Respondent’s Texas registered interior design registration was delinquent and not in good standing due to a failure to take necessary steps to renew it.
- On or about October 3, 2015, Respondent entered into a contract with the complainant to remodel her kitchen located at 3006 Fontana Drive, Houston, Texas. At that time, Respondent identified herself as a registered interior designer, and used the appellation “RID” next to her name on the contract for services and her business card.
- In addition, Respondent failed to provide a Statement of Jurisdiction on the Contract with her client pursuant to Board Rule 5.115(a).

APPLICABLE STATUTORY PROVISIONS AND RULES:
- By utilizing the title registered interior designer at a time when the Respondent’s registration was delinquent, Respondent violated Board Rule 5.157(c).
- By failing to include a Statement of Jurisdiction on the contract that she entered into with her client on October 3, 2015, Respondent violated Board Rule 5.115(a).

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: 005-16N
Respondent: Michael Paul Goleski
Location of Respondent: Carrollton, Texas
Date of Complaint Received: September 10, 2015
Instrument: Report and Notice of Violation

Findings:
- Michael Paul Goleski (hereafter “Respondent”) was first registered to engage in the practice of architecture in 1986.
- In August 3, 1990, Respondent’s Texas architectural registration expired due to his failure to submit renewal materials and fees.
- On or about March 26, 2015, and possibly earlier, the Respondent created a website for Goleski Architectural Design in Dallas, Texas. The website was created prior to Respondent’s reinstatement as an architect.
- On or about August 21, 2015, Respondent prepared and issued architectural plans for permitting to the City of Southlake for a project identified as Spa Habitat located at 1131 Southlake Blvd., Southlake, Texas. The plans were stamped with an architectural seal bearing Mr. Goleski’s name, and the title block contained business information for “Goleski Architectural Design.” Neither the Respondent nor the business were registered with the Board at the time the documents were issued.
- On September 2, 2015, Respondent passed the final section of the ARE examination in order to become registered as architect again in Texas.
- On October 7, 2015, Respondent’s Texas architectural registration was reinstated.

Applicable Statutory Provisions and Rules:
- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. § 1051.701(a) (West 2012).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

Action Recommended by Executive Director:
- Based upon the nature and character of Respondent’s activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of $2,000 to be paid within thirty (30) days of the Board’s issuance of its Final Order.
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: 104-15A
Respondent: Wesley Gustin
Location of Respondent: McKinney, Texas
Date of Complaint Received: June 24, 2015
Instrument: Revised Report and Notice of Violation

Findings:
- Wesley Gustin (hereafter “Respondent”) is a registered architect in Texas with registration number 19146.
- On March 15, 2015, John Hamilton (a non-registrant hereafter “Hamilton”) issued construction plans on a project entitled Cowboy Up Men’s Salon in Southlake, Texas. The plans were issued with a fraudulent architectural seal containing John Hamilton’s name and the registration number 10135.
- On March 27, 2015, Hamilton applied for a building permit for a project identified as Taco Ocho located at 3750 Long Prairie Road, Suite 105, Flower Mound, Texas 75028. Subsequently, on April 17, 2015, Hamilton submitted a set of architectural plans for the project on which a fraudulent architectural seal was affixed bearing the name John Hamilton and registration number 10135. The City of Flower Mound rejected the plans and did not issue a permit for construction. Thereafter, Hamilton contacted Respondent’s firm to provide plans under seal for permitting purposes with the City of Flower Mound.
- On May 12, 2015, a building official for the city of Southlake contacted the Texas Board of Architectural Examiners to inquire about the validity of the architectural seal that had been affixed to the plans for Cowboy Up Men’s Salon. Subsequently, these plans were rejected by the City of Southlake.
- On May 19, 2015, Hamilton contracted with the Respondent for Respondent to provide architectural plans under seal on the project Cowboy Up Men’s Salon.
- On May 21, 2015, Respondent signed, sealed and dated five (5) sheets of architectural plans which had been prepared by Hamilton for the design and construction of a project identified as Cowboy Up Men’s Salon located at 2140 E. Southlake Blvd., Bldg. O, Suite 105, Southlake, Texas. The plans were nearly identical to those originally submitted by John Hamilton prior to Respondent’s involvement in the project.
- On May 29, 2015, Respondent signed, sealed and dated eight (8) sheets of architectural plans which had been prepared by Hamilton for the design and construction of a project identified as Taco Ocho Restaurant located at 3750 Long Prairie Road, Suite 105, Flower Mound, Texas 75028. These plans were nearly identical to those originally submitted by Hamilton prior to the involvement of Respondent on this project.
- The first time that Respondent saw any of these architectural plans was after they had been completely drawn by Hamilton. Respondent was not involved in any aspect of their development prior to his review of the complete plan sheets, and Respondent is
unable to provide documentation of frequent and detailed communication with
Hamilton indicating supervision and control of the work during the original preparation
of the plans.

Applicable Statutory Provisions and Rules:
- By affixing his architectural seal to construction documents which were not prepared
  by Respondent or under Respondent’s supervision and control, Respondent violated
  22 TEX. ADMIN. CODE §1.104(a) which prohibits an architect from affixing his/her seal
  to a document unless it was prepared by the architect or under the architect’s
  supervision and control.
- The Board may impose an administrative penalty upon Respondent based upon
  statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

Action Recommended by Executive Director:
- Based upon the nature and character of Respondent’s activities and his acceptance
  of responsibility and cooperation during the investigation of this case the Executive
  Director recommends, and Respondent is prepared to accept, imposition of an
  administrative penalty in the sum of $10,000. The initial payment of $5,500 to be made
  by June 30, 2016 and the remainder to be paid in monthly installments of $250 until
  paid in full.
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: 115-14A
Respondent: Richard O. Haness
Location of Respondent: Dallas, Texas
Date of Complaint Received: April 3, 2014
Instrument: Report and Notice of Violation

Findings:

- Richard O. Haness (hereafter “Respondent”) is a registered architect in Texas with registration number 4675.
- On April 4, 2012, Respondent issued construction documents for the renovation of an existing space for a project located at 4601 Old Shepard Place, Dallas, Texas.
- A Texas Accessibility Standards review of the plans issued by Respondent was performed by Registered Accessibility Specialist (hereafter “RAS”), Jeffery L. Kelley. On May 2, 2012. Mr. Kelley issued a report notifying the building owner of a number of unacceptable failures within the plans to comply with accessibility requirements. This report was also transmitted to Respondent.
- After being informed of the deficiencies in the plans by the owner and the RAS, Respondent failed to issue a revised set of construction documents to correct the deficiencies. Subsequently, construction commenced based on the original plans.
- On or about September 12, 2013, after the project was constructed, a Texas Accessibility Standards inspection was performed and an Inspection Report issued by RAS Michael J. Tanguay. The Inspection Report identified multiple unacceptable violations that required correction in order to comply with the Architectural Barriers Act, Texas Government Code, Chapter 469 and the 2012 Texas Accessibility Standards. Post construction repairs to the project for compliance were in excess of $1,000.
- Subsequent to the Texas Accessibility Standards inspection, Respondent issued revised, sealed plans which were intended to correct the deficiencies noted in the report. Respondent failed to retain copies of the sealed plans as required by Board Rule 1.103(c).
- On or about April 7, 2014, the Board’s investigator contacted the Respondent about this investigation. After the Respondent provided an initial response, the investigator sent a follow-up letter to the Respondent on July 24, 2014 requesting additional information. This inquiry was re-sent to the Respondent by email on August 6, 2015 and September 15, 2015 due to a failure to respond. The Respondent failed to respond to these inquiries until September 24, 2015.

Applicable Statutory Provisions and Rules:

- By failing to make revisions to construction documents in response to a TAS plan review that indicated his design was non-compliant with accessibility standards,
Respondent practiced grossly incompetent architecture as defined by 22 TEX. ADMIN. CODE §1.142(c)(2).

- By failing to make revisions to construction documents in response to a TAS plan review that indicated his design was non-compliant with accessibility standards, Respondent engaged in the reckless practice of architecture as defined by 22 TEX. ADMIN. CODE §1.143(b).
- By failing to retain a copy of sealed documents for a period of at least 10 years, Respondent violated 22 TEX. ADMIN. CODE §1.103(c).
- By failing to respond to a Board inquiry within thirty (30) days, Respondent violated 22 TEX. ADMIN. CODE §1.171.
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

Action Recommended by Executive Director:

- Based upon the nature and character of Respondent’s activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of $6,000.
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: 130-14A
Respondent: Emmanuel Ogbonna Nnadozie
Location of Respondent: Houston, TX
Date of Complaint Received: May 15, 2014
Instrument: Revised Report and Notice of Violation

Findings:
- Emmanuel Ogbonna Nnadozie (hereafter “Respondent”) is a registered architect in
  Texas with registration number 14745.
- On March 17, 2014, Respondent entered into a contract with complainants to provide
  architectural drawings for a dining room extension to be submitted to the HOA and
  City of Missouri City for approval and construction permitting.
- On April 16, 2014, Respondent issued a set of construction documents for a project
  identified as a “Dining Room Addition” located at 3131 Villa Lane, Missouri City, Texas.
  He failed to affix his seal or indicate on the plan sheets that they were not to be used
  for regulatory approval, permitting or construction.
- During the course of this investigation, Respondent failed to respond to two Board
  inquiries within 30 days.

Applicable Statutory Provisions and Rules:
- By failing to affix his seal or indicate on the plan sheets that they were not for regulatory
  approval, permitting or construction, Respondent violated Board Rule 1.101.
- By failing to answer and produce documents to two (2) Board inquiries within 30 days,
  Respondent violated Board Rule 1.171.

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 $2,000.
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: 105-13I
Respondent: Paul Anthony Sanchez
Location of Respondent: San Antonio, Texas
Date of Complaint Received: January 17, 2013
Instrument: Report and Notice of Violation

Findings:
- Paul Anthony Sanchez (hereafter “Respondent”) is a registered interior designer in Texas with registration number 7841.
- Respondent was the owner and President/Director of a business identified as “Paul Anthony & Associates” located in San Antonio, Texas.
- Henry C. Ortega (hereafter “Ortega”) initially contracted with Paul Anthony & Associates (hereafter “the firm”) to offer and render architectural services on behalf of the firm on or about September 24, 2006. On or about October 27, 2006, the firm was registered with the Board to offer architectural services by and through Ortega, which was effective and in place at all times material hereto. Ortega was a partner of the firm from sometime in January 2008 until 2011. On or about May 30, 2011, Ortega left the firm as a partner but entered into an Agreement of Association for Architectural Services (hereafter “the agreement”) with the firm under which he agreed to continue to offer and render architectural services until May 30, 2012.
- The terms of the agreement included the following: “Ortega agrees to oversee the preparation of all construction documents prepared and issued for use pursuant to this Agreement. All construction documents prepared and issued for use pursuant to this Agreement shall be prepared under Ortega’s oversight.” Ortega further agreed to provide architectural expertise to oversee the preparation of architectural design and construction documents, represent his continued association with the firm, and assist in marketing the services of the firm, as well as make himself available for meetings with clients and firm staff.
- In late 2011, Respondent prepared, or instructed others on behalf of the firm to prepare construction documents issued by the firm. Respondent’s firm affixed Ortega’s architectural seal and signature to construction documents for three projects, notwithstanding Ortega’s lack of supervision and control over their preparation, as defined by Board Rule 1.5(65), which requires the documentation of frequent and detailed communication during the preparation of the work. Ortega’s architectural seal and signature were affixed to construction documents for the following projects:
  - “Le Meilleur’s RV Truck and Equipment Repair” located at 500 Yorktown Blvd., Kerrville, Texas dated October 3, 2011;
  - “Chimy’s Cerveceria” located at 203 University Drive, College Station, Texas, dated December 13, 2011; and
• All of the projects in question were exempt from the Architectural Act such that a registered architect was not required to oversee the preparation of the construction documents.

• On or about January 2012, Respondent provided notice to Ortega that the firm had terminated the Agreement effective December 31, 2011. Ortega disputed the firm’s authority to unilaterally terminate the Agreement. Ortega states that he ceased offering and rendering architectural services on behalf of the firm in late 2011 or early 2012. Respondent produced an affidavit from Ortega where Ortega swore that he continued to market the firm in the design community, consult with Mr. Sanchez and his staff on ongoing projects, and participate in contract negotiations for the firm.

• On or about January 17, 2013, the Board received a complaint from Ortega alleging Respondent prepared and issued construction documents bearing Ortega’s architectural seal and signature outside of his supervision or control. The Board received a sworn affidavit from Ortega attesting to the fact that he did not prepare, supervise or control the preparation of the construction documents for the projects.

• On or about February 6, 2013, the Board notified the Respondent of this investigation and provided Respondent with an opportunity to provide a written response.

• On or about March 13, 2013, the Board received a response from Respondent. Respondent stated the construction documents were issued by the firm in accordance with procedures previously established by Ortega. Respondent did not specify or otherwise describe those procedures, but provided the Board an email from the Respondent in which he stated that “ALL drawings going out of this office must have either Henry’s seal and signature or the stamp.” Ortega was copied on the email. Respondent also asserted Ortega was aware of the projects and had received status updates regarding the project via email. Respondent produced correspondence from an owner from one of the projects in question who stated that he personally attended meetings in which Ortega was present. Another owner from another of the projects stated that Respondent never once misled him in any way. Finally, Respondent notes that Ortega stated in an affidavit that during the time in question he continued to consult with Respondent and his staff on ongoing projects, and participate in contract negotiations for the firm.

Applicable Statutory Provisions and Rules:

• A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE ANN. §§1051.351(a) & 1051.701(a).

• A person may not use or attempt to use an architect’s seal, a similar seal, or a replica of the seal unless the use is by or through an architect. TEX. OCC. CODE ANN. §1051.702(b).

• By affixing a copy of an architect’s seal and signature to construction documents without the knowledge or consent of the architect and submitting the construction documents to a governmental entity for permitting purposes, Respondent’s firm violated TEX. OCC. CODE ANN. §1051.702(b).

• Based on the violations cited above, the Respondent, as owner of the firm, is subject to discipline under TEX. OCC. CODE ANN §§1051.451, 1051.751, and 1051.752.

Action Recommended by Executive Director:

• Based upon the nature and character of Respondent’s activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive
Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty and submit to the supervision of the Board as follows:

- Respondent shall pay to the Board an administrative penalty in the amount of Fifteen Thousand Dollars ($15,000). The administrative penalty may be made in monthly installments of $250 payable on the first of the month beginning June 1, 2016;
- Until such time that the Respondent completes payment of the administrative penalty described above, any participation by the Respondent as an owner or partner in a firm which provide or offers to provide architectural services in Texas shall be subject to the supervision of the Board. At a minimum, Respondent’s obligations during the period of supervision shall include:
  - Notification by the Respondent that Respondent has become an owner or partner in such a firm;
  - Notification by the Respondent of the identify and contract information of the architect or architects who are employed by the firm or associated with the firm as required under Board Rule 1.122; and
  - Notification by the Respondent of all projects for which construction documents have been issued on a quarterly basis. Upon request by the Board, the Respondent shall provide the Board with the opportunity to examine any such construction documents, to confirm that such documents have been issued under the supervision and control of a registered architect, in conformity with all laws and rules of the Board.
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:     051-16L  
Respondent:      Keiji Asakura  
Location of Respondent: Houston, TX  
Nature of Violation:  Violation of Continuing Education Requirements  
Instrument:       Report and Notice of Violation

Findings:

- Keiji Asakura (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 1170.
- On September 15, 2015, 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.
- Respondent failed to respond to the audit and provide evidence of completion of CE requirements.
- In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified completion of his CE responsibilities in order to renew his landscape architectural 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 his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 3.69(g). The Board’s standard assessment for providing false information is $700.00.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 3.69(f). The standard administrative penalty assessed for this violation is $500.00.
- By failing to respond to two written requests for information within 30 days of staff’s requests, Respondent violated Board rule 3.171 which requires that a landscape architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of $250.00 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: 026-16I  
Respondent: Lindsey Jacqueline Denny  
Location of Respondent: Houston, Texas  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Lindsey Jacqueline Denny (hereafter “Respondent”) is a registered interior designer in Texas with registration number 10604.
- 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.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).
- During the course of staff’s investigation, Respondent failed to respond to a written request 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 5.79. The Board’s standard assessment for providing false information is $700.
- By failing to respond to a written request for information within 30 days of staff’s requests, Respondent violated Board Rule 5.181 which requires a registered interior designer to answer a Board inquiry or produce requested documents within 30 days of a request. The standard administrative penalty assessed for this violation is $250.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $950.
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: 041-16I
Respondent: Leslie Keith Elkins
Location of Respondent: Houston, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Leslie Keith Elkins (hereafter “Respondent”) is a registered interior designer in Texas with registration number 937.
- On August 24, 2015, 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, 2014 through December 31, 2014.
- On November 3, 2015, Respondent emailed the Board and stated that she did not realize she was limited to four hours of self-directed study. As a result, Respondent failed to complete sufficient CEPH during the audit period.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

Applicable Statutory Provisions and Rules:
- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 5.79. The Board’s standard assessment for providing false information is $700.

Action Recommended by Executive Director:
- 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: 093-14A
Respondent: William Scott Field
Location of Respondent: Galveston, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- William Scott Field (hereafter “Respondent”) is registered as an architect in Texas with registration number 10232.
- On October 16, 2013, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of April 1, 2010 through March 3, 2011.
- On February 5, 2014, Respondent replied by email and stated that due to technical difficulties from a failed computer drive, he could not produce complete and accurate proof of his continuing education.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of his continuing education activities for the period of April 1, 2010 through March 3, 2011, Respondent violated Board Rule 1.69. 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: 067-16A  
Respondent: Robert Alexander Gonzalez  
Location of Respondent: El Paso, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation  

Findings:  
- Robert Alexander Gonzalez (hereafter “Respondent”) is registered as an architect in Texas with registration number 15245.  
- 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, 2014 through December 31, 2014.  
- In addition to failing to complete required continuing education hours within the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.  
- During the course of staff’s investigation, Respondent failed to respond to an inquiry from the Board.

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.  
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(b). The standard administrative penalty assessed for this violation is $500.  
- By failing to respond to a written request for information within 30 days of staff’s requests, Respondent violated Board rule 1.171 which requires a registered architect to answer an inquiry or produce requested documents within 30 days of a request. The standard administrative penalty for this violation is $250.

Action Recommended by Executive Director:  
- The Executive Director recommends an administrative penalty of $1,450.
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: 061-16I
Respondent: Thomas A. Greenwood
Location of Respondent: Dallas, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Thomas A. Greenwood (hereafter “Respondent”) is a registered interior designer in Texas with registration number 1178.
- 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: 027-16L
Respondent: Robert Todd Jones
Location of Respondent: El Paso, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Robert Todd Jones (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 1906.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of January 1, 2013 through December 31, 2013.
- In addition, Respondent falsely certified completion of his CE responsibilities in order to renew his landscape architectural 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 his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 3.69(g). The Board’s standard assessment for providing false information is $700.00.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 3.69(f). The standard administrative penalty assessed for this violation is $500.00.
- By failing to respond to two written requests for information within 30 days of staff’s requests, Respondent violated Board rule 3.171 which requires that a landscape architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of $250.00 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: 062-16A  
Respondent: John W. Lee  
Location of Respondent: Lakewood, CO  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- John W. Lee (hereafter “Respondent”) is registered as an architect in Texas with registration number 22851.
- On January 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 January 21, 2016, Respondent replied and stated that he attended a conference but failed to pick up the certificates of attendance; therefore, he could not produce complete and accurate proof of his continuing education.

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 1.69. 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: 050-16I
Respondent: Charlotte Celia McFadin
Location of Respondent: Victoria, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Charlotte Celia McFadin (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 9385.
- On October 15, 2015, 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, 2014 through December 31, 2014.
- On January 4, 2016, Respondent replied by email and stated that she had lost or misplaced the certificates of completion and could not produce complete and accurate proof of her continuing education.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her 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: 042-16A
Respondent: Leng-Wa Ng
Location of Respondent: Richmond, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Leng-Wa Ng (hereafter “Respondent”) is registered as an architect in Texas with registration number 18308.
- 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, she completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:
- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 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.
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: 052-16A  
Respondent: Peter Michael Ruggiero  
Location of Respondent: Chicago, IL  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Peter Michael Ruggiero (hereafter “Respondent”) is registered as an architect in Texas with registration number 22774.
- 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, 2014 through December 31, 2014.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:
- By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is $700.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 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 $1,200.
Respondent:    Antoinette Loessberg
ID Registration Number:  1735
Location of Respondent:  San Antonio, Texas
Nature of Violation:   Violation of Continuing Education Requirements
Instrument:    Voluntary Surrender Statement

Findings:

- Antoinette Loessberg (hereafter “Respondent”) is registered as an interior designer in delinquent status in the State of Texas.
- On or about September 29, 2015, in TBAE Case No. 003-16I, Respondent was issued a Report and Notice of Violation by the Board, based on findings of fact that the Respondent failed to provide detailed records of continuing education activities for the period of January 1, 2013 through December 31, 2013 and failed to respond to two board inquiries.
- Subsequent to the Report and Notice of Violation issued to Respondent on September 29, 2015, Respondent returned the unsigned Report and Notice of Violation with a handwritten note on it and stated: “I’ve retired and I do not need this license any longer. Thank you, Toni.”
- On April 11, 2016, the Board received a notarized statement from Respondent voluntarily surrendering her interior design registration.

Applicable Statutory Provisions and Rules:
- By failing to provide the Board with continuing education completion certificates for the 2013 audit period and by failing to reply to two Board inquiries, Respondent violated Board rules 5.79 and 5.181.

Action Recommended by Executive Director:
- The Executive Director recommends the Board accept the voluntary surrender of Respondent’s registration in lieu of disciplinary action pursuant to Board Rule 5.74 and 5.76. Any subsequent reinstatement of this registration will be controlled by the law in effect at the time of the reinstatement.
Summary of NCARB Resolutions 2016

1. Mutual Recognition Arrangement with Australia and New Zealand

NCARB, and specifically Texas, currently have Mutual Recognition Arrangements with Canada and Mexico. Under these arrangements, a foreign architect is allowed to pursue reciprocal licensure in Texas. This new resolution would allow the same for architects in Australia and New Zealand. The terms of this Arrangement follow along the lines of our current arrangement with Canada and Mexico and are strongly founded on accredited education, structured experience, and comprehensive examination. The Arrangement will also provide for an alternative path to licensure for those without accredited education. Those alternatives are appropriately rigorous and include extended periods of experience prior to licensure. Texas will also need to decide whether to enter into the new arrangement. No rule changes will be required.

2. Revision of the Alternatives to the Education and Experience Requirements for Certification

Currently, an individual may obtain an NCARB Certificate, and therefore reciprocal licensure in Texas, as a Broadly Experienced Architect. This new resolution proposes changes to the qualifications and procedures to obtain certification for a Broadly Experienced Architect. Below is a comparison chart of the current guidelines and the proposed new guidelines. One goal of the resolution is to reduce the cost to obtain certification by removing the costs of peer review. No rule changes will be required.

<table>
<thead>
<tr>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good Moral Character</td>
<td>Same</td>
</tr>
<tr>
<td>Education – one of the following:</td>
<td></td>
</tr>
<tr>
<td>• NAAB/CACB accredited professional degree</td>
<td>Same</td>
</tr>
<tr>
<td>• 4-year bachelor degree in an architecture-related program, EESA evaluation report stating that you have satisfied the education requirements through either education or experience, and six years’ experience</td>
<td>4-year bachelor degree in an architecture-related program, IDP X 2, and 3 years continuous licensure with no discipline</td>
</tr>
<tr>
<td>• Non-architect degree, EESA evaluation report stating that you have satisfied the education requirements through either education or experience, and eight years’ experience</td>
<td>Non-architect degree, EESA evaluation report stating that you have satisfied the education requirements through either education or experience, and 3 years continuous licensure with no discipline</td>
</tr>
<tr>
<td>• No post-secondary degree, EESA evaluation report stating that you have satisfied the education requirements through either education or experience, and ten years’ experience</td>
<td>No post-secondary degree, EESA evaluation report stating that you have satisfied the education requirements through either education or experience, and 3 years continuous licensure with no discipline</td>
</tr>
</tbody>
</table>
3. **Exam Equivalency for ARE 5.0**

This resolution provides for the exam equivalents table, which is used as a reference document by NCARB staff to assess the examination history of licensed individuals seeking the NCARB Certificate who have taken a version of the ARE that is older than the current version being administered. The exam equivalents chart is NOT a table to be used to calculate current examination eligibilities for ARE candidates seeking initial licensure. No rule changes will be required.

4. **Five-Year Rolling Clock and Rolling Clock Extension Policy Updates**

This resolution retains the five-year rolling clock and rolling clock extension policies, but clarifies certain portions of the policy. No rule changes will be required.

5. **Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option**

This resolution would amend the Legislative Guidelines and Model Law to allow students enrolled in an NCARB accepted Integrated Path to Architectural Licensure option within a NAAB-accredited program access to the Architect Registration Examination while they are enrolled in the program. This would require a law change for us to adopt the model language.

6. **Addition of Architect Emeritus Status to Legislative Guidelines and Model Law**

This resolution will the architect emeritus status to the Legislative Guidelines and Model Law. We and 40 other states already have this status in our law and rules. No rule changes will be required.

7. **Addition of Reference to Military-Trained Applicants to Legislative Guidelines and Model Law**

This resolution will modify the Legislative Guidelines and Model Law to incorporate registration requirements for military personnel. Due to legislative mandates in the 84th Legislative Session, we have already updated our rules. No additional rule changes will be required.

8. **Updating the Name of the Intern Development Program**

The Future Title Task Force recommended that the titles “architect” and “emeritus architect” should be the only regulated titles used by registrants and that the title “intern” should not be regulated or used in NCARB’s nomenclature. In support of this recommendation, this resolution would rename the Intern Development Program to the Architectural Experience Program and would update all references to program name in NCARB documents. All references to the new name would also list the former name. Rule changes will be required to update the name, but will not need to be done to continue our use of the program.
9. Updating Name of Internship Committee

This resolution also supports the recommendation of the Future Title Task Force and will rename the Internship Committee to the Experience Committee. No rule changes will be required.

10. Changes to Program Requirements for the Intern Development Program

This resolution was submitted by Region 6, and is not supported by the Board of Directors. This resolution would change the manner of approval and implementation of changes to the Intern Development Program and corresponding changes to the Certification Guidelines. Currently the Board of Directors may approve changes to the IDP and Certification Guidelines. This resolution would require that programmatic changes be approved by a majority vote of the Member Boards and that administrative changes be approved by the Board of Directors. No rule changes will be required.
MEMORANDUM

TO: Member Board Members
    Member Board Executives

FROM: Dennis S. Ward, FAIA, NCARB
    President

DATE: May 3, 2016

RE: FY16 Resolutions

Please find attached a final copy of the FY16 Resolutions that will be presented to the membership for consideration at the upcoming 2016 Annual Business Meeting. As a reminder, draft resolutions for Member Board consideration were distributed to all Member Boards in early March and then presented by Secretary Terry Allers at the 2016 Regional Summit in Savannah, GA. During the April Board of Directors meeting, the Board addressed feedback from the Summit by making modifications to two of the draft resolutions and withdrawing one draft resolution. In addition, Region 6 has submitted a new resolution for Member Board consideration which has been titled Resolution 2016-10.

Outlined below is a summary of adjustments, actions and additions: the augmented statement of support for Resolution 2016-2 (education alternative for certification); additional language in Resolution 2016-6 (emeritus status); withdrawal of draft Resolution 2016-J (model law regarding intern-architect title); and, a summary of the new Resolution 2016-10 from Region 6 (authority to amend experience guidelines).

- Resolution 2016-2 (Formerly 2016-B): Certification Guidelines Amendment - Revision of the Alternatives to the Education Requirements for Certification.
  - In response to inquiries for a clearer definition of Architecture-related Program, the Board of Directors passed a motion to amend the Statement of Support to include the following definition for Architecture-Related Degree:

    A Bachelor Degree in an Architecture-related Program is defined as any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits or the quarter-hour equivalent:
    - The program must include 60 semester credit hours (or the quarter hour equivalent) of coursework in the degree program major.
    - The amount of architecturally-defined content in these programs may vary from institution to institution.

  - In addition, language in the resolution has been updated to reflect an inadvertent omission of the current sub-section B under Section 2.2 Alternatives to the Education Requirement that will be stricken from the Certification Guidelines should the resolution pass. There is also a slight modification to the title of this resolution, as well as an addition referencing another Section of the Guidelines in the proposed language to be added to Section 2.3 Alternatives to the Experience Requirement.
• Resolution 2016-6 (Formerly Resolution 2016-F): NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Addition of Architect Emeritus Status
  o Based on the discussion during the resolution feedback session, the language in the body of the resolution relating to registration renewal in Model Law has been modified to accurately reflect that an emeritus status architect must be retired from the active practice of architecture.

• *NEW* Resolution 2016-10: Certification Guidelines Amendment: Approval of Changes to Program Requirements for the Intern Development Program
  o Following the Regional Summit, Region 6 submitted a resolution proposing an amendment to the Certification Guidelines that would require a majority vote of the Member Boards to adopt all "substantive programmatic changes" to AXP, while the Board of Directors may implement changes to address "administrative application" of the AXP requirements. Currently the authority to amend all aspects of the experience guidelines rests with the Board of Directors, per a vote of the membership taken in 2009.
  o The Board of Directors voted to oppose this resolution at their April meeting and has provided a statement of opposition at the end of the Sponsor Statement of Support.

• *REMOVED* Resolution 2016-J: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Use of the Title Intern
  o Based on feedback received during and after the Regional Summit, the Board of Directors voted 7-6-1 to withdraw this resolution from consideration. Currently, 24 jurisdictions use licensure candidate titles referenced in Model Law (intern-architect, architect-intern, or both); six other jurisdictions use different titles for licensure candidates (intern (2), architect-in-training (4)); 24 jurisdictions use no title.
  o This issue may be revisited as part of a new Model Law Task Force being organized by 1st Vice President/President-elect Kristine Harding.
Resolutions
to be Acted Upon at the
2016 NCARB Annual Business Meeting

MAY 2016
Resolutions to be Acted Upon at the 2016 NCARB Annual Business Meeting

Page 2 Resolution 2016-01: Mutual Recognition Arrangement with Australia and New Zealand

Page 9 Resolution 2016-02: Certification Guidelines Amendment – Revision of the Alternatives to the Education Requirements for Certification

Page 20 Resolution 2016-03: Certification Guidelines Amendment – Exam Equivalency for ARE 5.0

Page 27 Resolution 2016-04: Certification Guidelines Amendment – Five-Year Rolling Clock and Rolling Clock Extension Policy Updates

Page 32 Resolution 2016-05: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option

Page 36 Resolution 2016-06: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Addition of Architect Emeritus Status

Page 40 Resolution 2016-07: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Reference to Military-Trained Applicants

Page 45 Resolution 2016-08: NCARB Legislative Guidelines and Model Law/Model Regulations and Certification Guidelines Amendment – Updating the Name of the Intern Development Program

Page 50 Resolution 2016-09: NCARB Bylaws Amendment – Updating Name of Internship Committee

Page 53 Resolution 2016-10: Certification Guidelines Amendment – Approval of Changes to Program Requirements for the Intern Development Program

Page 58 Appendix A: Mutual Recognition Arrangement Between NCARB and the Architects Accreditation Council of Australia and the New Zealand Registered Architects Board
  • Letter of Undertaking With Respect to the MRA
  • Declaration of Professional Experience With Respect to the MRA
RESOLUTION 2016-01  
Supported by the Council Board of Directors (14-0)

TITLE: Mutual Recognition Arrangement with Australia and New Zealand

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors has established a priority to identify ways to assist architects licensed in a U.S. jurisdiction in obtaining reciprocity for international practice; and

WHEREAS, the process to obtain a license in Australia and New Zealand mirrors the process to obtain licensure in the United States insofar as applicants satisfy accredited education, experience, and examination requirements; and

WHEREAS, a workgroup composed of NCARB committee representatives has thoroughly assessed the licensure requirements in Australia and New Zealand and determined sufficient compatibility exists between the licensure requirements of Australia, New Zealand, and the United States; and

WHEREAS, staff representatives from NCARB, the Architects Accreditation Council of Australia (AACA), and the New Zealand Registered Architects Board (NZRAB) have successfully negotiated an arrangement that is mutually satisfactory to the leadership of each organization; and

WHEREAS, the Board of Directors has identified that the Certification Guidelines require modification to reflect the addition of an additional Mutual Recognition Arrangement; and

WHEREAS, pursuant to the NCARB Bylaws, an affirmative vote of a majority of all Member Boards is required to pass any resolution other than an amendment to the Bylaws or removal of a Member Board from membership; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the NCARB Member Boards, with such change becoming effective July 1 following the close of the Council Annual Business Meeting, or such later date identified in the change, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, the Council Board of Directors must adopt a resolution recommending the Mutual Recognition Arrangement and corresponding changes to the Certification Guidelines and submit the Mutual Recognition Arrangement and changes to the Council Member Boards for approval.
NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Mutual Recognition Arrangement between the National Council of Architectural Registration Boards (NCARB) representing the 54 architectural registration boards of the United States, the Architects Accreditation Council of Australia (AACA) representing the eight state and territory architectural registration boards of Australia, and the New Zealand Registered Architects Board (NZRAB) representing the registered architects of New Zealand, be and hereby is ratified and approved as published in Appendix A in these resolutions.

FURTHER RESOLVED, that this Mutual Recognition Arrangement shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the Mutual Recognition Arrangement by an majority of all Council Member Boards, and following collection of a signed Letter of Undertaking from 28 Member Boards, this arrangement will become effective January 1, 2017. Additional jurisdictions may sign the Letter of Undertaking and be considered party to the Arrangement after its effective date.

FURTHER RESOLVED, that, if implemented, Section 3 of the NCARB Certification Requirements set forth in the NCARB Certification Guidelines (page 13) be modified to encompass all Mutual Recognition Arrangements in lieu of the NCARB + CALA MRA alone effective January 1, 2017.

“SECTION 3
REQUIREMENTS FOR CERTIFICATION OF AN ARCHITECT REGISTERED IN A CANADIAN FOREIGN JURISDICTION THROUGH AN ESTABLISHED MUTUAL RECOGNITION ARRANGEMENT WITH NCARB

To be eligible, an architect must be a citizen or lawful permanent resident of the United States or Canada, and their principal place of practice must be in a jurisdiction that is a current signatory of the Agreement to seek licensure in the other country. They must be licensed and have completed at least 2,000 hours of post-licensure experience practicing in their home country. Architects that were originally licensed in the United States or Canada through a foreign reciprocal registration agreement will not be eligible under this agreement.

The conditions for a U.S. architect to pursue reciprocal licensure in a Canadian jurisdiction through this Agreement include that they are currently licensed in good standing by one or more NCARB Member Board(s) that is a current signatory to this Agreement, that they hold an active NCARB Certificate, and that they meet the eligibility requirements noted above.

The conditions for a Canadian architect to pursue reciprocal licensure in a U.S. jurisdiction through this Agreement include that they are currently licensed in good standing by one or more CALA jurisdiction(s) that is a current signatory to this Agreement, that they hold an active NCARB Certificate, and that they meet the eligibility requirements noted above.
NCARB enters into Mutual Recognition Arrangements (MRA) with countries based on a thorough review of their regulatory standards including the education, experience, and examination requirements for licensure. U.S. jurisdictions that choose to become signatories to an MRA will recognize an NCARB Certificate issued in accordance with the terms and conditions of the MRA.

Eligibility requirements and conditions for certification are established by each Agreement/Arrangement. The basic provisions include:

- citizenship or lawful permanent residence in a country that is party to the arrangement;
- licensure in good standing in a signatory jurisdiction in the home country;
- a specific period of post-licensure experience in the home country;
- licensure in the home country that was not obtained through any other foreign reciprocal arrangements.

Please refer to the NCARB website for the detailed requirements of each MRA.

Nothing in this section of the Certification Guidelines or the individual Mutual Recognition Arrangements precludes an applicant from independently satisfying the education, experience, and examination requirements for licensure in any U.S. or foreign jurisdiction.”

ADVOCATES:
Mutual Recognition Work Group

- Daniel Bennett, Alabama Member Board Member
- Jeanne Jackson, Former Utah Member Board Member
- Arne Jorgensen, Wyoming Member Board Member
- Julie McLaurin, North Carolina Member Board Member
- Steven Miller, Former Arkansas Member Board Member
- Susan Schaefer-Kliman, Former Arizona Member Board Member
- Cheryl Walker, Former North Carolina Member Board Member
- Terance White, Utah Member Board Member

SPONSORS’ STATEMENT OF SUPPORT:
The ability of an architect licensed in a U.S. jurisdiction to lawfully seek and find work abroad depends on their ability to become licensed in that foreign jurisdiction. NCARB Certificate holders have the ability to expand their practices through all of North America due to our long-standing Mutual Recognition Arrangements (MRA) with Canada and Mexico. The 1994 MRA with Canada and its successor arrangement implemented in 2014 have provided the opportunity for hundreds of U.S. architects to become licensed in Canada. We envision the Tri-National MRA between NCARB, CALA, and FCARM, which was implemented in 2013 affording similar opportunities in Mexico for U.S.-licensed architects.
The proposed Mutual Recognition Arrangement between NCARB, the Architects Accreditation Council of Australia (AACA), and the New Zealand Registered Architects Board (NZRAB) presented here further expands the reach of U.S. architects enabling them to establish professional contacts, seek work, and perform services as a registered architect “down under.”

The terms of this Arrangement follow along the lines of our current arrangement with Canada and are strongly founded on accredited education, structured experience, and comprehensive examination; the mainstays of licensure in our U.S. jurisdictions. All three countries also provide for an alternative path to licensure for those without accredited education. Those alternatives are appropriately rigorous and include extended periods of experience prior to licensure. While this arrangement includes those applicants, the focus of the Arrangement is based on the primary and most often utilized pathway.

In late 2014, current and former chairs of NCARB’s Education Committee, Internship Committee, and Examination Committee, along with additional subject-matter experts, were appointed by then-president Dale McKinney to assemble documents and review the requirements for licensure in Australia and New Zealand. Through a substantial comparative analysis, this special review team found a significant correlation between the expected professional competencies for practice and the way they were established and assessed.

The detailed comparative analysis conducted by the review team identified that:

- All 26 NAAB student performance criteria were covered at least once across the AACA/AuIA’s range of competencies.
- With one exception, all 96 IDP tasks were covered at least once across the AACA’s seven broad elements and the NZRAB’s 48 performance indicators. (The IDP Task of “Preparing marketing documents that communicate firms’ experience and capabilities” was not covered by New Zealand.)
- All 91 ARE objectives were covered at least once across the AACA’s 42 specific elements and the NZRAB’s 48 performance indicators.

Based on their analysis, the review team found that a rigorous and standardized licensure process is in place in both Australia and New Zealand that parallels NCARB’s processes. And while somewhat different from our own programs, they are confident that a sufficient level of competence is required of the entry-level practitioner.

The review team’s comprehensive review supported a recommendation to the Board to enter into formal negotiations based on the following main principles:

- A single arrangement covering all three countries,
- 6,000 hours (approximately three years) of post-licensure experience in the home country,
- Validation of licensure in good standing from the home authority,
- Citizenship or lawful permanent residence in the home country, and
- Licensure in home country not gained through other foreign reciprocal registration.
The credible standards and consistent expectations for initial licensure developed over many years, supported by strong regulatory procedures, has enabled NCARB, AACA, and NZRAB to move forward together. The 6,000 hours of post-licensure experience in the home country has been mutually agreed to by each country and serves to overcome any perceived differences in the initial registration requirements. In the end, the Arrangement respects each country’s well-established, rigorous path to licensure rather than dissecting the individual components.

The Arrangement and the associated Letter of Undertaking are closely related, yet serve two distinct purposes and bind different parties. The Mutual Recognition Arrangement documents the terms of the Arrangement between NCARB, AACA, and NZRAB. The Letter of Undertaking serves as a companion to the Arrangement and outlines the conditions and implementation mechanisms between NCARB and our Member Boards, and between AACA and their jurisdictions. (The NZRAB operates as a single national regulatory authority without sub-jurisdictions.)

Upon completion of the final negotiations, the leaders of NCARB, AACA, and NZRAB signed the Arrangement in February 2016. The NCARB Board of Directors is unanimously supporting Resolution 2016-01 for consideration by our 54 Member Boards at the June 2016 Annual Business Meeting. Once ratified, the collection of individual jurisdiction’s signatures to the Letter of Undertaking begins. The Council has until December 31, 2016 to collect signed Letters of Undertaking from a minimum of 28 jurisdictions to move the Arrangement forward. Likewise, AACA has the same timeframe to collect signed Letters from all eight jurisdictions. If successful, the Arrangement becomes effective January 1, 2017.

The complete Arrangement, Letter of Undertaking, and additional supporting documents are available for review in Appendix A. The following additional details regarding the components to licensure in the three countries further supports the Board’s decision to sign the formal Mutual Recognition Arrangement between the NCARB and the AACA and the NZRAB.

**COMPETENCY STANDARDS:** The AACA’s National Competency Standards in Architecture, the NZRAB’s Guide to the Minimum Standards for Initial Registration, and NCARB’s own Practice Analysis of Architecture clearly identify the knowledge, skills, and abilities expected of the recently licensed/registered architect to practice independently. While each country may label them slightly differently—knowledge, skills, tasks, elements, performance criteria, outcomes, objectives, performance indicators, etc.—the requirements and expectations are remarkably similar across all three standards. All three standards also structure these expectations in the commonly understood areas of Practice Management, Project Management, Programming/Pre-Design/Design, Project Development/Documentation, and Construction Administration/Observation.

**EDUCATION:** Each country’s primary path to licensure relies on accredited education. As NCARB relies on the National Architectural Accrediting Board (NAAB), the Australian education standard has been jointly developed by the AACA and the Australian Institute of Architects (AuIA). Due to a small number of programs, New Zealand utilizes the same standard. All 19 Australian programs and the three New Zealand programs offer an
accredited Master of Architecture degree based on a three-year undergraduate term of study combined with a two-year M.Arch. This single five-year degree path favorably compares to the NAAB-accredited programs offering BArch, M.Arch., and D.Arch. degrees.

Furthermore, the NAAB and the AACA/AuIA are both signatories to the Canberra Accord, which only recognizes those international accrediting agencies that have developed and implemented rigorous and structured standards for evaluating and accrediting professional degrees in architecture. NAAB’s 2009 review by EESA evaluators declared that all 160 credit hours of the NCARB Education Standard are satisfied and that graduates are considered to have no deficiencies.

EXPERIENCE: Each country requires a structured and monitored period of practical experience. NCARB’s IDP requires 3,740 hours of supervised experience documented online; AACA requires 3,300 hours of supervised experience recorded in a formal log-book; NZRAB requires 140 weeks of supervised experience compiled on detailed project record forms. These periods approximate two-to-three years of full-time employment. With a significantly smaller number of candidates in the process, the NCARB review team found that requirements for documenting experience and monitoring the work product in Australia and New Zealand are more detailed than that of IDP.

EXAMINATION: Each country utilizes a standardized examination process to assess each candidate’s abilities. The greatest departure between the path to licensure in the United States and the path in Australia and New Zealand is evident in the examination. All three examinations are rigorous and reliable; however, the approach is significantly different. NCARB uses the standardized multi-division Architect Registration Examination® (ARE®) to assess competency. The AACA’s National Examination Paper (NEP) is a much shorter multiple-choice exam based on any aspect of the National Competency Standard. And NZRAB’s Case Study process is a highly-detailed dossier and narrative submission of multiple projects to sufficiently cover the required competencies.

ORAL EXAMINATION: In addition to the written components of the assessment process, the path to licensure in Australia and New Zealand includes an oral interview as the final component of the evaluation process. Again, with a smaller candidate pool, both Australia’s and New Zealand’s processes are more individualized and include greater personal engagement with a team of trained assessors. In Australia, a one-hour interview covering any aspect of the Standard is conducted before two experienced architects and an observer. In New Zealand, the candidates present their Case Studies to two senior architects over the course of three hours. This personal interaction provides the opportunity for the assessors to thoroughly engage with each candidate and is a significant capstone of their respective paths to licensure.

CONTINUING EDUCATION: The majority of architects registered in each country are subject to continuing education requirements for license renewal. Although not universal, 47 U.S. jurisdictions require approximately 12 hours of continuing education for license renewal each year. In Australia, three jurisdictions mandate 20 hours per year while it is
considered optional in the remaining five jurisdictions. New Zealand registered architects are required to accumulate 1,000 points every five years through an individualized assessment of their work.

The complete Arrangement, Letter of Undertaking, and additional supporting documents are available for review in Appendix A.
RESOLUTION 2016-02
Supported by the Council Board of Directors (14-0)

TITLE: Certification Guidelines Amendment – Revision of the Alternatives to the Education Requirements for Certification

SUBMITTED BY: Council Board of Directors

WHEREAS, the Board of Directors of the Council has determined upon careful consideration that it is advisable and in the best interests of the Council to modify the “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction” education and experience requirements set forth in the Certification Guidelines; and

WHEREAS, a workgroup of NCARB volunteers with long expertise in administering the current alternative program known as the Broadly Experienced Architect (BEA) were convened to revise a previous proposal, which failed in 2015; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective no sooner than January 1, 2017, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to the “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction,” the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction” as included in Section 2 of the Certification Guidelines (page 12) be revised as indicated below:

“2.2 Alternatives to the Education Requirement
If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:

A. Satisfaction of NCARB’s Broadly Experienced Architect (BEA) Program, which permits an applicant with the required years of experience in practicing architecture as defined in the Legislative Guidelines and Model Law, Model Regulations gained while holding a registration issued by any U.S. jurisdiction to demonstrate that a combination of education and/or experience in practicing architecture satisfies all of his/her education deficiencies with respect to the NCARB Education Standard set forth in the Education Guidelines. The required years are:
• Six years for architects who hold a pre-professional degree in architecture awarded by a U.S. regionally accredited institution or the Canadian equivalent, or
• Eight years for architects who hold any other baccalaureate or higher degree, or
• Ten years for architects who do not hold a post-secondary baccalaureate or higher degree.

A. Three (3) years of continuous licensure in any U.S. jurisdiction with no disciplinary action from any jurisdiction;

and

Documentation of experience gained pre-licensure and/or post-licensure.

The experience must be verified either by a supervisor as allowed by the NCARB Intern Development Program or by an architect familiar with the work of the applicant:

1. Architects who hold a four-year bachelor degree in an architecture-related program awarded by a U.S. regionally accredited institution or the Canadian equivalent must document two times (2x) the experience requirement of the NCARB Intern Development Program.

* Bachelor Degree in an Architecture-related Program: The term refers to any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits of the quarter-hour equivalent.

For instance these degrees have titles such as Bachelor of Science in Architecture, Bachelor of Science in Architectural Studies, Bachelor of Arts in Architecture, Bachelor of Environmental Design, Bachelor of Architectural Studies, etc. This list is neither all-inclusive nor exhaustive.

The amount of architecturally-defined content in these programs may vary from institution to institution.

2. All other architects (whose highest level of education may be high school, associate degree, unrelated bachelor or master degree, etc.) must:
   • Obtain an Education Evaluation Services for Architects (EESA)* evaluation, for those who have 64 or more semester credit hours of post-secondary education to determine education deficiencies.
   • Document experience as a licensed architect to satisfy subject areas identified as deficient by the EESA report through a portfolio for peer review.
Architects with less than 64 semester credit hours of post-secondary education do not require an EESA and must satisfy all education deficiencies through an education portfolio.

B. Applicants with a degree in the field of architecture that is not accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) must obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the NCARB Education Standard.

Architects may obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the NCARB Education Standard.

The NCARB Intern Development Program is described in the IDP Guidelines. The NCARB Education Standard and the NCARB Broadly Experienced Architect Program are described in the Education Guidelines. These documents may be revised from time to time by NCARB.

2.3 Alternatives to the Experience Requirement

This alternative shall be available only to those applicants who meet the alternative to the education requirement in accordance with the requirements of Section 2.2.A.2 and 2.2.B.

In lieu of completing the Experience Requirement identified in Section 1.3, NCARB will accept registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the IDP in each of the experience areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after January 1, 2011."

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective no sooner than January 1, 2017, and will apply both to applications for certification in process and new applications; if applicants whose applications were in process met all certification requirements that existed prior to the changes referenced herein, they will be eligible for certification.
ADVOCATES:
BEA Alternatives Work Group
- Terry Allers, NCARB Secretary
- Robert Calvani, New Mexico Member Board Member; Director, Region 6
- Arne Jorgenson, Wyoming Member Board Member
- Alfred Vidaurri, Director, Region 3

SPONSORS’ STATEMENT OF SUPPORT:
This proposal represents an effort to streamline the alternative to the education requirement for certification while ensuring that each architect has documented the pertinent experience necessary to overcome education deficiencies. Through this program, architects who have been licensed by a jurisdiction without a degree from a NAAB-accredited program are provided with the opportunity to meet the education requirement for certification.

A two-year effort to design new requirements for certification of architects who do not hold a degree in a program accredited by the NAAB to replace the Broadly Experienced Architect (BEA) Program was presented through a resolution at the June 2015 Annual Business Meeting. The resolution was amended; the amended resolution failed to acquire an absolute majority (28 votes) with a 27-26 vote. The Board of Directors’ evaluation of the commentary during the voting process and following the effort led President Dennis Ward to appoint a work group of esteemed volunteers knowledgeable of the existing BEA process. The group was charged to design a new approach to revise the program that could be responsive to voiced and written commentary by our Member Boards. The NCARB Board voted to adopt the consensus recommendation of the work group and directed staff to draft this proposed resolution to include the following elements:

1. A minimum of three years of licensure requirement for all applicants through this process
2. Streamlining the program for those with architecture-related degrees by requiring double the experience (IDP) requirements and eliminating the EESA report and peer review
3. Restriction Maintaining the peer review and EESA elements of the program to for those licensees who do not have an architecture-related or pre-professional degree

Applicants for NCARB certification with architecture-related degrees will document their experience online in the six experience areas required by the IDP hours just as licensure candidates do today. The Council anticipates that the applicants will most likely have already documented experience to satisfy the IDP (1x) as most jurisdictions that allow licensure without the accredited degree program still require completion of the IDP. These applicants will be allowed to use pre or post-licensure experience. The costs associated with certification through this method will be greatly reduced as it is electronic, and meetings to conduct peer reviews will no longer be required.
Applicants for NCARB certification who were licensed by one of the jurisdictions that allow licensure with other levels of education that are not four-year bachelor degrees in architecture-related programs will be required to have their education evaluated by the Education Evaluation Services for Architects (EESA) to determine their education deficiencies. *These individuals will then follow the same process as the current BEA Program.* They will be required to assemble a portfolio of their work documenting pre- or post-licensure project experience that clearly indicates how they have overcome their education deficiencies in all areas identified by the EESA. The costs associated with certification through this method will be reduced nominally through operational changes, however, the applicant will still incur substantial time and financial expense through the EESA evaluation and development of their portfolio of work.

The following guiding principles were used in the development of this modified alternative to the education requirement:

1. All U.S. architects must be allowed to participate, regardless of formal education.
2. Any proposal shall recognize the applicant for certification is licensed to practice architecture.
3. Any proposal shall recognize that 16 U.S. jurisdictions allow experience to substitute for education.
4. Any proposal shall lead to a reduction/elimination of financial burdens on the applicant and the Council.

The proposed alternative to the education requirement for certification of a U.S. architect includes a general eligibility requirement; and documentation of experience based on two categories of post-secondary education attained.

**General Eligibility**

- An applicant must complete three (3) years of continuous licensure in any U.S. jurisdiction with no disciplinary action from any jurisdiction.

This requirement for all applicants who do not have an architecture degree in a NAAB-accredited program recognizes:

- That all applicants are practicing architects (guiding principle #2),
- The value of licensed practice to demonstrate competence developed through experience gained pre-licensure that augmented architecture education (guiding principle #3), and
- That three years of practice is a reasonable period of time whereby any disciplinary action could be reported.
Historically, 82 percent of BEA applicants have between 13 and 27 years of licensed practice, well beyond this proposed minimum.

**Education: A Four-year Bachelor Degree in an Architecture-related Program**

✅ Architects with a four-year bachelor degree in an architecture-related program awarded by a U.S. regionally accredited institution or the Canadian equivalent must document two times (2x) the experience requirement of the NCARB Intern Development Program.

This requirement recognizes the following factors relative to architects who have obtained a four-year bachelor degree in an architecture-related program:

- Architects have completed additional years of experience, required by the licensing board, to augment their level of education prior to initial licensure. (guiding principle #3)
- Historically, 86 percent of applicants for the BEA Program hold a bachelor degree: B.A. or B.S. in Architecture (43 percent) or an architecture-related degree (43 percent).
• The differences between a “pre-professional” degree in architecture and a four-year “architecture-related” degree is increasingly subjective. Jurisdictions typically base their education review on each individual’s completed curriculum of study to determine the number of additional years of experience required for initial licensure.

• Historically, the completion rates of the BEA Program for architects with a B.S. or B.A. in Architecture is 76 percent. The completion rate for architects with a four-year architecture-related degree is nearly identical at 74 percent.

• Today, degree nomenclature has expanded to include many four-year bachelor degrees in architecture-related programs, such as a Bachelor of Environmental Design (BED), Bachelor of Architectural Studies (BAS), etc. All of these architecture-related degrees can lead into a two- or three-year Master of Architecture degree in a NAAB-accredited program, dependent on the individuals’ specific course of study and portfolio.

• Based on a sample of 20 EESA reports per category, the number of semester credit hour deficiencies identified of architects with a B.S. or B.A. degree versus architects with a degree that is architecture-related was found to be insignificant.
Education: Other than a Four-year Bachelor Degree in an Architecture-related Program

- Architects who do not hold a four-year bachelor degree in an architecture-related program (high school, associate degree, unrelated bachelor or master degree, etc.) must:
  - Complete an EESA evaluation, if they have more than 64 semester credit hours of post-secondary education.
  - Document experience in a portfolio for peer review through a virtual and semi-automated process.

The following factors are recognized:

- Individual's level of education can vary greatly. Each jurisdiction granting initial licensure to an individual determines the additional experience required prior to granting initial licensure.
- An EESA evaluation, when applicable, will be used to identify specific deficiencies relative to the NCARB Education Standard.
- Individuals will demonstrate satisfaction of the education requirement for certification through a portfolio of work reviewed by peers.
- Historically, the number of architects in this category applying for NCARB certification are minimal.

![Applicants Education](image)

**Conclusion**

This proposal is inclusive of all architects in pursuit of NCARB certification. It acknowledges those individuals who have obtained their initial license with some level of education other than a bachelor degree in an architecture program accredited by the NAAB through jurisdiction-directed additional practical work experience (guiding principle #1).
This proposal advances the alternative to the education requirement for certification of a U.S. architect (currently the BEA Program) by:

- Recognizing the value of a four-year bachelor degree in architecture education that leads to a degree in a NAAB-accredited program;
- Recognizing the value of practical experience augmenting education;
- Ensuring that each applicant has satisfied education deficiencies through documentation of additional experience through the IDP or submission of an e-portfolio;
- Streamlining the certification requirements for the majority of applicants by utilizing the known and accepted prescriptive requirements of the IDP;
- Encouraging aspiring architects to obtain an architecture degree in a program accredited by NAAB to avoid having to complete additional years of experience pre- and post-licensure, and additional documentation for certification;
- Eliminating the dossier submission and review for the majority of applicants and developing a fair and effective review process for those without an architecture-related degree.
- Maintaining a rigorous, objective, all-inclusive program for architects in pursuit of the NCARB Certificate.

**How it Will Work:**
This graphic illustrates the proposed alternative to the education requirement to replace the Broadly Experienced Architect (BEA) Program.

<table>
<thead>
<tr>
<th>Licensed</th>
<th>EESA</th>
<th>IDP</th>
<th>E-Portfolio</th>
<th>Criteria</th>
<th>Reviewed by</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Years</td>
<td>No</td>
<td>4-year arch-related degree</td>
<td>2X IDP</td>
<td>No</td>
<td>IDP Tasks</td>
</tr>
<tr>
<td>Yes*</td>
<td>4 year non-related degree or less</td>
<td>E-Portfolio</td>
<td>Yes</td>
<td>Education Standard</td>
<td>Peer Review</td>
</tr>
</tbody>
</table>

*Yes - for applicants with 64 or more semester credit hours who are required to submit an e-portfolio.

**Four-year Architecture-related Degree**
Architects with at least three years of licensed practice who have a four-year architecture-related bachelor degree will be required to document their experience meeting the requirements of the IDP through the online reporting system—just as aspiring architects currently report their experience. It is important to note that applicants can fulfill the requirements for certification by utilizing pre- or post-licensure experience.
Architects in this category will be required to document two times the requirements of the IDP meaning two times the hours required in each of the six experience areas. Many architects will have already reported IDP experience that was required by the jurisdiction for initial licensure. Reporting experience hours will not be limited by the IDP reporting requirement, which states that individuals may only document experience gained in the previous six months for full credit, and up to five years back for half credit. The ability to utilize experience, pre- or post-licensure, allows the architect greater flexibility in documenting competent performance of the tasks required by the IDP.

The experience must be verified in accordance with the requirements of the IDP. If an architect cannot have the experience verified by the IDP supervisor who observed the competent performance of the required tasks, NCARB will accept verification by an architect known to the individual applicant for a period of no less than one year.

This proposal utilizes a system and process that is already well established and trusted by the NCARB membership while providing the validated evaluation desired by the NCARB Member Boards. In addition, the proposal modifies the alternative to the education requirement in a way that enables the Council to reduce and in many cases eliminate fees associated with the Broadly Experienced Architect (BEA) Program for the majority of applicants (guiding principle #4).

A Bachelor Degree in an Architecture-related Program is defined as any baccalaureate degree in an architecture-related program from an institution with U.S. regional accreditation that is awarded after earning less than 150 semester credits of the quarter-hour equivalent:

- The program must include 60 semester credit hours (or the quarter hour equivalent) of coursework in the degree program major.
- The amount of architecturally-defined content in these programs may vary from institution to institution.

**Four-year Non-Architecture-related Degree or Less**

Applicants with three years of licensed practice who have anything less than a 4-year architecture-related bachelor degree, will be required to submit an e-portfolio of their work experience to satisfy the NCARB Education Standard. An EESA will be required for anyone with more than 64 semester credit hours of post-secondary education.

An education e-portfolio template, similar to the current BEA education dossier, will be utilized by the applicant to upload all documentation. The online review process will include trained volunteers and specific criteria for each subject area of the NCARB Education Standard. Once a portfolio is submitted, the timeline for the review process is dependent upon reviewer availability, but will have the flexibility to occur year-round. Unlike the current dossier review process that is limited to a committee review occurring only two or three times a year.
Once an ePortfolio is reviewed and approved, the applicant will have met the education requirement for certification.

**Financial Impact**

FY17 – No Financial Impact

FY18 – Loss of revenue offset by reduction in committee expenses and staff time for a small financial surplus.

FY19 – Loss of revenue offset by reduction in committee expenses and staff time for a small financial surplus.

FY20 – Loss of revenue offset by reduction in committee expenses and staff time for a small financial surplus.
RESOLUTION 2016-03
Supported by the Council Board of Directors (14-0)

TITLE: Certification Guidelines Amendment – Exam Equivalency for ARE 5.0

SUBMITTED BY: Examination Committee

WHEREAS, the Examination Committee has determined that it is in the best interests of the Council to update the Certification Guidelines to reflect modifications to the structure of the Architect Registration Examination as a result of the upcoming release of ARE 5.0; and

WHEREAS, the Certification Guidelines contain Appendix C, which is used by NCARB staff to confirm that an architect seeking NCARB certification who completed an older version of the ARE did complete all divisions that are substantially equivalent to the current version of the ARE; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective July 1 following the close of the Council Annual Business Meeting, or such later date identified in the change, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to Appendix C of the Certification Guidelines, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the first paragraph of Appendix C of the Certification Guidelines (page 18) be amended upon the launch of ARE 5.0 to read as follows:

“ARE 4.0 Exam Equivalents
Candidates who have passed some divisions but have not passed all divisions of the Architect Registration Examination in accordance with applicable policies before July 1, 2009, shall thereafter be required to pass all remaining divisions of the ARE in accordance with the ARE 4.0 Exam Equivalents identified below.

ARE 5.0 Exam Equivalents
Applicants for NCARB certification that completed a previous version of the ARE must have passed examination equivalents equal to those of the current ARE as defined below. Applicants that do not achieve all examination equivalents shall be required to pass the unachieved division(s) identified to meet the examination requirement for the NCARB Certificate.”
ALSO RESOLVED, that the exam equivalencies for ARE 5.0 divisions are defined as follows upon the launch of ARE 5.0 and replace the ARE 4.0 exam equivalencies in Appendix C of the Certification Guidelines (page 18):

“Practice Management (ARE 5.0) AND Project Management (ARE 5.0) are satisfied by successfully completing one examination in each of the following FOUR groups:

GROUP 1:
5. Professional Examination Part IV (1973-1977)

GROUP 2:
5. Qualifying Test E and F (1977-1978)

GROUP 3:
1. Programming, Planning & Practice (ARE 4.0) (2008-2018)
2. Pre-Design (1997-2009)
5. Professional Examination Parts I and II (1973-1978)
7. Section 7 of the CALE (1987-1989)

GROUP 4:
1. Programming, Planning & Practice (ARE 4.0) (2008-2018)
2. Site Planning (1997-2009)
3. Division B (Written and Graphic) of the ARE (1988-1996)

Project Planning & Design (ARE 5.0) is satisfied by successfully completing one examination in each of the following SEVEN groups:

GROUP 1:
1. Site Planning & Design (ARE 4.0) (2008-2018)
2. Site Planning (1997-2009)
3. Division B (Written and Graphic) of the ARE (1988-1996)

GROUP 2:

GROUP 3:
5. Qualifying Test E and F (1977-1978)

GROUP 4:
2. General Structures (1997-2009)
3. Division D/F of the ARE (1988-1996)
7. Professional Examination Part III (1973-1978)
10. Section 1 of the CALE (1989)

GROUP 5:
2. Lateral Forces (1997-2009)

GROUP 6:
GROUP 7:
2. Building Planning (1997-2009) 1
5. Qualifying Test E and F (1977-1978)

Project Development & Documentation (ARE 5.0) is satisfied by successfully completing one examination in each of the following SIX groups:

GROUP 1:
5. Professional Examination Part IV (1973-1977)

GROUP 2:
5. Qualifying Test E and F (1977-1978)

GROUP 3:

GROUP 4:
2. General Structures (1997-2009)
3. Division D/F of the ARE (1988-1996)
7. Professional Examination Part III (1973-1978)
10. Section 1 of the CALE (1989)
GROUP 5:
2. Lateral Forces (1997-2009)

GROUP 6:

Construction & Evaluation (ARE 5.0) is satisfied by successfully completing one examination in each of the following TWO groups:

GROUP 1:
5. Professional Examination Part IV (1973-1977)

GROUP 2:
5. Qualifying Test E and F (1977-1978)

Programming & Analysis (ARE 5.0) is satisfied by successfully completing one examination in each of the following TWO groups:

GROUP 1:
1. Programming, Planning & Practice (ARE 4.0) (2008-2018)
2. Pre-Design (1997-2009)
5. Professional Examination Parts I and II (1973-1978)
7. Section 7 of the CALE (1987-1989)
GROUP 2:
1. Site Planning & Design (ARE 4.0) (2008-2018)
2. Site Planning (1997-2009)
3. Division B (Written and Graphic) of the ARE (1988-1996)
5. Professional Examination—Section A (1979-1982)

1 If you hold a professional degree from a NAAB-accredited program, and you passed the four-part Professional Examination between December 1973 and December 1978, and you were registered on or before March 1, 1979, you need not have passed examinations in Site Planning.

2 If you hold a professional degree from a NAAB-accredited program, and you passed the four-part Professional Examination between December 1973 and December 1978, and you were registered on or before March 1, 1979, you need not have passed examinations in Building Planning and Building Technology.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of Certification Guidelines, including the Appendices, remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective at the time the Council launches ARE 5.0 in fall 2016 and will apply to all examinations administered from that point forward.

ADVOCATES:
Examination Committee (COE)
• Terance White, Utah Member Board Member
• Allen Bacqué, Louisiana Member Board Member
• Jon Alan Baker, California Member Board Member
• Kristi Beattie, Missouri recently licensed architect
• Carole Briggs, Connecticut Member Board Member
• Jody Coleman, Mississippi Member Board Member
• James Lev, Former Illinois Member Board Member
• Julie McLaurin, North Carolina Member Member
• Raul Rivera-Ortiz, Puerto Rico Member Board Member
• Alfred Vidaurri, Director, Region 3
SPONSORS’ STATEMENT OF SUPPORT:
The exam equivalents table is a reference document used by NCARB staff to assess the examination history of licensed individuals seeking the NCARB Certificate who have taken a version of the ARE that is older than the current version being administered. The exam equivalents chart is NOT a table to be used to calculate current examination eligibilities for ARE candidates seeking initial licensure.

In most cases, applicants for the NCARB Certificate have completed all divisions of what was the current ARE at their time of licensure. This table allows NCARB to confirm that the applicant’s previous examination history is equivalent to the current version of the ARE. In some cases, applicants for the NCARB Certificate are found to have not completed all divisions of what was the current ARE at their time of licensure due to extenuating circumstances granted the individual by the jurisdiction of initial licensure. This equivalents table allows NCARB to identify which current division(s) of the current ARE align to the examination division(s) not previously met at their time of initial licensure.

Updates to the exam equivalents table are necessary whenever the Architect Registration Examination’s structure is modified. With the upcoming launch of ARE 5.0, the exam equivalents table must be updated to ensure that future applicants for the NCARB Certificate have an examination history equivalent to that of the then current ARE.

The ARE 5.0 exam equivalents have been developed based on historical exam equivalents and modified to address the transition from ARE 4.0 to ARE 5.0 using the published ARE 5.0 Credit Model. The ARE 5.0 exam equivalents table will serve as the documented record of Architect Registration Examination equivalencies to assess the examination history of licensed individuals seeking the NCARB Certificate. Upon the launch of ARE 5.0, the Certification Guidelines will be updated to reflect equivalents equal to ARE 5.0.
RESOLUTION 2016-04  
Supported by the Council Board of Directors (14-0)

TITLE: Certification Guidelines Amendment – Five-Year Rolling Clock and Rolling Clock Extension Policy Updates

SUBMITTED BY: Examination Committee

WHEREAS, the Examination Committee of the Council has determined upon careful consideration that it is advisable and in the best interests of the Council to maintain the current examination Five-Year Rolling Clock policy and Rolling Clock Extension policies set forth in Appendix B of the Certification Guidelines to function unchanged for ARE 5.0; and

WHEREAS, the Examination Committee and the Board of Directors have determined that the current policy language has led to confusion between the expiration of eligibilities to take an exam and the expiration of exams already passed making it advisable and in the best interests of the Council to clarify language in the Rolling Clock Extension Policy; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective at the time specified in this Resolution, with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to Appendix B of the Certification Guidelines, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that examination eligibility expiration, Part D of the section entitled Five-Year Rolling Clock in Appendix B of the Certification Guidelines, is wholly a function of Member Board examination policy outlined in the ARE Guidelines and not a requirement of NCARB certification, and therefore, part D of the Five-Year Rolling Clock be removed from the Certification Guidelines.

FURTHER RESOLVED, that the Five-Year Rolling Clock and Rolling Clock Extension policy for exam validity in Appendix B of the Certification Guidelines (page 17) be modified to provide better clarity to all stakeholders to read as follows:

“For all initial candidates for licensure, Effective January 1, 2006, and subject to certain conditions, a passing grade for any division of the ARE shall be valid for an initial period of five years plus any extensions granted under the rolling clock extension policy, after
which time the division must be retaken will expire unless all divisions have been passed the candidate has completed the ARE.

Applicants for NCARB certification that completed the ARE or were licensed:

A. Prior to January 1, 2006, will not have any divisions governed by the five-year rolling clock.
B. Prior to July 1, 2014, will have only divisions passed after January 1, 2006, governed by the five-year rolling clock.
C. On July 1, 2014 or later, will have all divisions governed by the five-year rolling clock.

Any applicant for NCARB certification that is determined to be deficient in a division of the ARE will have to test and pass that division, or the then current exam equivalents, to earn NCARB certification. Those deficient examinations, standing alone, shall be subject to the five-year rolling clock.

The transitional rules are as follows:

A. For applicants who have passed all divisions of the ARE by January 1, 2006, regardless of the time taken, such applicants will have passed the ARE.

B. For applicants who have passed one or more but not all divisions of the ARE by January 1, 2006, such applicants will have five years to pass all remaining divisions. A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if the remaining divisions have not been passed. The five-year period shall commence after January 1, 2006, on the date when the first remaining division is passed. Any division passed prior to January 1, 2006 shall no longer remain valid if all remaining divisions have not been passed by July 1, 2014.

C. For applicants who have passed no divisions of the ARE by January 1, 2006, such applicants shall be governed by the above five-year requirement. The five-year period shall commence on the date when the first passed division is administered.

D. Effective January 1, 2011 and thereafter, the authorization to test of any applicant shall terminate unless the applicant has passed or failed a division of the ARE within a period of five years. This includes the five-year period prior to January 1, 2011. Any applicant whose authorization is so terminated must establish a new eligibility under the then current procedures of a Member Board.
Rolling Clock Extension
NCARB may allow a reasonable extension of such period to a division expiration period in circumstances where completion of all divisions the ARE within such five-year period is prevented by the birth or adoption of a child, by a serious medical condition, by active duty in military service, or by other like causes. An applicant may request such an extension by submitting a timely written application and supporting documentation as prescribed by NCARB. Upon proper application NCARB will allow parents of newborn infants or newly adopted children a six-month extension to the end of such five-year division expiration period if the birth or adoption of their child occurs within such five-year rolling clock period.”

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of Appendix B of the Certification Guidelines remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective at the time the Council launches ARE 5.0 in fall 2016 and will apply to all examinations administered from that point forward.

ADVOCATES:
Examination Committee (COE)
- Terance White, Utah Member Board Member
- Allen Bacqué, Louisiana Member Board Member
- Jon Alan Baker, California Member Board Member
- Kristi Beattie, Missouri recently licensed architect
- Carole Briggs, Connecticut Member Board Member
- Jody Coleman, Mississippi Member Board Member
- James Lev, Former Illinois Member Board Member
- Julie McLaurin, North Carolina Member Member
- Raul Rivera-Ortiz, Puerto Rico Member Board Member
- Alfred Vidaurri, Director, Region 3

SPONSORS’ STATEMENT OF SUPPORT:
The exam eligibility expiration policy, Part D of the current Rolling Clock Policy set forth in Appendix B of the Certification Guidelines, is managed by the My Examination candidate management system and is configurable based on each state’s requirements. Application of an exam eligibility policy is NOT a requirement for NCARB certification, therefore, such policy language should not be included as part of the Certification Guidelines.
This resolution recognizes that the ability for member jurisdictions to establish an exam eligibility policy will be maintained in the My Examination candidate management system as has been the case since My Examination was launched several years ago. This proposed change to the Certification Guidelines will move policy language to the ARE Guidelines, the policy manual of the ARE, as follows:

**Maintaining Exam Eligibility with Your Jurisdiction**

You are responsible for maintaining your exam eligibility with your registration board. Because rules vary from board to board and are subject to change, it is important for you to stay informed of your individual registration board’s policies and procedures. This includes notifying them of any address changes so they can contact you about eligibility renewals or any other important licensure information.

Most jurisdictions have implemented a test activity requirement to maintain exam eligibilities. Your eligibilities to test may expire if no attempt to test (pass or fail) has been completed within a five-year period. If your state-based eligibility period expires before you successfully complete all divisions of the ARE, you must contact your board of architecture (or NCARB if you were made eligible to take the ARE through a jurisdiction participating in the Direct Registration program) to establish a new eligibility under the then current procedures of the registration board.

The purpose of an eligibility expiration policy, Part D of the current Rolling Clock Policy included in Appendix B of the Certification Guidelines, is to ensure inactive candidates are not allowed to maintain active exam eligibilities into perpetuity. Maintenance of abandoned active eligibilities becomes an undue burden on state and system resources. The policy also allows Member Boards to require candidates with expired eligibilities to reapply under their then current application requirements. The ability for each member jurisdiction to establish an eligibility expiration policy will be maintained while removing confusing and inappropriate language from the Certification Guidelines.

The proposed change in language to the Five-Year Rolling Clock and Rolling Clock Extension policies does not change the way this policy has been implemented since 2006. The submitted language acts to clarify the policy for all future ARE candidates as well as ensure that all applicants for the NCARB Certificate are appropriately governed by the rolling clock. The modifications to the Rolling Clock Extension policy clarify that each passed division of the ARE is governed by an initial period of validity established by the Five-Year Rolling Clock policy. This initial period of validity can be extended as approved based on the Rolling Clock Extension policy. Multiple extensions to any single division are supported and can be granted based on candidate need.

No changes are proposed to the timeframe of the rolling clock period because recently completed research regarding change within the profession continues to support this timeframe. Although it is understood that not all areas of practice change at the same rate, research informed a recommendation consistent with the current five-year period for multiple divisions of ARE 5.0.
The Examination Committee sees great benefit in maintaining a consistent rolling clock policy across all divisions as well as versions of the ARE with the upcoming transition to ARE 5.0.
**RESOLUTION 2016-05**  
**Supported by the Council Board of Directors (14-0)**

**TITLE:**  
*NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Access to the ARE for Students Enrolled in an Integrated Path to Architectural Licensure Option*

**SUBMITTED BY:** Procedures and Documents Committee and Integrated Path Evaluation Committee

**WHEREAS,** the Council has developed an initiative designed to result in a structured experience for students enrolled in an Integrated Path to Architectural Licensure option that offers the ability to complete the requirements for architectural licensure by the time of graduation, and there are currently fourteen (14) schools that have been accepted into this initiative; and

**WHEREAS,** students graduating from these programs may choose to obtain licensure in a jurisdiction other than where they complete their architecture degree; and

**WHEREAS,** the Board of Directors has determined that it is advisable to amend the NCARB Legislative Guidelines and Model Law/Model Regulations to include language that would allow students enrolled in an NCARB accepted Integrated Path to Architectural Licensure option within a NAAB-accredited program access to the Architect Registration Examination while they are enrolled in the program; and

**WHEREAS,** pursuant to the NCARB Bylaws, an affirmative vote of a majority of all Council Member Boards is required to pass any resolution other than an amendment to the Bylaws or removal of a Member Board from membership; and

**WHEREAS,** the Council Board of Directors must adopt a resolution recommending applicable changes to the NCARB Legislative Guidelines and Model Law/Model Regulations and submit such resolution and changes to the Council Member Boards for approval.

**NOW, THEREFORE, IT IS HEREBY:**

**RESOLVED,** that the National Council of Architectural Registration Boards create model language in the NCARB Legislative Guidelines and Model Law/Model Regulations for the implementation of the Integrated Path to Architectural Licensure program by updating the Legislative Guidelines and Model Law/Model Regulations.

**FURTHER RESOLVED,** that a new Section 100.601 Examination Eligibility be inserted to the Model Regulations (page 27) as follows:

"100.601 Examination Eligibility
A. [For the purpose of qualifying for the examination, an applicant shall present satisfactory evidence to the board that he/she:}
i. Holds a professional degree from a school whose curriculum has been accredited by the National Architectural Accrediting Board (NAAB), or
ii. Is a student actively participating in a NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within a NAAB-accredited professional degree program in architecture, or
iii. Has met the education and experience requirements outlined in {insert specific reference to applicable laws/rules}]

B. The Board will determine applicant eligibility and forward eligibility information to NCARB (or the Board may request NCARB to determine such eligibility subject to its approval thereof).

FURTHER RESOLVED, that the existing Section 100.601 of Model Regulations (page 27) be renumbered and amended as follows:

“100.602. Conditions of Examination
A. The Board will determine applicant eligibility and forward eligibility information to NCARB (or the Board may request NCARB to determine such eligibility subject to its approval thereof).
A. The Board will allow applicants to take the ARE at any NCARB-approved test center, whether or not it is located within this state.
B. The Board will accept the ARE results as determined by NCARB and will report the results to the applicant, or the Board may request NCARB to report such results to the applicant.
C. If there is any alleged misbehavior on the part of an applicant in connection with taking the examination, the board will investigate the allegation and take appropriate action. Misbehavior may include, without limitation, violation of NCARB’s Guidelines or policies, or an applicant’s confidentiality agreements with respect to the examination.”

FURTHER RESOLVED, that sections 100.602 Appeal and 100.603 Transfer of Scores to and from Other Boards (page 28) of the Model Regulations be renumbered as follows:

"[100.6032 Appeal]
100.6043 Transfer of Scores to and from Other Boards"

FURTHER RESOLVED, that the table of contents of the Model Regulations (page 23) be amended as follows:

“Examination
Examination Eligibility 100.601
Conditions of Examination 100.602
Appeal 100.6032
Transfer of Scores to and from Other Boards 100.6043”
FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the Legislative Guidelines and Model Law/Model Regulations remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these resolutions shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon approval of the resolution by an absolute majority of Member Boards, such changes to the Legislative Guidelines and Model Law/Model Regulations shall become effective July 1, 2016.

ADVOCATES:
Integrated Path Evaluation Committee
- Ronald Blitch, Louisiana Member Board Member
- Nadia Anderson, Educator, Iowa State University College of Design
- David Cronrath, Dean, University of Maryland School of Architecture, Planning & Preservation
- John Enright, Educator, Southern California Institute for Architecture
- Cathe Evans, North Carolina Member Board Executive
- Pasqual Gutierrez, California Member Board Member
- Norman Millar, Dean, Woodbury University School of Architecture
- Amy Perenchio, NAAB Board of Directors
- Jeffery Potter, AIA Past President
- Anne Smith, Georgia Member Board Member
- Bayliss Ward, Montana Member Board Member; Director, Region 5

SPONSORS’ STATEMENT OF SUPPORT:
In August 2015, the National Council of Architectural Registration Boards (NCARB) accepted proposals from over a dozen architecture schools to implement an NCARB-accepted Integrated Path to Architectural Licensure (IPAL) option within their academic programs accredited by the National Architectural Accrediting Board (NAAB). This initiative was designed to result in a structured experience for students that offers the ability to complete the requirements for architectural licensure at the time of graduation.

The IPAL option in NAAB-accredited programs provides a structured education experience and timeline for a student to complete the requirements of the Intern Development Program (IDP) and afford them the opportunity to take each division of the Architect Registration Examination® (ARE®) before graduation. It is important to note that passing all ARE divisions prior to graduation is not required.
Critical to the successful implementation of these programs is the ability for students (enrolled in these programs offering an IPAL option) to sit for the ARE prior to completing their NAAB-accredited degree program.

Currently, only seven (7) jurisdictions have language in their statutes or regulations that would enable access to the ARE to a student enrolled in school. Therefore, the proposed modifications to Legislative Guidelines/Model Law/Model Regulations will help guide our Member Boards as they modify their regulations to implement this Integrated Path to Architectural Licensure concept in their jurisdiction.
RESOLUTION 2016-06
Supported by the Council Board of Directors (14-0)

TITLE: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Addition of Architect Emeritus Status

SUBMITTED BY: Procedures and Documents Committee

WHEREAS, the Procedures and Documents Committee has identified that 41 Member Boards currently provide some sort of emeritus status for registered architects in their jurisdiction; and

WHEREAS, the Procedures and Documents Committee has determined upon careful consideration that it is advisable and in the best interests of the Council to modify the Legislative Guidelines and Model Law/Model Regulations to add an “Architect Emeritus” status and address the reinstatement requirements for individuals who would fall in this status; and

WHEREAS, pursuant to the NCARB Bylaws, an affirmative vote of a majority of all Council Member Boards is required to pass any resolution other than an amendment to the Bylaws or removal of a Member Board from membership; and

WHEREAS, prior to implementing changes to the Legislative Guidelines and Model Law/Model Regulations, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards add an “architect emeritus” status to the NCARB Legislative Guidelines and Model Law/Model Regulations by adding the term and definition to Section 1 – Definitions of Model Law in Model Law (page 16) as follows:

“‘Architect Emeritus.”
Means an honorific title granted to a previously registered architect who has retired from the active practice architecture.”

FURTHER RESOLVED, that Section 4 – Registration Renewal in Model Law (page 17) be amended as follows:

SECTION 4 – REGISTRATION RENEWAL
The Board shall mail yearly [or state other time interval] to every registered architect an application for renewal of registration. Such application, properly filled out and accompanied by the renewal fee established in accordance with Section 2, shall be returned to the Board on or before the date established by the Board. After review of the facts stated in the general renewal application, the Board shall issue a registration which
shall be valid for one year [or state other time interval]. Any holder of a registration who fails to renew his/her application on or before the prescribed date shall, before again engaging in the practice of architecture within the state, be required to apply for reinstatement, pay the prescribed fee, and, in circumstances deemed appropriate by the Board, be required to be reexamined.

There is hereby created, for registration renewal purposes, a status to be known as "architect emeritus," which shall apply to architects who are retired and not practicing any aspects of Architecture and who are 65 years of age or older or have been registered for a minimum of 10 years [in their state].

[States requiring that each registered architect demonstrate continuing education should include the following] A registered architect must demonstrate completion of annual continuing education activities. The Board shall by regulation describe such activities acceptable to the Board and the documentation of such activities required by the Board. The Board may decline to renew a registration if the architect’s continuing education activities do not meet the standards set forth in the Board’s regulations.”

FURTHER RESOLVED, that new Subsection D be inserted into Section 100.703 Renewal in Model Regulations (page 29) and be amended as follows:

“(C) Exemptions. An architect shall not be subject to these requirements if:

1. The architect has been granted emeritus or other similar honorific but inactive status by the Board; or
2. The architect otherwise meets all renewal requirements and is called to active military service, has a serious medical condition, or can demonstrate to the Board other like hardship, then upon the Board’s so finding, the architect may be excused from some or all of these requirements.

(D) A registrant who lists his or her occupation as “Retired” or “inactive” on the Board approved renewal form and who further certifies that he or she is no longer practicing shall be exempt from the Continuing Education Hours required. In the event such a person elects to return to active practice, he/she shall document completion of 12 HSW CEH’s before returning to active practice. Inactive or retired registrants returning to active practice must report CEH’s earned prior to the request to reactivate.

(DE) The Board adopts the forms [at the end of the Model Regulations] as the forms to be used for reporting compliance with these requirements.”

FURTHER RESOLVED, that new Section 100.707 Emeritus Status be inserted in the Model Regulations (page 28) as follows:

“100.707 Emeritus Status

(A) An architect whose registration is in good standing may apply for architect emeritus status if he or she meets the following criteria:
1. The applicant is retired from the active practice of architecture. “Retired” means the architect no longer engages in the active practice of architecture as defined in [point to statute defining the practice of architecture], and

2. The applicant has been registered for at least “10” years [in their state], or

3. The applicant is 65 years of age or older.

(B) An architect who can provide, to the Board’s satisfaction, documentation that they are physically or mentally unable to participate in the active practice of architecture may also apply for architect emeritus status.

(C) Upon application to the Board, if all requirements are met, the architect shall be granted architect emeritus status.

(D) An individual granted architect emeritus status may use the title “Architect Emeritus” or “Emeritus Architect” on any letter, title, sign, card or device.

(E) If an emeritus architect wishes to return to the active practice of architecture, he/she may do so by submitting a current renewal application form, the renewal fee, and documentation of completing the continuing education hours required by regulation.”

FURTHER RESOLVED, that new Section 100.707 Emeritus Status be added to the Model Regulations Table of Contents (Page 23) as follows:

“Registration

<table>
<thead>
<tr>
<th>Subsection</th>
<th>Section No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issuance</td>
<td>100.701</td>
</tr>
<tr>
<td>Duration</td>
<td>100.702</td>
</tr>
<tr>
<td>Renewal</td>
<td>100.703</td>
</tr>
<tr>
<td>Not Transferable</td>
<td>100.704</td>
</tr>
<tr>
<td>Revocation, Suspension, Cancellation or Non-Renewal of Registration</td>
<td>100.705</td>
</tr>
<tr>
<td>Reissuance</td>
<td>100.706</td>
</tr>
<tr>
<td>Emeritus Status</td>
<td>100.707</td>
</tr>
</tbody>
</table>

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the Legislative Guidelines and Model Law/Model Regulations remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these resolutions shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon approval of the resolution by a majority of all Council Member Boards, such changes to the Legislative Guidelines and Model Law/Model Regulations shall become effective July 1, 2016.
Advocates:
Procedures and Documents Committee

- John Cardone, Louisiana Member Board Member; Region 3 Chair
- Terry Allers, NCARB Secretary
- Ricky Engebretson, North Dakota Member Board Member; Region 5 Chair
- Charles Kirk, New Jersey Member Board Executive
- Amy Kobe, Ohio Member Board Executive
- Douglas McCauley, California Member Board Executive
- James Oschwitz, New Mexico Member Board Member; Region 6 Chair
- Jenny Owen, Mississippi Member Board Executive; Region 3 Executive
- Stephen Schreiber, Massachusetts Member Board Member; Region 1 Chair
- Gina Spaulding, Nevada Member Board Executive; Region 6 Executive
- Kenneth VanTine, Michigan Member Board Member; Region 4 Chair
- Albert Zaccone, New Jersey Member Board Member; Region 2 Chair

SPONSORS’ STATEMENT OF SUPPORT:
Charged with studying the merits of establishing an “Architect Emeritus” status in Legislative Guidelines and Model Law/Model Regulations and upon researching the laws and rules of the 54 NCARB Member Boards, the Procedures and Documents Committee determined that 41 jurisdictions define or address an architect emeritus status. Understanding that a vast majority of the membership address emeritus status in their statutes, the Procedures and Documents Committee concluded that it was appropriate to address architect emeritus in the NCARB Model Law/Model Regulations. The committee believes that regulations addressing architect emeritus is a best practice and bestows upon retired architects a well-deserved title.

While the language and requirements varied slightly throughout those jurisdictions, the committee identified numerous commonalities in requirements among the 41 jurisdictions.

Those commonalities include:
- provisions for having to be RETIRED and not engaging in the practice of architecture
- provisions for an AGE and/or registration requirement
- exemptions from continuing education requirement
- provisions for reinstatement should the architect wish to return to practice
- provisions about the required use of title

By incorporating commonalities identified in the regulations of 41 Member Boards into NCARB Model Law, the committee is seeking to provide the remaining jurisdictions with a guide for adopting regulations that are consistent with best practices in the U.S. jurisdictions responsible for regulating the practice of architecture.
RESOLUTION 2016-07
Supported by the Council Board of Directors (14-0)

TITLE: NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – Reference to Military-Trained Applicants

SUBMITTED BY: Procedures and Documents Committee

WHEREAS, the Procedures and Documents Committee has determined upon careful consideration that it is advisable and in the best interests of the Council to modify the NCARB Legislative Guidelines and Model Law/Model Regulations to incorporate registration requirements for military personnel based on a White House initiative granting returning military service men and women credit toward professional licensing requirements for their service; and

WHEREAS, pursuant to the NCARB Bylaws, an affirmative vote of a majority of all Council Member Boards is required to pass any resolution other than an amendment to the Bylaws or removal of a Member Board from membership; and

WHEREAS, prior to implementing the changes to the NCARB Legislative Guidelines and Model Law/Model Regulations, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards create a section in the NCARB Legislative Guidelines and Model Law/Model Regulations to address the licensure of military-trained applicants by amending sections of the Model Law and Model Regulations.

FURTHER RESOLVED, that new Section 3A – Registration of Military Personnel be inserted into Model Law (page 17) as follows:

“SECTION 3A – REGISTRATION OF MILITARY PERSONNEL

The board may, upon presentation of satisfactory evidence by an applicant for licensure, accept education, training, or service completed by an individual as a member of any branch of the military toward the qualifications to receive their license. The board shall promulgate rules to implement this section.”
FURTHER RESOLVED, that new Sections 100.401-100.405 be inserted into Model Regulations (page 27) as follows:

“[Registration Standards for Military Personnel]

100.401 Initial Registration Standards – Military Personnel
To be granted registration other than pursuant to 100.501, an applicant must meet the requirements set forth in 100.401-100.405.

(A) In evaluating qualifications, the Board may, prior to reaching its decision, require the applicant to substantiate his/her qualifications.

(B) Other experience may be substituted for the registration requirements set forth in 100.403 only insofar as the Board considers it to be equivalent to or better than such requirements. The burden shall be on the applicant to show by clear and convincing evidence the equivalency or better of such other experience.

100.402 Good Character – Military Personnel
An applicant must be of good character as verified to the Board by employers or by honorable discharge evidenced by copy of military discharge document (DD 214).

100.403 Education – Military Personnel
An applicant must meet the Education Requirements as accepted by the Board from time to time.

100.404 Training – Military Personnel
An applicant must meet the Training Requirements as accepted by the Board from time to time. The Board may accept “professional training while in active duty” as it deems acceptable and in keeping with the Training Requirements set forth by the National Council of Architectural Registration Boards.

100.405 Examination – Military Personnel
An applicant must have passed the Examination in accordance with the NCARB pass/fail standards current at the time the applicant took the Examination, all as accepted by the Board from time to time.”

FURTHER RESOLVED, that Sections 100.401 - 402 in Model Regulation (page 27) be amended as follows:

“RECIPIROCAL REGISTRATION

100.401 Registration of NCARB Certificate Holders
An applicant who holds a current and valid certification issued by NCARB and submits satisfactory evidence of such certification to the Board shall be registered without the necessity of complying with the provisions of 100.301-305 or 100.401 - 405 if he/she:
(A) holds a current and valid registration as an architect issued by a registration authority of the United States or Canada, and submits satisfactory evidence of such registration to the Board, and
(B) files his/her application with the Board, upon a form prescribed by the Board, containing such information satisfactory to the Board concerning the applicant, as the Board considers pertinent, and pays the applicable fee established by the Board.

100.402.502 [Insert any other reciprocity provisions desired and permitted by statute.]”

FURTHER RESOLVED, that new Section 100.203 be inserted in Model Regulation (page 26) by moving current Model Regulation Section 100.501 (page 27) as follows:

“APPLICATION FOR REGISTRATION

100.201 Submission of Application
Every individual seeking a registration shall submit an application to the Board on a form prescribed by the Board, accompanied by [a photograph and] the filing fee [cross-reference to 100.107].

100.202 Refund of Fee
The Board, in its discretion and if otherwise allowed by law, may return the application fee paid by any applicant whose application has been rejected. No refund of the application fee shall be returned to any applicant who takes any portion of the Examination or who voluntarily withdraws after his/her application has been approved.

100.501.203 Appeals
[Insert any references to applicable law providing for administrative or judicial review of the Board’s decisions respecting applicants.]”

FURTHER RESOLVED, that Section 100.501 Appeals in Model Regulations (page 27) be deleted:

“APPEALS

100.501
[Insert any references to applicable law providing for administrative or judicial review of the Board’s decisions respecting applicants.]”

FURTHER RESOLVED, that the table of contents in Model Regulations (page 23) be amended and renumbered as follows:

“Applicant for Registration
Submission of Application 100.201
Refund of Fee 100.202
Appeals 100.203
Registration Standards
Initial Registration Standards 100.301
Good Character 100.302
Education 100.303
Training 100.304
Examination 100.305

Registration Standards for Military Personnel
Initial Registration Standards for Military Personnel 100.401
Good Character for Military Personnel 100.402
Education for Military Personnel 100.403
Training for Military Personnel 100.404
Examination for Military Personnel 100.405

Reciprocal Registration
Registration of NCARB Certificate Holders 100.40501
[Insert any other reciprocity provisions desired and permitted by statute.] 100.40502

Appeals
[References to applicable law providing for administrative or judicial review] 100.501

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the NCARB Legislative Guidelines and Model Law/Model Regulations remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by a majority of all of the Council Member Boards, such changes will become effective July 1, 2016.

Advocates:
Procedures and Documents Committee
• John Cardone, Louisiana Member Board Member; Region 3 Chair
• Terry Allers, NCARB Secretary
• Ricky Engebretson, North Dakota Member Board Member; Region 5 Chair
• Charles Kirk, New Jersey Member Board Executive
• Amy Kobe, Ohio Member Board Executive
• Douglas McCauley, California Member Board Executive
• James Oschwald, New Mexico Member Board Member; Region 6 Chair
• Jenny Owen, Mississippi Member Board Executive; Region 3 Executive
SPONSORS’ STATEMENT OF SUPPORT:
Based on the implementation of a White House initiative to support returning military service men and women seeking to enter/re-enter the workforce, the Procedures and Documents (P&C) Committee recognizes the need for model laws and model regulations addressing licensure requirements pertaining to military personnel. The P&D Committee also recognizes the need to support the licensure of architects who are properly trained, educated, and have passed the Architect Registration Examination® (ARE®). Therefore, the P&D Committee sought to gain an understanding of the process of training and licensing architects who work for the military. It should be noted that the P&D Committee was able to find one program run by the military that is accredited by the National Architectural Accrediting Board. Individuals who do not attend a specific military school accredited by the NAAB must obtain their degree prior to or during their enlistment.

The P&D Committee sought the advice of recruiters for the path of an applicant who might want to pursue an architecture license through a commitment to military service, and none could advise as to how it would be done. Additionally, a formal training process for architects in the military, matching the current NCARB Architectural Experience Program (AXP), does not exist.

Construction projects designed for the military are done by private architects and engineers employed on multiple award contracts through the federal government. It was also noted that the use of the term “architect” by the military does not receive the scrutiny typically employed by the regulatory body.

Therefore, care must be taken to ensure that individuals who are coming from the military will meet the education, experience, and examination requirements for licensure. Currently 34 of NCARB’s member jurisdictions have adopted legislation addressing the licensure requirements for members of the military. It is the P&D Committee’s belief that the proposed Model Law and Model Regulation will ensure that proper processes are followed by the remaining jurisdictions.

It should be noted that the national initiative that was undertaken in 2012 to assist military service men and women returning to the job force also addressed the licensing of military spouses. Such legislation was designed to make it easier for military spouse’s licenses to transfer as members of the military move from state to state. After careful consideration, the P&D Committee felt it was inappropriate to address military spouse licensure requirements in the NCARB Legislative Guidelines and Model Law/Model Regulations. Rather, the P&D Committee felt as though the NCARB Legislative Guidelines and Model Law/Model Regulations should only pertain to individual requirements for licensure.
RESOLUTION 2016-08
Supported by the Council Board of Directors (13-0-1)

TITLE: NCARB Legislative Guidelines and Model Law/Model Regulations and Certification Guidelines Amendments – Updating the name of the Intern Development Program

SUBMITTED BY: Board of Directors

WHEREAS, the Board of Directors accepted the recommendation of the Future Title Task Force that the titles “architect” and “emeritus architect” (or some similar derivation of “architect” describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination in April 2015; and

WHEREAS, the Board of Directors has determined that in support of this recommendation, to rename the Intern Development Program to the Architectural Experience Program and to update all references to the program name in the Certification Guidelines and NCARB Legislative Guidelines and Model Law/Model Regulations; and

WHEREAS, requirements for Council certification and NCARB Legislative Guidelines and Model Law/Model Regulations may only be changed by an absolute majority vote of the Council Member Boards, with such change becoming effective July 1 following the close of the Council Annual Business Meeting, and with such changes applicable to applicants for certification in process and new applicants; and

WHEREAS, prior to implementing the changes to the requirements for Council certification in the Certification Guidelines and NCARB Legislative Guidelines and Model Law/Model Regulations, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards amend the requirements for certification in the Certification Guidelines and NCARB Legislative Guidelines and Model Law/Model Regulations to reflect the new name of the Intern Development Program as approved by the Board of Directors.

FURTHER RESOLVED, that Section III Qualifications for Registration Under State Procedure in Legislative Guidelines (page 8) be amended as follows:

“C If the state wishes to invest its state board with discretion to reject or take disciplinary action against an applicant who is not of “good moral character,” the statute should specify only the aspects of the applicant’s background germane to the inquiry, such as
conviction for commission of a felony;
(ii) misstatement or misrepresentation of fact or other misconduct in connection with seeking registration, including without limitation misconduct involving violation of applicable rules protecting the integrity of the architect licensing process such as the Architect Registration Examination or the Intern Development Program, \textit{Architectural Experience Program (AXP), formerly known as the Intern Development Program (IDP)}.;"

FURTHER RESOLVED, that definition of Training Requirements in Section 100.006 Terms Defined Herein in the \textit{Model Regulations} (page 25) be amended to reflect the new name of the Intern Development Program as follows:

“Training Requirements

The \textit{Architectural Experience Program (AXP), formerly known as the} Intern Development Program (IDP), training requirements established from time to time by NCARB for certification by NCARB, as accepted by the Board from time to time.”

FURTHER RESOLVED, that the title and text of “Changes to the \textit{NCARB Education Standard} and IDP” in the \textit{Certification Guidelines} (page 10) be amended to reflect the new name of the Intern Development Program as follows:

“Changes to the \textit{NCARB Education Standard} and the \textit{IDPAXP}.

A change in the \textit{NCARB Education Standard} or the \textit{IDPAXP} becomes effective on the date of the change as described in a notice given to all Member Boards, at which time such change shall also be posted on NCARB’s website. The effective date shall be a minimum of 60 days after the date of such notice. Any change in the \textit{NCARB Education Standard} and the \textit{IDPAXP} applies both to Records in process and new Records. An existing Record holder who has satisfied the \textit{NCARB Education Standard} and/or the \textit{IDPAXP} prior to the effective date of the change shall be treated as having satisfied either or both.”

FURTHER RESOLVED, that Section 1, “Requirements for Certification of an Architect Registered in a U.S. Jurisdiction,” Subsection 1.3 “Experience Requirement” in the \textit{Certification Guidelines} (page 11) be amended as follows:

“1.3 Experience Requirement

You must have completed the Intern Development Program (IDP) \textit{Architectural Experience Program (AXP)}. To begin participation in the \textit{IDPAXP}, an applicant shall have established an NCARB Record and met all requirements for eligibility listed in the \textit{IDPAXP Guidelines}, which may be revised from time to time by NCARB.

The \textit{IDPAXP Guidelines} describes the specific experience requirements including eligibility to begin participation in the \textit{IDPAXP}, experience settings, categories, areas, hour minimums and maximums, timely reporting and verification of experience, and the like.
For additional information, please refer to the IDPAXP Guidelines.

The Reporting Requirements identified in the IDPAXP Guidelines do not apply to architects registered in the United States or Canada or to architects credentialed by a foreign registration authority pursuing NCARB certification.

FURTHER RESOLVED, that Section 2, “Alternatives for Certification of an Architect Registered in a U.S. Jurisdiction,” Subsection 2.3 “Alternatives to Experience Requirement” in the Certification Guidelines (page 12) be amended as follows:

“2.3 Alternatives to the Experience Requirement
In lieu of completing the Experience Requirement identified in Section 1.3, NCARB will accept registration by an NCARB Member Board for at least five consecutive years together with a certification by the applicant that his or her experience as a registered architect met the intent of the IDPAXP in each of the experience areas, and verification by one or more other architects that the applicant obtained such experience. This alternative shall not apply to applicants initially registered after January 1, 2011.”

FURTHER RESOLVED, that the NCARB Board of Directors shall be empowered and authorized to make any additional corresponding changes to the Certification Guidelines and Legislative Guidelines and Model Law/Model Regulations solely for the purpose of changing any references to the Intern Development Program or abbreviations thereof to the Architectural Experience Program or abbreviations thereof, regardless of whether such changes are expressly set forth in these Resolutions or if such changes are made necessary by amendments to the Certification Guidelines and Legislative Guidelines and Model Law/Model Regulations made concurrently with these Resolutions; and

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the Certification Guidelines and Legislative Guidelines and Model Law/Model Regulations remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by a majority of all of the Council Member Boards, such changes will become effective July 1, 2016.
ADVOCATES:
Future Title Task Force
- Blakely Dunn, NCARB Past President
- Rick Engebretson, North Dakota Member Board Member; Region 5 Chair
- Kingsley Glasgow, Arkansas Member Board Executive
- Dale McKinney, NCARB Past President
- Anne Smith, Georgia Member Board Member
- Scott Veazey, NCARB Past President
- Bayliss Ward, Montana Member Board Member; Region 5 Director
- Tyler Ashworth, Former AIAS President
- Tamarah Begay, New Mexico recently licensed architect
- Jennifer Blevins, Texas architect
- Westin Conahan, AIAS Past President
- Suni Dillard, Massachusetts licensure candidate
- Shannon French, 2013 Intern Think Tank Member
- Haley Gipe, California licensure candidate
- Damon Leverett, American Institute of Architects Staff
- Jeffrey Pastva, Pennsylvania architect

SPONSORS’ STATEMENT OF SUPPORT:
In April 2015, the NCARB Board of Directors accepted the recommendation of the Future Title Task Force that the titles “architect” and “emeritus architect” (or some similar derivation of “architect” describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination. To that end, it was agreed that the use of the term “intern” or any derivation of it should be removed from NCARB’s nomenclature.

The Future Title Task Force was empaneled in FY15 by President Dale McKinney to respond to a groundswell of resistance from some individuals educated and experienced in the profession of architecture regarding the appropriateness of the title “intern” or “intern architect” or “architectural intern” to describe those working in the field of architecture, but who have not yet achieved licensure. The resistance has many roots, including a perceived lack of respect by peers, allied professionals, and clients; as well as a perceived lack of respect for level of professional achievement they have achieved, short of licensure.

As part of a year-long effort to remove the use of the term “intern,” the Board of Directors voted in December 2015 to rename NCARB’s Intern Development Program, more commonly known as the IDP. Effective June 29, 2016, the new name of the program will be the NCARB Architectural Experience Program (AXP).
The Board of Directors is aware that many Member Boards reference the Intern Development Program (IDP) in their statutes and regulations. In response to this concern, Council staff consulted with legal counsel as to an artful way to reference the new title that would not require an immediate change within your guiding documents. The recommended qualifier, “formerly known as the Intern Development Program (IDP),” has been incorporated into this proposal to address that.

Titling of the Intern Development Program (IDP), which omits the use of the word “intern” is a logical operational step that required a Board vote to amend the IDP Guidelines. We solicited suggestions for a new title from our Member Boards at our 2015 Annual Business Meeting, Internship Committee, Intern Think Tank, Architect Licensing Advisors, visitors to our booth at the AIA National Convention, our own staff, and through a final call for suggestions to all Member Board Members and Member Board Executives at the end of October.

The Board of Directors considered the following important factors leading to the new name:

1. The program name should be recognizable to the public.
   a. Currently, the Intern Development Program name is only recognized by individuals directly connected with the profession. An Intern Development Program could describe any “internship” program.
   b. The program defines experience requirements.
   c. The program is required for licensure as an architect.
   d. The program does not develop architects.

2. The Architect Registration Examination® (ARE®) identifies what and who the examination is for. It is NCARB’s only program that the public can recognize its purpose by title.

NCARB’s new program name, Architectural Experience Program (AXP), identifies proudly that it is a program about architectural experience. It aligns most closely with typical nomenclature used by Member Boards’ requirements—education, experience, and examination.
RESOLUTION 2016-09
Supported by the Council Board of Directors (13-0-1)

TITLE: NCARB Bylaws Amendment – Updating Name of Internship Committee

SUBMITTED BY: Board of Directors

WHEREAS, the Board of Directors accepted the recommendation of the Future Title Task Force that the titles “architect” and “emeritus architect” (or some similar derivation of “architect” describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination in April 2015; and

WHEREAS, the Board of Directors has determined that in support of this recommendation, to update the name of the Internship Committee to the Experience Committee in the NCARB Bylaws; and

WHEREAS, the NCARB Bylaws may only be changed by an affirmative vote of the two-thirds of Council Member Boards; and

WHEREAS, prior to implementing the changes to the Bylaws, the Council Board of Directors must adopt a resolution recommending such changes and submit the proposed changes to the Council Member Boards for approval.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the National Council of Architectural Registration Boards amend Article XII, Section 5, Subsection B (page 9) in NCARB Bylaws to update the name of the Internship Committee to the Experience Committee and to reflect the new name of the Intern Development Program as follows:

“B. Internship Experience Committee: The Committee shall assess and recommend updates to the Council Board of Directors with respect to the Intern Development Architectural Experience Program for use by Member Boards.

FURTHER RESOLVED, except as explicitly modified by these Resolutions, all of the provisions of the NCARB Bylaws remain unchanged and in full force and effect; and

FURTHER RESOLVED, that these changes shall be submitted to the Council Member Boards for review and approval; and

FURTHER RESOLVED, that upon the approval of the changes by an affirmative vote of two-thirds of the Council Member Boards, such changes will become effective July 1, 2016.
ADVOCATES:
Future Title Task Force

• Blakely Dunn, NCARB Past President
• Rick Engebretson, North Dakota Member Board Member; Region 5 Chair
• Kingsley Glasgow, Arkansas Member Board Executive
• Dale McKinney, NCARB Past President
• Anne Smith, Georgia Member Board Member
• Scott Veazey, NCARB Past President
• Bayliss Ward, Montana Member Board Member; Region 5 Director
• Tyler Ashworth, Former AIAS President
• Tamara Begay, New Mexico recently licensed architect
• Jennifer Blevins, Texas architect
• Westin Conahan, AIAS Past President
• Suni Dillard, Massachusetts licensure candidate
• Shannon French, 2013 Intern Think Tank Member
• Haley Gipe, California licensure candidate
• Damon Leverett, American Institute of Architects Staff
• Jeffrey Pastva, Pennsylvania architect

SPONSORS’ STATEMENT OF SUPPORT:
In April 2015, the NCARB Board of Directors accepted the recommendation of the Future Title Force that the titles “architect” and emeritus architect (or some similar derivation of ‘architect’ describing one no longer in active practice) should be the only regulated titles used by those who have satisfied the three “E’s” of licensure: Education, Experience, and Examination. To that end, it was agreed that the use of the term “intern” or any derivation of it should be removed from NCARB’s nomenclature. The staff through the CEO was directed to develop and implement a sunset plan, which included the use of the word “intern” within NCARB’s own programs and communications.

NCARB immediately responded by renaming the Internship + Education Directorate to the Experience + Education Directorate. Additionally, the Board of Directors voted in December 2015 to rename NCARB’s Intern Development Program, more commonly known as the IDP. Effective June 29, 2016, the new name of the program will be the NCARB Architectural Experience Program (AXP). These efforts, while the change focused on the term intern and internship, truly reflect which of the “3 E’s” is being represented—Experience.

NCARB’s three program policy committees, established in the Bylaws, have historically been named the Education Committee, the Examination Committee, and the Internship Committee. Member Boards’ typically require what is referred to as the “3 E’s”—Education, Experience, and Examination” for licensure.
This resolution is presented to rename the Internship Committee to the Experience Committee, therefore aligning the policy committee which oversees the experience requirements name with the other two program policy committees.
RESOLUTION 2016-10
Opposed by the Council Board of Directors (3-10-1)

TITLE: Certification Guidelines Amendment – Approval of Changes to Program Requirements for the Intern Development Program*

SUBMITTED BY: Region 6

WHEREAS, the members of Region 6 have identified that the Certification Guidelines require modification to reflect changes in the manner in which changes to the Intern Development Program may be approved and implemented; and

WHEREAS, pursuant to the NCARB Bylaws, an affirmative vote of a majority of all Member Boards is required to pass any resolution other than an amendment to the Bylaws or removal of a Member Board from membership; and

WHEREAS, this resolution recommending the change in the manner of approval and implementation of changes to the Intern Development Program and corresponding changes to the Certification Guidelines, must be submitted to the NCARB Member Boards for approval.

NOW, THEREFORE IT IS HEREBY:

RESOLVED, that programmatic changes to the Intern Development Program* Requirements may only be implemented upon a majority vote of the Member Boards, and administrative changes may be implemented by the Board of Directors.

FURTHER RESOLVED, that the paragraphs following the heading “NCARB CERTIFICATION REQUIREMENTS” set forth on page 10 of the Certification Guidelines be amended to read as follows:

“NCARB CERTIFICATION REQUIREMENTS
The following requirements for NCARB certification may only be changed by an absolute majority vote of the NCARB Member Boards. Such change becomes effective July 1 following the close of the Annual Business Meeting, or such later date identified in the change and applies both to applications for certification in process and new applications. If applicants whose applications were in process met all certification requirements that existed prior to the change, they will be eligible for certification. Applicants that fail to complete the NCARB certification process within five years will not be considered “in process” and will be required to satisfy current certification requirements.

Changes to the NCARB Education Standard and the IDP
A change in the NCARB Education Standard or the IDP shall be approved by NCARB’s Board of Directors and will becomes effective on the date of the change as described in a notice given to all Member Boards, at which time such change shall also be posted on NCARB’s website. The effective date shall be a minimum of 60 days after the date of such
notice. Any change in the *NCARB Education Standard* and the IDP applies both to Records in process and new Records. An existing Record holder who has satisfied the *NCARB Education Standard* and/or the IDP prior to the effective date of the change shall be treated as having satisfied either or both.

**Changes to the NCARB Intern Development Program (IDP)**

Programmatic changes to the IDP requirements as recommended by the NCARB Board of Directors may only be changed by an absolute majority vote of the NCARB Member Boards. Such change becomes effective July 1 following the close of the Annual Business Meeting, or such later date identified in the change and applies both to applications for certification in process and new applications. Changes to address administrative application of the IDP requirements may be implemented upon the majority vote of the NCARB Board of Directors.

FURTHER RESOLVED, that upon the approval of the changes to the *Certification Guidelines* by a majority of all Council Member Boards, such changes will become effective July 1, 2016.

**ADVOCATES:**
- Jim Oschwald, *New Mexico Member Board Member, Region 6 Chair*
- Doug Sams, *Oregon Member Board Member*

**SPONSORS’ STATEMENT OF SUPPORT:**

NCARB members are the legally constituted architectural registration boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

The core mission of each architectural registration board is to protect the health, safety, and welfare of its citizens through the regulation of the practice of architecture. Each jurisdiction is charged with ensuring that current and future architects meet the requirements set forth in statutes and rules, as established by its legislature. In general, each jurisdiction has established educational, experience, and testing requirements to confirm that applicants for licensure are competent to achieve the core mission values. As board members, entrusted by our jurisdiction to safeguard our citizens, we assert that our voices must be heard through the voting process not only when advocating for improvements in licensure, but also when programmatic changes are being proposed to program requirements that affect achieving our core mission. It is generally acknowledged that the NCARB Intern Development Program* is the recognized program to document the experience component of licensure that each of the Member Boards require, and that NCARB is the organization best positioned to administer the program efficiently and effectively for the Member Boards. Member Boards, however, must be active and responsible for the content of this program to be entrusted and accountable to their constituents. Therefore, the Member Board Members of WCARB are proposing Resolution 2016-10 “Approval of Changes to Program Requirements for the Intern Development Program” for consideration by the full body of Member Boards at the 2016 Annual Business meeting. Resolution 2016-10 requires a
majority vote of Member Boards for implementation of any programmatic changes to the current IDP (AXP) program as we collectively move forward.

In 2009, NCARB Resolution 2009-04 Handbook for Interns and Architects Amendment – Transfer the Intern Development Program Requirements to the IDP Guidelines was presented by the NCARB Board of Directors to the Member Boards and was approved unanimously at the Annual Meeting. The statement of support noted that like the ARE, the IDP content should align with the findings of the practice analysis, and therefore like the ARE the IDP should be promptly updated and revised as practice changes over time implying time is of the essence for both programs. As we have experienced, the scale of time for the analysis, development, and final approval of changes to either the ARE or the IDP is years not days, which allows Member Boards to have an active and informed voice into those discussions and, when relevant, the responsibility of voting to implement the changes desired. Therefore, we believe it is time and appropriate to return the authority for programmatic revisions to the IDP to the Member Boards.

What this Resolution does:
- Returns the responsibility and accountability for authorizing programmatic changes to the IDP (AXP) to the Member Boards by voting through the resolution process.
- Provides a voice for each Member Board to ensure a holistic approach to program changes/improvements.
- Encourages open communication, transparency, and engagement with and between Member Boards, Regions, and the NCARB Board of Directors and staff.

What this Resolution does not do:
- Hinder the NCARB Board of Directors or NCARB staff from providing leadership and advocacy for program improvements.
- Hinder the NCARB Board of Directors or NCARB staff from making administrative changes for the effective and efficient implementation of IDP/AXP.
- Slow the boat. This resolution is not a statement on the speed of change. It is a statement on the accountability of Member Boards to vet the content of change and to build a consensus for implementation.

Region 6 recommends that programmatic changes proposed by the NCARB Board of Directors, NCARB staff, NCARB committees, or Member Boards to the IDP objectives and requirements be adopted and implemented by a majority vote of the Member Boards. We believe the ultimate responsibility and accountability for authorizing programmatic changes to the IDP (AXP) lies with the Member Boards. Generally, time is not of the essence and revisions to IDP can await the needed discussion, debate, and revisions that the Member Boards bring to the Regional and Annual Business Meetings.

Region 6 proposes that either the NCARB Board of Directors or perhaps the Procedures and Documents Committee, by virtue of its charge, and the fact that it is made up of members of the jurisdictions, appointed by the NCARB President/Chair of the Board, has the proper
authority to determine if changes are administrative, and should be handled administratively, or programmatic and should be voted on by the body of the membership.

*The Architectural Experience Program, formerly known as the Intern Development Program or IDP.

STATEMENT OF OPPOSITION:
The NCARB Board of Directors voted against a statement of support, the vote being 3 in favor, 10 opposed, and 1 abstention.

While the Board of Directors has been authorized by a previous vote of the membership to make decisions and take action in the best interest of the Council, it does not do so without first undertaking a rigidly structured vetting process to inform and obtain feedback from the membership. In addition, the board has adhered to a defacto vote process requesting pro/con position statements from the member boards.

Further, the Board believes that this proposed resolution will unnecessarily hold the Council back from acting in a timely and responsive manner regarding opportunities and challenges related to evolving the experience program.

The key points made by opponents to the resolution are:

• The Board of Directors has solicited feedback and carefully reviewed written comments as well as the tally of pro and con positions as part of its deliberations before amending the IDP Guidelines.
• No change has occurred without a majority/consensus of Member Boards favoring the change.
• The Board has used a 90-day period for comments based on a matrix showing frequency of Member Board meetings, concluding a critical mass of Member Boards meet in a 90-day period and that most Boards have the authority to convene additional meetings if necessary. The 90-day period extended written policy from 60 days.
• The Board has augmented the comment period with an additional 30 days for virtual meeting feedback via teleconference.
• Most recently, per feedback from the MBE Workshop in March 2016, the comment period will be expanded to a full 120 days for written comments and pro/con position statements.
• The authority to amend the IDP Guidelines was moved from the membership to the Board to allow for more efficiency in adopting changes while incorporating a feedback process to assure Member Board input.
• Member Boards have been given summaries of all feedback information to promote transparency.
• Member Boards are always provided the rationale for proposed changes.
• Proposed changes are also vetted by the Internship Committee and Internship Advisory Committee.

• Moving the authority to amend the Guidelines back to the membership for “substantive programmatic change” dilutes the representative governance model utilized by the Council, and the board strongly disagrees with the resolution statement of support that the resolution will NOT serve to unnecessarily limit the future agility of the Council.

• The Council enjoys enhanced credibility and increased programmatic engagement due to its more agile culture.

The majority of the Board believes its current process provides a strong voice for its members while effectively employing the appropriate level of governance by the Board of Directors.
MUTUAL RECOGNITION ARRANGEMENT
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA
and the
NEW ZEALAND REGISTERED ARCHITECTS BOARD
as executed

10 February 2016

The National Council of Architectural Registration Boards (NCARB)
representing the architectural licensing boards of the 50 United States,
the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Architects Accreditation Council of Australia (AACA)
representing the architectural licensing boards of the eight states and territories of Australia.

AND

The New Zealand Registered Architects Board (NZRAB)
representing the registered architects of New Zealand.

This Mutual Recognition Arrangement has been designed to recognize the professional credentials of architects licensed/registered in the U.S., Australia, and New Zealand and to support their mobility by creating the opportunity to practice beyond their borders. More specifically, the purpose of this Arrangement is to facilitate the registration of an architect licensed in a participating U.S. jurisdiction as an Australian architect or New Zealand architect; and the licensing of an Australian architect or New Zealand architect as an architect in a U.S. jurisdiction that has agreed to participate in the Arrangement.

WHEREAS, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal to the 54 Member Boards; as well as establishing the education, experience, and examination requirements for the NCARB Certificate in support of reciprocal licensure within the United States;
WHEREAS, AACA advocates, coordinates, and facilitates the development of national standards of competency for the profession of architecture through education, practical experience, and examination requirements for initial licensure and license renewal for all eight Australian State and Territory Registration Boards;

WHEREAS, NZRAB, as established by an act of the New Zealand Parliament, or its statutory successor, holds the statutory authority to determine the minimum education qualifications, work experience requirements, and assessment procedures for initial registration and license renewal as a registered architect in New Zealand, as well as the responsibility to register, monitor, and discipline all architects registered in New Zealand;

WHEREAS, NCARB and the AACA previously ratified Mutual Recognition Agreements in 1973, 1983, and 2006 that were never fully realized; NCARB, the AACA, and the Architects Education and Registration Board of New Zealand (AERB/NZ) ratified separate Practice in a Host Nation Agreements in 2002 that were never fully implemented; and the AERB/NZ no longer exists and has been statutorily replaced by the NZRAB; and NCARB, AACA, and the NZRAB declare all former Agreements no longer exist or are terminated;

WHEREAS, the NCARB Member Boards, the Australian State and Territory Boards, and the NZRAB are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including establishing education, experience, and examination/assessment requirements for licensure/registration and license/registration renewal;

WHEREAS, the standards, protocols, and procedures required for entry to the practice of architecture within the United States, Australia, and New Zealand have benefitted from many years of effort by NCARB, AACA, and NZRAB;

WHEREAS, NCARB and the AACA are the lead organizations recognized by their individual state and territory registration authorities and the NZRAB has the necessary statutory authority for the negotiation of mutual recognition arrangements for architects with similar foreign authorities;

WHEREAS, accepting there are differences between the systems in place in United States, Australia, and New Zealand, nonetheless there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects registered to practice in the United States, Australia, and New Zealand;

WHEREAS, NCARB, AACA, and NZRAB are recognized by the profession as mature and sophisticated facilitators of licensure to which the utmost full faith and credit should be accorded and desire to support reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;
WHEREAS, any architect actively engaging or seeking to engage in the practice of architecture in any United States jurisdiction, Australian jurisdiction, or New Zealand must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

NOW THEREFORE, NCARB, AACA, and NZRAB agree as follows:

1. PARTIES TO THE ARRANGEMENT
Any NCARB Member Board and any Australian State or Territory Board may become a party to the provisions of this Arrangement by submitting a signed Letter of Undertaking to the responsible negotiating representative. The Letter of Undertaking is incorporated herewith and includes the binding requirements for the implementation of this Arrangement by each individual signatory jurisdiction. The Letters of Undertaking shall be distributed, collected, and maintained by NCARB, AACA, and NZRAB respectively. NCARB and AACA each shall promptly notify the others in writing of all individual signatories. Each NCARB Member Board and each Australian State or Territory Board that executes a Letter of Undertaking, and which has not withdrawn from this Arrangement, as well as NCARB, AACA, and NZRAB once they sign this Arrangement below, shall be known as a “Party to this Arrangement.”

2. ELIGIBILITY REQUIREMENTS
1. Architects who are able to benefit from the provisions of this Arrangement must be citizens respectively of the United States, Australia, or New Zealand or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in one or the other countries serving as the host country under this Arrangement.
2. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Arrangement.
3. Architects must be licensed/registered in a jurisdiction of their home country and must have completed at least 6,000 hours of post-licensure/registration experience practicing as a registered architect in their home country as demonstrated through the provision of proof of current and valid licensure in good standing from the jurisdictional licensing authority and a declaration signed by the applicant attesting to the experience.
4. Notwithstanding items 1, 2, and 3 above, Architects who have become licensed/registered in their home country by means of a foreign reciprocal licensing agreement/arrangement are not eligible under this Arrangement.
3. CONDITIONS

A  U.S. Architect to AACA Jurisdiction
Upon application, those Australian State and Territory Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdiction any U.S. architect who:
1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current NCARB Certificate, and
3. has been issued an AACA Statement, and
4. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a Party to this Arrangement.

B  U.S. Architect to NZRAB
Upon application, the NZRAB agrees to register as an architect in New Zealand any U.S. architect who:
1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current NCARB Certificate, and
3. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a Party to this Arrangement.

C  Australian Architect to NCARB Jurisdiction
Upon application, NCARB shall issue an NCARB Certificate to any Australian Registered Architect licensed/registered in one or more AACA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdiction any Australian Registered Architect who:
1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current AACA Statement, and
3. has been issued an NCARB Certificate, and
4. is currently licensed/registered in good standing by one or more Australian State and Territory Board(s) that is a Party to this Arrangement.

D  New Zealand Architect to NCARB Jurisdiction
Upon application, NCARB shall issue an NCARB Certificate to any New Zealand Registered Architect licensed/registered by the NZRAB meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become a Party to this Arrangement agree to license/register as an architect in their respective jurisdictions any New Zealand Registered Architect who:
1. meets the eligibility requirements listed in Section 2 of this Arrangement, and
2. holds a current NCARB Certificate, and
3. is currently licensed/registered in good standing by the NZRAB.
4. MONITORING COMMITTEE
A Monitoring Committee is hereby established to monitor the performance of all signatories who have agreed to be bound by the terms and conditions of this Arrangement to assure the effective and efficient implementation of this Arrangement.

The Monitoring Committee shall be comprised of no more than five individuals appointed by NCARB, no more than five individuals appointed by AACA, and no more than five individuals appointed by NZRAB. The Monitoring Committee shall convene at least one meeting (by phone, video conference, or in person) in each calendar year, and more frequently if circumstances so require.

5. LIMITATIONS
Nothing in this Arrangement limits the ability of an NCARB Member Board, Australian State or Territory Board, or the NZRAB to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license-registration as a result of complaints or disciplinary or criminal proceedings relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest.

Nothing in this Arrangement limits the ability of NCARB, AACA, NZRAB or any individual state or territory registration board to seek appropriate verification of any matter pertaining to the foregoing or the eligibility of an applicant under this Arrangement.

6. AMENDMENT
This Arrangement may only be amended with the written consent of NCARB, AACA, and NZRAB. Any such amendment will be submitted to each NCARB jurisdiction and AACA jurisdiction, who may re-affirm their respective assent to this Arrangement as so amended or may withdraw as a Party to this Arrangement.

7. NO ASSIGNMENT
No Party can assign their rights under this Arrangement without the prior written consent of NCARB, AACA, and NZRAB.

The Parties agree that a reference to an individual State or Territory Board includes a reference to any entity, board or regulator that assumes the role and responsibility to regulate an architect registered by that individual State or Territory Board under the relevant legislation, and that a restructure of an individual Board will not be deemed an assignment under this Arrangement.

8. WITHDRAWAL
Any NCARB Member Board, Australian State or Territory Board, or the NZRAB may withdraw from this Arrangement with 90-days written notice given respectively to the responsible negotiating representative. NCARB, AACA, and NZRAB shall each promptly notify the other in writing of all withdrawals.

In the event of withdrawal, all licenses/registrations and any NCARB Certificate granted to architects pursuant to this Arrangement shall remain valid as long as all registration and renewal obligations are maintained and all other generally applicable licensure requirements are met or unless registration is revoked for cause.
9. TERMINATION

NCARB, AACA, or NZRAB may invoke termination of this Arrangement with 90-days written notice to the other parties. This Arrangement shall also terminate if more than one-half of the respective NCARB Member Boards or any Australian State and Territory Board or the NZRAB cease to be Parties to this Arrangement.

In the event of termination, all licenses/registrations granted pursuant to this Arrangement prior to the effective termination date shall remain valid as long as all registration and renewal obligations are maintained and all other generally applicable licensure requirements are met or unless registration is revoked for cause.

10. ENTRY INTO FORCE

This Arrangement shall come into force at such time as more than one-half of all NCARB Member Boards and all Australian State and Territory Boards have become Party to this Arrangement and the NZRAB has become party to this Arrangement so long as such condition is met on or before December 31, 2016, or as mutually extended by the NCARB, AACA, or NZRAB Board of Directors.

SIGNATURES

NCARB
President
CEO
Witness
Witness
Witness
Witness

AACA
President
CEO
Witness

NZRAB
Chair
CEO
Witness
Witness
Witness
Witness

[Signatures of NCARB, AACA, and NZRAB officials]

30 January 2016
8 February 2016
10 February 2016
Letter of Undertaking
with respect to the

MUTUAL RECOGNITION ARRANGEMENT
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA
and the
NEW ZEALAND REGISTERED ARCHITECTS BOARD

The National Council of Architectural Registration Boards (NCARB)
representing the architectural licensing boards of the 50 United States,
the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Architects Accreditation Council of Australia (AACA)
representing the architectural licensing boards of the eight states and territories of Australia.

AND

The New Zealand Registered Architects Board (NZRAB)
representing the registered architects of New Zealand.

WHEREAS, NCARB, AACA, and NZRAB have agreed to and signed a Mutual Recognition Arrangement (Arrangement) dated 10 February 2016, ratified by the architectural licensing authorities represented by NCARB, the architectural licensing authorities represented by AACA, and the NZRAB.

NOW THEREFORE, this Letter of Undertaking shall be signed, without modification, by each individual licensing/registration authority wishing to participate in the Arrangement.

The undersigned licensing/registration authority, having the authority to register or license persons as Architects within its jurisdiction, wishes to become a signatory to the Arrangement by virtue of this Letter of Undertaking. In doing so, the licensing/registration authority agrees to and acknowledges the following:

1. The terms used in this Letter of Undertaking shall have the same meaning as defined in the Arrangement between NCARB, AACA, and NZRAB dated 10 February 2016.

2. The undersigned individual has the authority to sign on behalf of the licensing/registration authority.
3. As a signatory to the Arrangement, the undersigned licensing/registration authority will adhere to the fundamental principles of the Arrangement and agrees to accept the Letter of Good Standing provided by the home licensing/registration authority and the applicant’s personal Declaration of Professional Experience as satisfying the eligibility requirements for licensing/registration as set forth in the Arrangement.

4. The undersigned licensing/registration authority will not impose any additional education, experience, or examination requirements, or require the applicant to provide education transcripts, experience verifications, examination scores, or government identification numbers (including, but not limited to, Social Security Numbers or social insurance numbers). However, the host licensing/registration authority may impose familiarity with local laws and other local requirements that also apply to all domestic applicants seeking reciprocal licensure.

5. In keeping with the above, the undersigned licensing/registration authority agrees that it will accept for licensure/registration to practice architecture in its jurisdiction a licensed/registered architect who holds a valid and current NCARB Certificate that has been issued in accordance with the Arrangement and satisfies all conditions outlined within the Arrangement.

IN WITNESS WHEREOF, the licensing/registration authority named below has caused the duly authorized person, on its behalf, to execute and deliver this Letter of Undertaking.

Entered into on __________________________, 201_.

By: ________________________________
Name of Licensing/Registration Authority

_________________________________________________________
Name of duly authorized individual and title

____________________________
Signature

Copy of Mutual Recognition Arrangement attached
Declaration of Professional Experience
with respect to the

MUTUAL RECOGNITION ARRANGEMENT
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA
and the
NEW ZEALAND REGISTERED ARCHITECTS BOARD

I, [NAME OF ARCHITECT], declare and affirm that:

I am a citizen or hold permanent residency status in [UNITED STATES or AUSTRALIA or NEW ZEALAND];

I am a licensed/registered architect, and currently a licensee/registrant in good standing with the [NAME OF LICENSING AUTHORITY];

I was licensed on [MONTH / DAY / YEAR] with the [NAME OF LICENSING AUTHORITY] who will separately be confirming that I am in good standing with that Authority, and I did not obtain licensure in that jurisdiction by means of a foreign reciprocal licensing agreement/arrangement or a Broadly Experienced Foreign Architect program;

☐ I have completed a minimum of 6,000 hours of post-licensure experience as an architect engaged in the lawful practice of architecture in my home country;

☐ I meet all of the eligibility requirements of the Mutual Recognition Arrangement for reciprocal licensing between NCARB, AACA, and NZRAB; and

☐ I understand that upon licensure/registration, I must comply with all practice requirements of the host jurisdiction and will be subject to all governing legislation and regulations of the host jurisdiction.

NO I have/had a disciplinary action registered against me by a licensing authority (circle one)

YES If yes, submit the summary findings and official action of the licensing authority, as well as any further explanation necessary with this form.

The host licensing authority has the right to request further details with respect to all disciplinary actions.

I affirm that the above statements are accurate and true to the best of my knowledge and belief.

______________________________
Name of Architect (print)

________________________________________
Signature Date
Guidelines for Voting
at the
NCARB Annual Business Meeting

MAY 2016
Guidelines for Voting at the 2016 NCARB Annual Business Meeting

Each year in mid-to-late June, the National Council of Architectural Registration Boards (NCARB) hosts its Annual Business Meeting. In addition to providing plenary sessions to inform the Membership of Council activities, workshops to provide information exchange in a smaller and focused setting, and networking opportunities for Member Board Members and Executives, the business meeting includes voting for candidates for the NCARB Board of Directors and for resolutions proposing changes to guidelines, Model Law or the NCARB Bylaws. This Guide is designed to provide basic information about the rules addressing the voting function. A supplement to these Guidelines addresses parliamentary rules and voting rules in more detail, as well as the NCARB Board of Director’s Policy for Election of Officers and Public Director.

Establishment of a Voting Delegate
While many jurisdictions opt to send multiple attendees representing their licensing boards, each jurisdiction is allowed only one vote. This vote is submitted by the officially designated “Voting Delegate.” A Voting Delegate is identified by completing the Letter of Credentials issued by NCARB to Member Board Chairs and Member Board Executives. The Letter of Credentials documents all known attendees from your jurisdiction and grants authority to a single individual to vote on behalf of your jurisdiction in both the election for Council officer as well as on Resolutions.

Bylaws Governing the Process and Attendance at the Annual Business Meeting

Quorum
A quorum for the transaction of business at the Annual Meeting of the Council shall be one or more delegates representing a majority of the Member Boards. (Article V, Section 4)

Delegates and Credentials
Each Member Board shall be entitled to be represented at meetings of the Council by one or more official delegates who shall be members of that Member Board. A delegate … shall be identified by a letter of credentials from the delegate’s Member Board. (Article V, Section 3)

Other Participants
Council Officers and Directors, Member Board Executives or Attorneys when designated by their Member Boards, persons designated by the 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 discussions and perform all functions of the delegates except to vote, or, except as provided in Article V, Section 5, with respect to Officers and Directors, to initiate action. (Article V, Section 10)

Voting on Resolutions, Officers and the Public Director

a. One vote may be cast for each Member Board by its delegates. (Article V, Section 3) [NCARB will assume that, absent any special instructions to the contrary contained in the letter of credentials, each delegate from a Member Board will have an equal voice in deciding the Board’s position on any issue coming before the Council; if the delegates are evenly split on the issue, then no vote may be cast on behalf of the Board. If any Member Board wishes to have a different arrangement recognized at the Annual Business
Meeting, that arrangement must be inserted as a special instruction in that Board’s letter of credentials]

b. The affirmative vote of two-thirds of all Member Boards is required to pass any amendment to these Bylaws or to remove any Member Board from membership in the Council. (Article V, Section 6)

c. The affirmative vote of a majority of all Member Boards is required to pass any other resolution. (Article V, Section 6)

d. Except as specified in Article VIII, Section 4, with regard to the election of Officers, voting upon all other issues shall require the quantum of vote set forth in Robert’s Rules of Order Newly Revised. (Article V, Section 6)

d. All elections of Officers and the Public Director shall be by ballot at the Annual [Business] Meeting, unless the Council shall agree to waive the provision. A majority vote of the Member Boards present and voting shall elect an Officer or Public Director. If more than two candidates have been nominated, ballots shall be taken until a candidate receives such a majority vote. If there has not been such a majority vote on a ballot, the candidate receiving the least number of votes shall be eliminated prior to the next ballot. (Article VIII, Section 4) e. There shall be no voting by proxy. (Article V, Section 6)

Preparation of Voting Delegates for the Annual Business Meeting

Resolutions
Resolutions for consideration at the Annual Business Meeting are formally adopted into the Agenda after a final review and vote of the NCARB Board of Directors in April. However, draft resolutions are issued for comment earlier in the year after committee and initial board/legal review has occurred. The NCARB Board reviews comment and feedback regarding these draft resolutions to assist in determining final language and whether a proposed resolution should move forward for a vote. All Member Board Members including their Voting Delegates should plan to develop a position on draft and final resolutions in a manner that provides clear guidance to their Voting Delegate.

A summary of the process governing development and introduction of resolutions, including Bylaws language is as follows.

- **Resolutions are the substantive matters placed on the agenda for a meeting of the Council... Only Member Boards, Regions, Select Committees, and the Council Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert’s Rules of Order Newly Revised may be made by any delegate or Council Officer or Director. (Article V, Section 5)**

- **Resolutions will be introduced to Member Boards during the Spring Regional Summit at which time the Board of Directors will gather feedback for consideration prior to voting to ascertain their position on each resolution.**
• Resolutions from Regions or individual jurisdictions must be received by Regional Leadership Committee no less than 75 days prior to the Annual Business Meeting.

• The Board of Directors will vote on their position on Resolutions to bring before the Membership for vote at the Annual Business Meeting during their April Board meeting.

• Final Resolutions to be voted on during the Annual Business Meeting will be distributed no less than 30 days prior to the meeting.

Authority of Voting Delegates regarding Amended Resolutions
The Voting Delegate is empowered to cast votes on all actions which may come before the membership. These actions include voting on amendments to resolutions which change the language of what may have been debated and discussed at the Member Board level. Most votes either require an absolute majority (i.e., majority of all Member Boards whether present or not, and not majority of those present) or a two-thirds majority of all Member Boards. Thus it is essential that Voting Delegates be given authority to adapt to changing resolutions as they occur at the meeting through various amendments.

Member Boards should discuss amendment scenarios with their Voting Delegate before the Annual Business Meeting. If the language originally endorsed by the Member Board is no longer an option due to an amended resolution, the Voting Delegate is most effective when he or she is able to discern whether such amended language still addresses the spirit of their Member Board’s intent. Member Boards should make every effort to assure that their Voting Delegate has been granted authority to vote on amendments that may come from the floor. Shown below is a sample Voting Delegate Authorization Motion used by one of our Member Boards.

The board hereby recognizes and authorizes _______________________ to act as the official voting delegate to the National Council of the Architectural Registration Boards (NCARB) _______________ Annual Business Meeting to be held in ______________ on ___________________. The board has reviewed all proposed resolutions submitted by the council for consideration and have deliberated the merits and impact of each on [NAME OF JURISDICTION] licensed architects and emerging professionals. The board further authorizes __________________ as its recognized voting delegate to take into consideration all deliberations and amendments that may occur during the course of the annual meeting and cast the ballot on behalf of the [NAME OF BOARD].
Elections of Officers and Public Director

Elections

- Each Member Board sending a delegate to the Annual Business Meeting will furnish the Council office with the name of the delegate authorized to cast a ballot on behalf of the Member Board.
- The candidates will provide the President with the names of the Nominators and Seconding speakers.
- At the Annual Business Meeting in an uncontested election of an officer or Public Director position, the President/Chair of the Board will ask for nominations of the candidates who have declared his or her candidacy for office and ask for any additional nominations from the floor. Any nominator from the floor should state his/her name, jurisdiction and place the name in nomination in one sentence. The President/Chair of the Board will then ask for a second to the nomination. The seconder should state his/her name, jurisdiction and second the nomination. There will be no nominating speeches for uncontested elections. Following the second to the nomination, after all nominations have been seconded, each candidate will be permitted a five (5) minute presentation to the body.
- At the Annual Business Meeting in a contested election of an officer position, the President/Chair of the Board will call upon the nominators to place in nomination the names of the candidates who have declared their candidacy for office and ask for additional nominations from the floor. The nominators should state their names, jurisdictions and place the names of the candidates in nomination in one sentence. The President/Chair of the Board will then call for a second to the nomination which would also be one sentence. The seconders should state their names, jurisdictions, and second the nomination. Then the President/Chair of the Board will announce that all nominations are closed and that according to contested election rules, for each candidate for a contested position the candidate’s nominator or seconder will be allowed a three (3) minute nominating speech, which will be delivered in alphabetical order by candidate and alternate between all candidates for office. Following the nominating speeches, each candidate will be permitted a five (5) minute presentation to the body.
- If there are nominations from the floor, the President/Chair of the Board will call upon the nominator to place in nomination the name of the candidate. The nominator should state his/her name, jurisdiction and place the name in nomination in one sentence. The President/Chair of the Board will call for a second to the nomination. The seconder should state his/her name, jurisdiction and second the nomination in one sentence. Then the President/Chair of the Board will announce that for each candidate nominated, the candidate’s nominator or seconder will be allowed one three (3) minute nominating speech which will be delivered in alphabetical order by candidate and alternate between all candidates. Following the nominating speeches, each candidate will be permitted a five (5) minute presentation to the body.
- At the time of the elections, ballot boxes will be located outside the meeting hall under the oversight of the Credentials Committee.
- Where there is a contested election, the Presiding Officer will declare a recess while authorized delegates cast ballots. The Credentials Committee will supply one ballot to each identified authorized delegate. The Credentials Committee will check off the name of the Member Board voting when the authorized delegate casts his/her ballot in the ballot box.
- The Credentials Committee will open the ballot boxes and count the votes. The Chair of the Credentials Committee will report the tally to the Presiding Officer.
- In the event of a tie vote, each “tied” candidate will be provided two minutes to speak to the assembled delegates, after which the authorized delegates will be asked to cast a second ballot. Balloting will continue until a majority winner is determined.
- The Presiding Officer will announce the winner to the candidates prior to announcing results to the membership.
<table>
<thead>
<tr>
<th>Parliamentary Motion</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Vote Required</th>
<th>Robert’s Rules citation¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germaneness of Amendment</td>
<td>No</td>
<td>No</td>
<td>Chair determines if amendment is germane, subject to appeal. If amendment is not</td>
<td>RONR, p. 257</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>germane, chair rules it out of order.</td>
<td></td>
</tr>
<tr>
<td>Other improper amendments:</td>
<td>No</td>
<td>No</td>
<td>Chair determines if motion (including amendment) is in order, subject to appeal.</td>
<td>RONR, p. 138</td>
</tr>
<tr>
<td>* more than two levels</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* would make adopting amendment same as rejecting main</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>motion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* would make main motion out of order</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* would change one motion into another</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>* would strike enacting words</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division of the Assembly (doubt of vote)</td>
<td>No</td>
<td>No</td>
<td>Demand of a single member</td>
<td>RONR, p. 281</td>
</tr>
<tr>
<td>Limit or Extend Time Limits for Debate</td>
<td>No</td>
<td>Yes</td>
<td>2/3rds P/V</td>
<td>RONR, p. 192</td>
</tr>
<tr>
<td>Division of the Question</td>
<td>No</td>
<td>Yes</td>
<td>Majority P/V</td>
<td>RONR, p. 271</td>
</tr>
<tr>
<td>Separate Vote on Unrelated Subjects in Single Resolution</td>
<td>No</td>
<td>No</td>
<td>Single Member</td>
<td>RONR, p. 274</td>
</tr>
<tr>
<td>Consider Seriatim</td>
<td>No</td>
<td>Yes</td>
<td>Majority P/V</td>
<td>RONR, p. 276</td>
</tr>
<tr>
<td>Suspend Rules of Order</td>
<td>No</td>
<td>No</td>
<td>2/3rds P/V</td>
<td>RONR, p. 265</td>
</tr>
<tr>
<td>Suspend Standing Rules</td>
<td>No</td>
<td>No</td>
<td>Majority P/V</td>
<td>RONR, p. 265</td>
</tr>
<tr>
<td>Postpone Indefinitely</td>
<td>Yes⁴</td>
<td>No</td>
<td>Majority P/V</td>
<td>RONR, p. 127</td>
</tr>
<tr>
<td>Postpone to Time Certain</td>
<td>Yes⁵</td>
<td>Yes</td>
<td>Majority P/V</td>
<td>RONR, p. 181</td>
</tr>
<tr>
<td>Lay on the Table</td>
<td>No</td>
<td>No</td>
<td>Majority P/V</td>
<td>RONR, p. 212</td>
</tr>
<tr>
<td>Commit (or Refer)</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority P/V</td>
<td>RONR, p. 170</td>
</tr>
<tr>
<td>Appeal Chair’s Decision</td>
<td>Yes</td>
<td>No</td>
<td>Majority P/V</td>
<td>RONR, p. 257</td>
</tr>
<tr>
<td>Call the Previous Question</td>
<td>No</td>
<td>No</td>
<td>2/3rds P/V</td>
<td>RONR, p. 200</td>
</tr>
<tr>
<td>Raise a Point of Order</td>
<td>No</td>
<td>No</td>
<td>Single member makes to enforce rules, chair rules, often finding &quot;point well taken&quot;</td>
<td>RONR, p. 79</td>
</tr>
</tbody>
</table>

¹ Summarized by Alison Wallis, Professional Registered Parliamentarian, Certified Parliamentarian-Teacher
² An amendment must relate to motion it is amending. It may be supportive or hostile but may not raise a different subject.
³ Each part must be able to stand as a separate proposition
⁴ Can debate merits of main question; applicable only to main motion.
⁵ Cannot be postponed beyond end of present meeting.
⁶ Cannot be used to kill a matter; is intended to make way for a more urgent matter; all pending amendments and subsidiary motions are tabled with the main motion; a majority can resume consideration by "taking from the table" before the end of the meeting. If the motion is laid on the table but not taken from the table by the end of the meeting, question dies. (RONR, p. 214).
# Voting Summary for Annual Business Meeting


<table>
<thead>
<tr>
<th>Motion or Rule</th>
<th>Debatable</th>
<th>Amendable</th>
<th>Vote Required</th>
<th>Bylaws / Robert's Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Business Meeting Quorum: “one or more delegates representing a majority of the Member Boards”</td>
<td>n/a</td>
<td>n/a</td>
<td>Majority of 54 Member Boards = 28</td>
<td>NCARB Bylaws, Art. V, § 4</td>
</tr>
<tr>
<td>Delegate: delegate is identified by a letter of credentials. Member board is represented by as many delegates as attend but only one vote for each member board</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority, usually handled by unanimous consent</td>
<td>NCARB Bylaws, Art. V, § 3</td>
</tr>
<tr>
<td>Election of Officers</td>
<td>Yes</td>
<td>n/a</td>
<td>Majority P/V³</td>
<td>NCARB Bylaws, Art. VIII, § 4. Ballot vote (unless waived by council). Runoffs: if no majority, lowest vote getter is dropped from ballot; voting required until majority vote obtained.</td>
</tr>
<tr>
<td>Amend Bylaws</td>
<td>Yes</td>
<td>Yes⁴</td>
<td>2/3rds of all member boards = 36</td>
<td>NCARB Bylaws, Art. V, § 6, Art. XV</td>
</tr>
<tr>
<td>Remove Member Board from Membership</td>
<td>Yes</td>
<td>Yes</td>
<td>2/3rds of all member boards = 36</td>
<td>NCARB Bylaws, Art. V, § 6</td>
</tr>
<tr>
<td>Adopt Resolution (substantive matter placed on agenda)</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority of all member boards = 28</td>
<td>NCARB Bylaws, Art. V, § 6</td>
</tr>
<tr>
<td>Amendment to Resolution or motion; amendment to an amendment</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority P/V (even if main motion requires greater)</td>
<td>RONR, p. 133 NCARB Bylaws, Art. V, § 6</td>
</tr>
<tr>
<td>Other motions may be made by any delegate, Council Officer, or Director</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority P/V or as set forth in RONR</td>
<td>NCARB Bylaws, Art. V, § 5 &amp; 6</td>
</tr>
</tbody>
</table>

¹ Summarized by Alison Wallis, Professional Registered Parliamentarian, Certified Parliamentarian-Teacher

² Extensive practices for handling nominations and elections are set forth in *Policy for Elections of Officer and Public Director*.

³ “P/V” means present and voting; only ayes and noes are counted with abstentions/absences ignored.

⁴ Amendments must be within scope of notice, i.e., may not increase numerical modification to the provision to be amended, (as in a proposed dues increase; amendments that diminish the change within noticed amendment and existing number are in order (RONR, p. 595).
### 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 (Agency Closed)
- **24** Board Workshop – Strategic Planning/Reception Dinner
  - Board Meeting – CEO NCARB Visit

#### MARCH
- **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
- **30** Memorial Day (Agency Closed)
- **25** ED Performance Review Committee Meeting

#### MAY
- **15** NCARB Annual Conference
  - Fairmont Olympic Hotel
  - Seattle, WA

#### JUNE
- **15-18** NCARB Annual Business Mtg.

#### JULY
- **04** Independence Day (Agency Closed)
- **25** Exec Leadership Program for Regulators – Denver, CO

#### AUGUST
- **2** BDAF Annual Conference
  - Sugarland, TX (Aug 2-5)
- **22** CLARB Annual Meeting
  - Westin, Philadelphia, PA
- **29** 2016 LRGV-AIA BBC Conference
  - South Padre Island Convention Centre

#### SEPTEMBER
- **05** Labor Day (Agency Closed)
- **22** CLARB Annual Meeting
  - Westin, Philadelphia, PA
- **29** 2016 LRGV-AIA BBC Conference
  - South Padre Island Convention Centre

#### OCTOBER
- **01** 2016 LRGV-AIA BBC Conference
  - Fort Worth, TX

#### NOVEMBER
- **03** TxA Conference, San Antonio
- **23** TBAE Holiday (Agency Closed)
- **24** Thanksgiving Day (Agency Closed)
- **25** Day after Thanksgiving (Agency Closed)
  - Veterans Day
- **29** 2016 Council of Delegates Meeting, Ft. Lauderdale, FL (Nov 11-12)

#### DECEMBER
- **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)

The 85th Texas Legislature convenes on January 10, 2017
Budget Agenda

1. Zero-Based Budget Approach
   a. Direction from Senate Finance Committee
   b. Base Budget, Current Service Budget, Enhanced Budget
   c. Basic Statutory Services/Levels of Quality and Efficiency/Impact on Performance Measures

2. Budget Basics (Tab 1)
   a. Current and Past Revenues, Expenditures and Reserve Fund Balances (Tab 2)
   b. Licensure Trends and Expected Future Revenues (Tab 3)
      I. Increased Efficiencies in Pathways to Licensure
      II. Decreased Expenses for Licensure
      III. Testing Requirement for Registered Interior Designers
      IV. Changing Demographics
   c. Base/Current Service Budget (Tab 4)
      I. Salaries and Payroll Related Costs
      II. SDSI Costs
      III. Board Travel (Tab 5)
      IV. Other Operating Expenses
   d. Enhanced Package (Tab 4)
      I. Additional Investigator
      II. Increase Outreach - Staff Travel (Tab 6)

3. Reserve Fund Balance
   a. What should be the goal percentage?
   b. What should be the procedure when the percentage is above the goal?
   c. What should be the procedure when the percentage is below the goal?
   d. Policies and Procedures (Tab 7), Action Needed

4. Licensure Fees
   a. When and by how much do we raise fees? Action Needed

5. Scholarship Fees
   a. Projections (Tab 8)
   b. When and by how much do we raise fees? Action Needed

6. Budget Development
   Policies and Procedures (Tab 9), Action Needed

7. Communication of Budget Issues to Stakeholders
Staff Development of FY17 Proposed Operating Budget

Budget Process

Our budget process will include development of next year’s budget plus a long-range planning forecast for an additional six years for a total seven-year outlook. This year’s budget development will include planning for FY17 through FY23. This will aid staff in planning for significant events effecting both revenues and expenditures.

We began the budget process with a historical trend analysis of our agency’s revenues, expenses and licensure statistics. We next took into consideration licensure and economic projections. Finally, we will define the initiatives planned for next year and the resources needed to accomplish those initiatives. The outcome from this process will be the proposed FY17 Budget.

This year the Senate Finance Committee has requested that all state agencies review and scrutinize each and every expenditure within our agency using a zero-based budget approach. In this approach, every line item must be scrutinized, rather than just the changes from the previous year. Staff will engage in such a process and will present a base/current budget and an enhanced budget along with the performance results of each version of the budget. The performance results are in turn linked to the basic statutory services that we provide, and the levels of quality and efficiency.

Registration Trends

As of May 1, 2016, there are 11,870 architects and 1,479 landscape architects actively licensed in Texas, an increase of 17% and 23% respectively since 2007. There are 3,635 Interior Designers, a decrease of 25% since 2007.

The pipeline of new talent for Architects, our largest registrant base, is thriving. NCARB reports that in 2014, more than 37,000 aspiring architects (4,276 in Texas) were testing and/or reporting hours, a 28% increase from 2013 and the highest to date. A total of 3,543 candidates (280 in Texas) completed the IDP, an 85% increase from 2013. And 3,719 exam candidates (230 in Texas) completed the ARE in 2014, the highest number of completions since 2008. Considering these statistics, NCARB expects growth in registrants to continue in future years. Staff will also review the 2015 NCARB numbers before finalizing the FY17 budget. Additionally, NCARB has removed some of the barriers to registration by streamlining and overhauling the IDP, decreasing the number of sections in ARE 5.0, and decreasing the overall cost of becoming registered. These changes will allow the registration process to be easier for the applicant without lowering the standards for registration.

It is expected that the number of Registered Interior Designers will continue to decrease in future years due to legislative mandates requiring all renewing Interior Designers to have passed the registration examination. These mandates could negatively impact the registration of approximately 925 active registrants beginning September 1, 2017.
The Construction Industry

According to the AIA Chief Economist, prospects look to continue to improve as they have the past few years, with overall growth projected to increase almost 8% for 2016. Another year of healthy but more modest growth is expected in 2017 at 7%. Additionally, according to the US Census Bureau, revenue at architecture and related firms has increased since 2010 by 20%.

Reserve Fund Balance

The level of our reserve fund balance as a percent of our annual budget is expected to be approximately 92% at the close of FY16. It is the Board’s current policy to maintain a reserve fund balance of 50% of our annual budget. When benchmarked against other similar agencies (18% and 25%), our current level is high. Additionally, according to a risk assessment exercise recommended by the Government Finance Officers Association and completed by staff, our reserve fund balance should be at a level of 25% of our annual budget. Because the current level is substantially higher than the Board’s current policy, other benchmarked levels and the GFOA recommended level, staff advises the Board to take any future revenue shortfalls from the reserve fund balance rather than by increasing revenue through increased registration fees. If the fund balance is used in this way in the future, it is not expected for there to be a need for registration fee increases until FY23. Otherwise, a combination of the reserve fund balance and an increase in registration fees could be utilized.
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<td><strong>Expenditures:</strong></td>
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Policy Title: Reserve Fund Balance

Policy Number: FA-007

Originally Issued: June 26, 2015
Revisions: Aug 31, 2015 – This version supersedes the previous version dated January 2011
Apr 26, 2016 – Added Disaster Recovery to the Reserve fund utilization

Approved By: Julie Hildebrand, Executive Director

Responsible Department: Finance

Primary Policy Custodian: Finance Manager

Purpose
To establish a formal policy for the utilization of the Reserve Fund Balance, which are funds that are in excess of normal operating requirements. These funds are only to be used for special purposes, which will be recommended by the Executive Director and approved by the Board on a year by year basis. Disaster recovery, Capital projects, unfunded legislative mandates, retirees’ health insurance premiums, employee lump sum retirement payments, and oversight agency audits are examples of special purposes.

1. The minimal balance of the fund will be maintained at an amount equal to six months of agency operations, which includes the SDSI payment. This level is set to mitigate any current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable service levels and license fee rates despite any temporary revenue shortfalls or unpredicted one-time expenditures. The basis of this level is the predictability of the agency’s revenues and the low volatility of expenditures on the one hand and the agency’s moderate exposure to mandated outlays (e.g., unfunded legislative mandates, various required payroll related costs, and unbudgeted payments to oversight agencies) on the other.

2. If the balance of the fund exceeds the minimal amount stated above, a draw on those funds may be made for normal budgeted operating expenses. This amount is to be requested in the proposed operating budget by the Executive Director, based on identified needs. The Board will address non-budgeted emergencies as they arise throughout the fiscal year and may grant additional spending authority. If the balance of the fund falls below the minimal amount stated above, any future budgets shall include a line item to address the shortfall with the goal of replenishing the fund balance to the minimal amount.

3. The Executive Director will order the creation of internal procedures to monitor the Reserve Fund Balance and will report the fund balance to the Board at least quarterly.
4. If the agency were to generate surplus revenues to fund items previously designated as being funded from the Reserve Fund, those items will be funded as normal operating expenses. The Reserve Fund would be unaffected for that year in that scenario.

**Review Cycle**
Policies and procedures are reviewed at least every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.
AREFAF Fund Projections by Fiscal Year
(five potential surcharge amounts shown for context)
## Purpose
The Executive Director of the Texas Board of Architectural Examiners is required to develop and present an Operating Budget to the Board each August for its review and approval.

## References and related Resources or Statutory Authority
**Policies:** FA-001, FA-006, and FA-007

## Scope
All departments of the Texas Board of Architectural Examiners

## Procedures
The paramount financial requirement of the agency is to prepare a balanced budget. A balanced budget is one that accomplishes the goal of providing required services within available funding.

As a first step, the agency should identify the critical building blocks. These include: *recurring and non-recurring revenues, recurring and non-recurring expenditures, and reserves.*

*Recurring revenues* are the portion of the agency’s revenues that can reasonably be expected to continue year to year, with some degree of predictability. License fees are an example of recurring revenue and are the dominant source of funding for the agency. However, unusually high or low revenue yields may be considered as a non-recurring revenue under the assumption that such revenues are unlikely to continue, making it imprudent to use them for recurring expenditures.

*Recurring expenditures* appear in the budget each year. Salaries, benefits, materials and supplies, professional services, utilities and rent, and other overhead costs are common examples of recurring expenditures. Capital asset acquisitions are typically not thought of as recurring because although some capital assets may be acquired every year, they are not the same assets year after year. In general, recurring expenditures should be those that you expect to fund every year in order to maintain

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<th>Policy Number</th>
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<td>Revisions:</td>
<td>June 25, 2015</td>
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current/status quo service levels. In general, the agency has a greater degree of flexibility to defer non-recurring expenditures than recurring ones.

Reserves are the portion of fund balance that is set aside as hedge against risk or to fund certain activities. The agency has defined its minimum amount of funds it will hold in reserve at no less than six months of regular operating expenditures. See FA-007 for more information.

There are times when a balanced budget using available revenues is not achievable. It could be the result of an external influence, such as a legislative mandate, or internal, such as a board directive. In such cases, using reserves to balance the budget may be considered but only in the context of a plan to return to structural balance, replenish fund balance to the above defined level, and ultimately remediate the negative impacts of any other short-term balancing actions that may be taken. Further, the plan should be clear about the time period over which returning to structural balance, replenishing reserves to the above defined level, and remediating the negative impacts of balancing actions are to occur.

Review Cycle
Policies and procedures are reviewed at least every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.