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 1, 2018 Board Meeting Minutes (Action)

3. Executive Director Report (Information)
   A. Summary of Executive Accomplishments (Information)
   B. Operating Budget/Scholarship Fund: Presentation on 2nd Quarter Fiscal Year 2018 Expenditures/Revenues
   C. Customer Service Survey Results
   D. Survey of Employee Engagement Results
   E. Report on Conferences and Meetings (Information)
      I. CLARB MBE Committee Meeting | Feb 12
      II. NCARB 2018 Regional Summit - & MBE Workshop | Mar 8-10
      III. Educators Conference and R3 Training | Apr 6-7
      IV. 2018 Texas ASLA Conference | Apr 18
   F. Report on Upcoming Conferences and Meetings (Information)
      I. NCARB 2018 Annual Business Meeting | Jun 28-30
      II. METROCON18 | Aug 8-10

4. Executive Director Annual Performance Evaluation Discussion (Information)

5. General Counsel Report (Action)
   Proposed Rule for Adoption
   Consider Adoption of Proposed Rule Amendments Regarding Revised Terminology for NCARB’s Experience Program, Including: 22 Tex. Admin Code §§ 1.5, Relating to Terms Defined Herein; 1.21, Relating to Registration by Examination; 1.22, Relating to Registration by Reciprocal Transfer; 1.41, Relating to Examination Requirements; and 1.123, Relating to Titles.
6. **Enforcement Cases** *(Action)*  
Review and possibly adopt ED’s recommendation in the following enforcement cases:

A. **SOAH Registrant Case:**  
Reesby, Jerry L.  
(SOAH Docket No. 459-18-2234 and TBAE Case No. 409-17L)

B. **Non-Registrant Cases:**  
Arredondo, Gustavo (#227-17N)  
Hamilton, John A. (#157-14N)  
Leslie Nepveux (#278-18N)

C. **Registrant Case:**  
Wilson, James T. (#142-18A)

D. **Continuing Education Cases:**  
Alexander, Edmond P. (#413-17A)  
Blevins, Kenneth R. (#188-18A)  
Bunch, Michael A. (#283-18I)  
Coston, Kent E. (#039-18A)  
DeLeon, Melissa E. (#132-18I)  
Forsythe, Robert E. (#128-18L)  
Gournay, Christian S. (#286-18A)  
Herbage, Robert L. (#273-18A)  
Messer, Rodger W. (#285-18A)  
Rodriguez, Joseph J. (#127-18I)  
Sennet, Robert (#282-18A)  
Sprott, Gari L. (#274-18I)  
Wallace, Meredith A. (#123-18I)  
Ward, Vicky L. (#190-18I)

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

7. **Approval of the Fiscal Year 2019-2023 Strategic Plan** *(Action)*  
   Debra Dockery

8. **Discuss the Proposed FY19 Operating Budget** *(Information)*  
   Julie Hildebrand

9. **Resolutions to be Acted Upon at the 2018 NCARB Annual Business Meeting** *(Action)*  
   Debra Dockery
10. **Upcoming Board Meetings** *(Information)*
   Tuesday, August 21, 2018
   Thursday, November 15, 2018

11. **Chair’s Closing Remarks**

12. **Adjournment**

**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.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ACSA</td>
<td>Association of Collegiate Schools of Architecture</td>
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<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
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<td>AIA</td>
<td>American Institute of Architects</td>
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<td>AREFAF</td>
<td>Architect Registration Examination Financial Assistance Fund (Scholarship)</td>
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<tr>
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<td>American Society of Interior Designers</td>
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<td>American Society of Landscape Architects</td>
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<td>ARE</td>
<td>Architect Registration Examination</td>
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<td>AXP</td>
<td>Architectural Experience Program</td>
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<td>Building Officials Association of Texas</td>
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<td>CACB</td>
<td>Canadian Architectural Certification Board</td>
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<td>CIDA</td>
<td>Council for Interior Design Accreditation (Formerly FIDER)</td>
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<td>Council of Landscape Architectural Registration Boards</td>
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<td>General Appropriations Act</td>
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<td>International Interior Design Association</td>
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<td>LARE</td>
<td>Landscape Architect Registration Examination</td>
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<td>Member Board Administrator (within NCARB)</td>
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<td>National Architectural Accreditation Board</td>
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<td>Council for Interior Design Examination</td>
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<td>TSPE</td>
<td>Texas Society of Professional Engineers</td>
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TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of February 1, 2018 Board Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 102
Austin, TX 78701
9:00 a.m. until completion of business

AGENDA ITEMS
1A. Call to Order

Mr. Davis called the meeting to order at 9:16 a.m. and noted that due to
the Chair’s absence, he would be acting as Chair for this meeting.

1B. Roll Call

Ms. Walker called the roll.

Present Board Members
Michael (Chad) Davis  Vice-Chair, Landscape Architect Member
Chase Bearden  Public Member
Sonya Odell  Registered Interior Designer Member
Jennifer Walker  Secretary-Treasurer, Architect Member
Robert (Bob) Wetmore  Architect Member

1C. Excused and Unexcused absences

Debra Dockery  Chair, Architect Member
Charles (Chuck) Anastos  Architect Member
Paula Ann Miller  Public Member

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

1D. Determination of a Quorum

A quorum was present.

1E. Recognition of Guests

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

1F. Chair’s Opening Remarks

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

1G. Public Comments

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

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

2. Approval of Board Meeting Minutes

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

3. Executive Director’s Report

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

3A. Summary of Executive Accomplishments

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

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

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

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

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

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

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

3B. Operating Budget/Scholarship Fund: Presentation on 1st Quarter Fiscal Year 2018 Expenditures/Revenues

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

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

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

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

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

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

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

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

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

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

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

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

### 3E. Report on Conferences and Meetings

I. TxA Conference – Nov 9-11

II. 2017 CIDQ Council of Delegates Meeting – Nov 10-11

III. NCARB Experience Committee Meeting #2 – Dec. 1-2

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

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

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

3F. Report on Upcoming Conferences and Meetings

I. CLARB MBE Committee Meeting – Feb. 12
II. NCARB 2018 Regional Summit & MBE Workshop – Mar 8-10
III. Educators Conference and R3 Training – Apr 6-7
IV. 2018 Texas ASLA Conference – April 18

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

3G. Personal Financial Statement Filing Deadline

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

4. General Counsel Report Draft Rules for Proposal

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

A MOTION WAS MADE AND SECONDED (Bearden/Walker) TO APPROVE THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§ 1.5, 1.21, 1.22, 1.41 AND 1.123 FOR PUBLICATION IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.
Enforcement Cases

A. Registrant/Non-Registrant Cases

The Board considered the following enforcement actions:

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

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

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

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

B. Continuing Education Cases

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

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

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

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

THE MOTION PASSED UNANIMOUSLY.

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

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

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

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

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

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

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

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

MICHAEL (CHAD) DAVIS FOR DEBRA J. DOCKERY, FAIA
Chair, Texas Board of Architectural Examiners
Summary of Executive Accomplishments
May 22, 2018

Executive
1. The Strategic Plan has been completed and will be presented for Board approval prior to submittal on June 8.

2. The initial budget has been drafted and will be presented for Board review at the May Board meeting and Board approval at the August Board Meeting.

3. Amendments to the Reserve Fund Policy have been drafted as recommended by the State Auditor Office and will be presented for Board approval.

4. On April 20, the State Office of Risk Management completed our risk management program review and made no recommendations.

5. Staff is continuing to invest large amounts of time to the CAPPS transition for HR and payroll, including attending meetings and preparing for User Acceptance Training in May through June and Go Live in July.

6. Our second investigator, Steve Ramirez, attended the Texas Accessibility Academy presented by the Architectural Barriers division of the Texas Department of Licensing and Regulation.

NCARB
1. NCARB has approved the first third-party test prep materials for ARE 5.0

2. The retirement for ARE 4.0 is June 30, 2018. NCARB has been working to communicate relevant information to exam candidates.
### Summary of Enforcement Accomplishments FY18

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<td>Disciplinary Action Entered by the Board</td>
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<td>Warnings from Executive Director</td>
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<td>3</td>
<td>12</td>
<td>12</td>
<td>3</td>
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<tr>
<td>Complaints Filed at SOAH</td>
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<td>0</td>
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<tr>
<td>Informal Settlement Conferences Held</td>
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<td>0</td>
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<td>0</td>
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<td>0</td>
<td></td>
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</tr>
</tbody>
</table>

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1 Non-jurisdictional – non-registrant failed to deliver usable plans on an exempt project.
   Lack of evidence to support allegations.
   Evidence received from a plans examiner indicated two non-registrants performed architectural services on one project. Sworn affidavits and a third party admission cleared the two of the violations and a case was filed against the confessed perpetrator.
## Summary of Registration Department Accomplishments FY18

<table>
<thead>
<tr>
<th></th>
<th>Sept</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>June</th>
<th>July</th>
<th>Aug</th>
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</thead>
<tbody>
<tr>
<td><strong>Examination Applications Received</strong></td>
<td>41</td>
<td>50</td>
<td>44</td>
<td>39</td>
<td>83</td>
<td>71</td>
<td>55</td>
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<tr>
<td><strong>Reciprocal Applications Received</strong></td>
<td>61</td>
<td>45</td>
<td>40</td>
<td>24</td>
<td>44</td>
<td>54</td>
<td>58</td>
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<tr>
<td><strong>Total Applications Received</strong></td>
<td>102</td>
<td>95</td>
<td>84</td>
<td>63</td>
<td>127</td>
<td>125</td>
<td>113</td>
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<td><strong>Exam Scores Received/Entered</strong></td>
<td>421</td>
<td>325</td>
<td>399</td>
<td>434</td>
<td>296</td>
<td>464</td>
<td>326</td>
<td></td>
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<tr>
<td><strong>Examination Registrations Issued</strong></td>
<td>40</td>
<td>56</td>
<td>33</td>
<td>50</td>
<td>63</td>
<td>90</td>
<td>72</td>
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<tr>
<td><strong>Reciprocal Registrations Issued</strong></td>
<td>45</td>
<td>56</td>
<td>44</td>
<td>30</td>
<td>42</td>
<td>34</td>
<td>55</td>
<td></td>
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<tr>
<td><strong>Total Registrations Issued</strong></td>
<td>85</td>
<td>112</td>
<td>77</td>
<td>80</td>
<td>105</td>
<td>124</td>
<td>127</td>
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<td><strong>Active Architects</strong></td>
<td>12,481</td>
<td>12,527</td>
<td>12,560</td>
<td>12,589</td>
<td>12,630</td>
<td>12,708</td>
<td>12,780</td>
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<tr>
<td><strong>Active Reg. Interior Designers</strong></td>
<td>3,595</td>
<td>3,591</td>
<td>3,590</td>
<td>3,598</td>
<td>3,598</td>
<td>3,609</td>
<td>3,619</td>
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<td><strong>Active Landscape Architects</strong></td>
<td>1,565</td>
<td>1,578</td>
<td>1,584</td>
<td>1,586</td>
<td>1,593</td>
<td>1,607</td>
<td>1,613</td>
<td></td>
<td></td>
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<tr>
<td><strong>Total Active Registrants</strong></td>
<td>17,641</td>
<td>17,696</td>
<td>17,734</td>
<td>17,773</td>
<td>17,821</td>
<td>17,924</td>
<td>18,012</td>
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<tr>
<td><strong>CE Audits Conducted</strong></td>
<td>133</td>
<td>139</td>
<td>136</td>
<td>126</td>
<td>125</td>
<td>120</td>
<td>119</td>
<td></td>
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<td><strong>CE Audits Referred for Investigation</strong></td>
<td>3</td>
<td>13</td>
<td>4</td>
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<td>7</td>
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<td><strong>Approved Scholarship Applications</strong></td>
<td>6</td>
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<td>5</td>
<td>2</td>
<td>9</td>
<td>2</td>
<td>5</td>
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<tr>
<td><strong>Certificates of Standing</strong></td>
<td>7</td>
<td>8</td>
<td>15</td>
<td>18</td>
<td>24</td>
<td>24</td>
<td>14</td>
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</table>
Texas Board of Architectural Examiners
Actual 2018 Budget

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>FY 2018 Approved Budget</th>
<th>FY 2018 Expenditures as of 2-28-18</th>
<th>Percentage Earned/Spent</th>
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</thead>
<tbody>
<tr>
<td>Licenses &amp; Fees</td>
<td>$2,650,000</td>
<td>$1,387,548</td>
<td>51.61%</td>
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<tr>
<td>Business Registration Fees</td>
<td>$100,000</td>
<td>$50,063</td>
<td>50.06%</td>
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<tr>
<td>Late Fee Payments</td>
<td>$125,000</td>
<td>$73,155</td>
<td>58.52%</td>
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<tr>
<td>Other</td>
<td>$3,000</td>
<td>$3,698</td>
<td>123.27%</td>
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<tr>
<td>Interest</td>
<td>$2,500</td>
<td>$14,510</td>
<td>580.39%</td>
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<tr>
<td><strong>Potential Draw on Fund Balance</strong></td>
<td><strong>$140,830</strong></td>
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<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>$3,021,330</strong></td>
<td><strong>$1,508,974</strong></td>
<td><strong>49.94%</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
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</thead>
<tbody>
<tr>
<td>Salaries and Wages</td>
<td>$1,572,215</td>
<td>$775,737</td>
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<tr>
<td>Payroll Related Costs</td>
<td>$548,115</td>
<td>$261,438</td>
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<td>Professional Fees &amp; Services</td>
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<td>$67,525</td>
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<td>Travel</td>
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<tr>
<td>Board Travel</td>
<td>$25,000</td>
<td>$2,105</td>
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<td>Staff Travel</td>
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<td>Office Supplies</td>
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<td>Postage</td>
<td>$11,000</td>
<td>$2,654</td>
<td>24.13%</td>
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<td>Communication and Utilities</td>
<td>$14,000</td>
<td>$5,751</td>
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<td>Repairs and Maintenance</td>
<td>$1,000</td>
<td>$135</td>
<td>13.50%</td>
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<tr>
<td>SWCAP Payment with Office Rental</td>
<td>$115,000</td>
<td>$57,500</td>
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<tr>
<td>Equipment Leases--Copiers</td>
<td>$9,000</td>
<td>$4,118</td>
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<td>Printing</td>
<td>$8,000</td>
<td>$391</td>
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<td>Operating Expenditures</td>
<td>$30,000</td>
<td>$18,557</td>
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<tr>
<td>Registration Fees--Employee Training</td>
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<td>Membership Dues</td>
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<td>Payment to GR</td>
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<td>IT Upgrades</td>
<td>$45,000</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>3,021,330</strong></td>
<td><strong>1,490,413</strong></td>
<td><strong>49.33%</strong></td>
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<td><strong>Excess/ (Deficiency) of Rev over Exp.</strong></td>
<td><strong>-</strong></td>
<td><strong>16,560</strong></td>
<td><strong>1%</strong></td>
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</tbody>
</table>

Funding for 8 months 2,014,019
Excess Fund Balance 557,275.50
Total Fund Balance 2,571,294

Administrative Penalties Collected $48,400.00
General Revenue Collected $-
Texas Board of Architectural Examiners
Fiscal Year 2018 Budget
Scholarship Fund

<table>
<thead>
<tr>
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<th>FY 2018 Budget</th>
<th>FY 2018 Actual Sept. 1, 2017--February 28, 2018</th>
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<tbody>
<tr>
<td>Operating Fund Beginning Fund Balance:</td>
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<tr>
<td>Adjusted Beginning Balance</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Scholarship Fund Beginning Balance</td>
<td>60,244.70</td>
<td>60,244.70</td>
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<td>Total Beginning Scholarship Fund Balance</td>
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<td>60,244.70</td>
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<tr>
<td>Revenues:</td>
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<tr>
<td>Scholarship Fees</td>
<td>-</td>
<td>12,686.51</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>-</td>
<td>12,686.51</td>
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<tr>
<td>Expenditures:</td>
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<td></td>
</tr>
<tr>
<td>Operating Expenditures-Scholarship Payments</td>
<td>18,071.73</td>
<td>18,071.73</td>
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<tr>
<td>Total Expenditures</td>
<td></td>
<td>18,071.73</td>
</tr>
<tr>
<td>Excess/(Deficiency) of Rev. over Exp.</td>
<td>60,244.70</td>
<td>54,859.48</td>
</tr>
<tr>
<td>Fund Balance</td>
<td>60,244.70</td>
<td>54,859.48</td>
</tr>
</tbody>
</table>

Number of Scholarships Awarded 36
Frequency per Fiscal Year----September 30, January 31, and May 31
Report on Customer Service

May 2018

TEXAS Board of Architectural Examiners
Architects • Landscape Architects • Registered Interior Designers
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Analysis of the Findings ........................................ 3
Customer Service Standards and Customer Satisfaction
Measures ............................................................ 5
Customer Responses to Multiple-Selection Questions..... 5
Report on Customer Service

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q1 When communicating with TBAE please describe your experiences:

![Bar chart showing responses to Q1 questions]

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

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

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

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

Yes

No

Don't remember

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Question 4

Q4 How many design professionals work for your firm?

Fewer than 10

11 - 20

21 - 40

41 or more

Question 5

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

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

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

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

Question 7

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

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

Q8 Have you used or do you plan to use the following online services?
Question 9
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:

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

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

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

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

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

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

- Not applicable
- Concerns about identity theft and/or online payment in general
- The respondent’s firm pays for his or her renewal via check/general preference for checks
- Trouble logging in/remembering password
- Credit card fees
Question 12
In the graphic below, the questions are truncated. For clarity, the truncated questions are reproduced here intact:
- This agency makes it easy to give complaints or provide feedback
- If I made a complaint I believe it would be handled in a reasonable manner
- TBAE seeks feedback and is responsive

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

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

There were 169 free-text responses to this question. Generally, the answers fell into the following categories:
- N/A (because the respondent has never filed a complaint)
- Update Complainant periodically during investigation/general update and resolution requests
- Provide greater anonymity/general anonymity commentary
- General suggestions to be more (and less) aggressive in investigations
- Clarify process of filing a complaint
- Increase staff resources for investigations
Question 14

Q14 Please provide your opinion of TBAE brochures.

Question 15

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

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

<table>
<thead>
<tr>
<th>Topic</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration stories</td>
<td></td>
</tr>
<tr>
<td>Chairman’s column</td>
<td></td>
</tr>
<tr>
<td>Executive Director’s...</td>
<td></td>
</tr>
<tr>
<td>Legislative stories</td>
<td></td>
</tr>
<tr>
<td>Interns/OPP/Vendor Licensing</td>
<td></td>
</tr>
<tr>
<td>Disciplinary Actions</td>
<td></td>
</tr>
<tr>
<td>How-to stories</td>
<td></td>
</tr>
<tr>
<td>Board member/staff</td>
<td></td>
</tr>
</tbody>
</table>

Question 17

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

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Always</td>
<td></td>
</tr>
<tr>
<td>Sometimes</td>
<td></td>
</tr>
<tr>
<td>Never</td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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

![Bar chart showing satisfaction levels]

Question 20: What is TBAE doing well?

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

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

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

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

- More outreach in cities across Texas/more educational materials
- Web site suggestions/mobile app
- Simplification of continuing education rules
- Objections to Excepted Engineers list/publication of Disciplinary Actions/fingerprints/threshold regarding engaging the services of a registered architect
- Maintain list of pre-approved CE courses/reduce number of required CE hours
- Aggressively enforce unauthorized practice and misuse of title
Question 22

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

- The facility was easy to find
- The facility was clean and orderly
- The facility was accessible
- The facility was open when I needed access

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

Question 23

Q23 I am an: (check all that apply)
Board of Architectural Examiners

Executive Summary

2018
Employee Engagement

Response Rate

The response rate to the survey is your first indication of the level of employee engagement in your organization. Of the 20 employees invited to take the survey, 19 responded for a response rate of 95%. As a general rule, rates higher than 50% suggest soundness, while rates lower than 30% may indicate problems. At 95%, your response rate is considered high. High rates mean that employees have an investment in the organization and are willing to contribute towards making improvements within the workplace. With this level of engagement, employees have high expectations from leadership to act upon the survey results.

Overall Score

The overall score is a broad indicator for comparison purposes with other entities. Scores above 350 are desirable, and when scores dip below 300, there should be cause for concern. Scores above 400 are the product of a highly engaged workforce. Your Overall Score from last time was 420.

Levels of Employee Engagement

Twelve items crossing several survey constructs have been selected to assess the level of engagement among individual employees. For this organization, 63% of employees are Highly Engaged and 32% are Engaged. Moderately Engaged and Disengaged combine for 5%.

Highly Engaged employees are willing to go above and beyond in their employment. Engaged employees are more present in the workplace and show an effort to help out. Moderately Engaged employees are physically present, but put minimal effort towards accomplishing the job. Disengaged employees are disinterested in their jobs and may be actively working against their coworkers.

For comparison purposes, according to nationwide polling data, about 30% of employees are Highly Engaged or Engaged, 50% are Moderately Engaged, and 20% are Disengaged. While these numbers may seem intimidating, they offer a starting point for discussions on how to further engage employees. Focus on building trust, encouraging the expression of ideas, and providing employees with the resources, guidance, and training they need to do their best work.
Examining demographic data is an important aspect of determining the level of consensus and shared viewpoints across the organization. A diverse workforce helps ensure that different ideas are understood, and that those served see the organization as representative of the community. Gender, race/ethnicity, and age are just a few ways to measure diversity. While percentages can vary among different organizations, extreme imbalances should be a cause for concern.

**Race/Ethnicity**

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>African Am/Black</td>
<td>0.0%</td>
</tr>
<tr>
<td>Hispanic/Latino/a</td>
<td>31.6%</td>
</tr>
<tr>
<td>Anglo Am/White</td>
<td>52.6%</td>
</tr>
<tr>
<td>Asian</td>
<td>5.3%</td>
</tr>
<tr>
<td>Native Am, Pac Isl</td>
<td>0.0%</td>
</tr>
<tr>
<td>Multiracial/Other</td>
<td>5.3%</td>
</tr>
<tr>
<td>Did not answer</td>
<td>5.3%</td>
</tr>
</tbody>
</table>

**Age**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 to 29 years old</td>
<td>5.3%</td>
</tr>
<tr>
<td>30 to 39 years old</td>
<td>5.3%</td>
</tr>
<tr>
<td>40 to 49 years old</td>
<td>36.8%</td>
</tr>
<tr>
<td>50 to 59 years old</td>
<td>31.6%</td>
</tr>
<tr>
<td>60 years and older</td>
<td>21.1%</td>
</tr>
<tr>
<td>Did not answer</td>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Gender**

<table>
<thead>
<tr>
<th>Gender</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>42.1%</td>
</tr>
<tr>
<td>Male</td>
<td>36.8%</td>
</tr>
<tr>
<td>Did not answer</td>
<td>21.1%</td>
</tr>
</tbody>
</table>

**YEARS OF SERVICE**

- 16% New Hires (0-2 years)
- 47% Experienced (3-10 years)
- 37% Very Experienced (11+ years)
- 0% Did Not Answer

*Each figure represents 1 employee.*

**FOCUS FORWARD »»»**

**32% CAN RETIRE**

This percentage of respondents indicated that they are eligible for retirement, or will be within the next two years.
Similar items are grouped together and their scores are averaged and multiplied by 100 to produce 12 construct measures. These constructs capture the concepts most utilized by leadership and drive organizational performance and engagement.

Each construct is displayed below with its corresponding score. Constructs have been coded below to highlight the organization’s areas of strength and concern. The three highest are green, the three lowest are red, and all others are yellow. Scores typically range from 300 to 400, and 350 is a tipping point between positive and negative perceptions. The lowest score for a construct is 100, while the highest is 500.

FOCUS FORWARD

Every organization faces different challenges depending on working conditions, resources, and job characteristics. On the next page, we highlight the constructs that are relative strengths and concerns for your organization. While it is important to examine areas of concern, this is also an opportunity to recognize and celebrate areas that employees have judged to be strengths. All organizations start in a different place, and there is always room for improvement within each area.
Areas of Strength

**Supervision**
The supervision construct captures employees’ perceptions of the nature of supervisory relationships within the organization. Higher scores suggest that employees view their supervisors as fair, helpful and critical to the flow of work. **Score: 474**

**Information Systems**
The information systems construct captures employees’ perceptions of whether computer and communication systems provide accessible, accurate, and clear information. The higher the score, the more likely it is that employees view the availability and utility of information very positively. **Score: 463**

**Strategic**
The strategic construct captures employees’ perceptions of their role in the organization and the organization’s mission, vision, and strategic plan. Higher scores suggest that employees understand their role in the organization and consider the organization’s reputation to be positive. **Score: 462**

Areas of Concern

**Pay**
The pay construct captures employees’ perceptions about how well the compensation package offered by the organization holds up when compared to similar jobs in other organizations. Lower scores suggest that pay is a central concern or reason for discontent and is not comparable to similar organizations. **Score: 412**

**Benefits**
The benefits construct captures employees’ perceptions about how the benefits package compares to packages at similar organizations and how flexible it is. Lower scores suggest that employees perceive benefits as less than needed or unfair in comparison to similar jobs in the community. **Score: 426**

**Community**
The community construct captures employees’ perceptions of the relationships between employees in the workplace, including trust, respect, care, and diversity among colleagues. Lower scores suggest that employees feel a lack of trust and reciprocity from their colleagues. **Score: 433**
Climate

The climate in which employees work does, to a large extent, determine the efficiency and effectiveness of an organization. The appropriate climate is a combination of a safe, non-harassing environment with ethical abiding employees who treat each other with fairness and respect. Moreover, it is an organization with proactive management that communicates and has the capability to make thoughtful decisions. Below are the percentages of employees who marked disagree or strongly disagree for each of the 6 climate items.

<table>
<thead>
<tr>
<th>10.5%</th>
<th>5.6%</th>
</tr>
</thead>
<tbody>
<tr>
<td>feel that <strong>upper management</strong> should communicate better.</td>
<td>feel there aren’t enough opportunities to give <strong>supervisor feedback</strong>.</td>
</tr>
<tr>
<td>Upper management should make efforts to be visible and accessible, as well as utilize intranet/internet sites, email, and social media as appropriate to keep employees informed.</td>
<td>Leadership skills should be evaluated and sharpened on a regular basis. Consider implementing 360 Degree Leadership Evaluations so supervisors can get feedback from their boss, peers, and direct reports.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5.6%</th>
<th>0.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>believe the <strong>information from this survey</strong> will go unused.</td>
<td>feel they are <strong>not treated fairly</strong> in the workplace.</td>
</tr>
<tr>
<td>Conducting the survey creates momentum and interest in organizational improvement, so it’s critical that leadership acts upon the data and keeps employees informed of changes as they occur.</td>
<td>Favoritism can negatively affect morale and cause resentment among employees. When possible, ensure responsibilities and opportunities are being shared evenly and appropriately.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>0.0%</th>
<th>0.0%</th>
</tr>
</thead>
<tbody>
<tr>
<td>feel there are <strong>issues with ethics</strong> in the workplace.</td>
<td>feel <strong>workplace harassment</strong> is not adequately addressed.</td>
</tr>
<tr>
<td>An ethical climate is the foundation of building trust within an organization. Reinforce the importance of ethical behavior to employees, and ensure there are appropriate channels to handle ethical violations.</td>
<td>While no amount of harassment is desirable within an organization, percentages <strong>above 5%</strong> would benefit from a serious look at workplace culture and the policies for dealing with harassment.</td>
</tr>
</tbody>
</table>
Adoption of Proposed Amendments to Rules 1.5, 1.21, 1.22, 1.41, and 1.123

Relating to an Update in Terminology for NCARB’s Experience Program

Background

In the last few years, NCARB has made substantial changes to the experience program that applicants are required to complete prior to obtaining architect registration, known in the Board’s rules as the Intern Development Program or IDP. This includes the “streamline” initiative in which NCARB decreased the number of hours required to complete IDP from 5,600 to 3,740 and the “overhaul” in which 17 experience areas were consolidated into six broad practice phases that correspond with the six divisions of ARE 5.0. These changes have already been incorporated into the Board’s rules. However, there is one additional rulemaking action required to update the Board’s rules to implement the recent NCARB changes. That is the renaming of the experience program from “Intern Development Program” to “Architectural Experience Program” or “AXP.”

This change in terminology was adopted by NCARB following research and outreach by various NCARB committees, which resulted in a determination that NCARB would sunset its use of the term “intern.”

Proposed Amendments

At the February meeting, the Board proposed new amendments to 22 Tex. Admin. Code §§ 1.5, 1.21, 1.22, 1.41 and 1.123. The proposed rules would adopt the “Architectural Experience Program” terminology. Adoption of these amendments would allow the Board to maintain consistency with NCARB and decrease confusion for AXP participants and applicants for architectural registration. Additionally, the proposed rules would maintain a reference to IDP in the definition for “Architectural Experience Program,” thereby maintaining eligibility of individuals who completed IDP prior to the change in terminology. Lastly, the proposed amendments include a housekeeping change in the definition for “NCARB,” which corrects a reference to the number of member jurisdictions.

The proposed amendments were published in the April 6, 2018 edition of the Texas Register (43 TexReg 2109). No comments were received on the proposed amendments.

Staff Recommendation

Staff recommends that the Board approve proposed 22 Tex. Admin. Code §§ 1.5, 1.21, 1.22, 1.41 for final adoption.
RULE §1.5   Terms Defined Herein

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

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


(3) APA--Administrative Procedure Act.

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

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

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

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

(8) Architects' Registration Law--Chapter 1051, Texas Occupations Code.

(9) Architectural Barriers Act--Texas Government Code, Chapter 469.

(10) Architectural Experience Program--The comprehensive architectural experience program established, interpreted, and enforced by NCARB, or the predecessor Intern Development Program.

(11) Architectural Intern--An individual enrolled in the Intern Development Program (IDP) Architectural Experience Program (AXP).

(12) ARE--Architect Registration Examination.

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

(14) AXp--The Architectural Experience Program

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

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

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

(18) Candidate--An Applicant approved by the Board to take the ARE.
(197) CEPH--Continuing Education Program Hour(s).

(2048) Chair--The member of the Board who serves as the Board's presiding officer.

(2119) Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

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

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

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

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

(264) Delinquent--A registration status signifying that an Architect:

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

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

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

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

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

(3028) Good Standing--

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

(B) an application status signifying that an Applicant or Candidate is not delinquent in the payment of any fees owed to the Board, is not the subject of a pending TBAE enforcement proceeding, and has not been the subject of formal disciplinary action by an architectural registration board that would provide a ground for the denial of the application for architectural registration in Texas.
(3129) Governmental Entity--A Texas state agency or department; a district, authority, county, municipality, or other political subdivision of Texas; or a publicly owned Texas utility.

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

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

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

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

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

(35) Licensed--Registered.

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

(37) NAAB--National Architectural Accrediting Board.

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

(39) National Council of Architectural Registration Boards (NCARB)--A nonprofit federation of architectural registration boards from fifty-five (545) states and territories of the United States.

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

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

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

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

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

(A) The term includes:

(i) establishing and documenting the form, aesthetics, materials, and construction technology for a building, group of buildings, or environs intended to be constructed or altered;
(ii) preparing or supervising and controlling the preparation of the architectural plans and specifications that include all integrated building systems and construction details, unless otherwise permitted under Texas Occupations Code, §1051.606(a)(4); and

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

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

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

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

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

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

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

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

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

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

(48) Registered--Licensed.

(49) Registrant--Architect.

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

(51) Reinstatement--The procedure through which a Surrendered or revoked Texas architectural registration certificate is restored.
Renewal--The procedure through which an Architect pays a periodic fee so that the Architect's registration certificate will continue to be effective.

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

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

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

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

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

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

SOAH--State Office of Administrative Hearings.

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

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

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

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

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

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

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

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

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

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

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

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

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

RULE §1.21 Registration by Examination

(a) In order to obtain architectural registration by examination in Texas, an Applicant:

(1) shall have a professional degree from:

(A) an architectural education program accredited by the National Architectural Accreditation Board (NAAB),

(B) an architectural education program that became accredited by NAAB not later than two years after the Applicant's graduation,

(C) an architectural education program that was granted candidacy status by NAAB and became accredited by NAAB not later than three years after the Applicant's graduation, or

(D) an architectural education program outside the United States where an evaluation by NAAB or another organization acceptable to the Board has concluded that the program is substantially equivalent to an NAAB accredited professional program;

(2) shall successfully demonstrate completion of the Architectural Experience Program (AXP) Intern Development Program; and

(3) shall successfully complete the architectural registration examination as more fully described in Subchapter C.

(b) An Applicant who applies for architectural registration by examination on or before August 31, 2011 is not required to complete the Architectural Experience Program (AXP) Intern Development Program if the Applicant successfully demonstrates that prior to January 1, 1984, he/she acquired at least eight (8) years of acceptable architectural experience or eight (8) years of a combination of acceptable education and experience. This subsection is repealed effective September 1, 2011.

(c) An Applicant who applies for architectural registration by examination on or before August 31, 2011 and who commenced his/her architectural education or experience prior to September 1, 1999, shall be
subject to the rules and regulations relating to educational and experiential requirements as they existed on August 31, 1999. This subsection is repealed effective September 1, 2011.

(d) For purposes of this section, an Applicant shall be considered to have "commenced" his/her architectural education upon enrollment in an acceptable architectural education program. This subsection is repealed effective September 1, 2011.

(e) In accordance with federal law, the Board must verify proof of legal status in the United States. Each Applicant shall provide evidence of legal status by submitting a certified copy of a United States birth certificate or other documentation that satisfies the requirements of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. A list of acceptable documents may be obtained by contacting the Board's office.

RULE §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 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) successfully completed the requirements of the Architectural Experience Program (AXP) 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.

RULE §1.41 Requirements
(a) Every Applicant for architectural registration by examination in Texas must successfully complete all sections of the Architect Registration Examination (ARE).

(b) The Board may approve an Applicant to take the ARE only after the Applicant has completed the educational requirements for architectural registration by examination in Texas, has completed at least six (6) months of full-time experience working under the direct supervision of a licensed architect, has enrolled in the Architectural Experience Program (AXP) Intern Development Program by establishing a council record with NCARB, and has submitted the required application materials.

(c) An Applicant may take the ARE at any official ARE testing center but must satisfy all Texas registration requirements in order to obtain architectural registration by examination in Texas.

(d) Each Candidate must achieve a passing score in each division of the ARE. Scores from individual divisions may not be averaged to achieve a passing score.

(e) An examination fee may be refunded as follows:

(1) The application fee paid to the Board is not refundable or transferable.

(2) The Board, on behalf of a Candidate, may request a refund of a portion of the examination fee paid to the national examination provider for scheduling all or a portion of the registration examination. A charge for refund processing may be withheld by the national examination provider. Refunds of examination fees are subject to the following conditions:

(A) A Candidate, because of extreme hardship, must have been precluded from scheduling or taking the examination or a portion of the examination. For purposes of this subsection, extreme hardship is defined as a serious illness or accident of the Candidate or a member of the Candidate's immediate family or the death of an immediate family member. Immediate family members include the spouse, child(ren), parent(s), and sibling(s) of the Candidate. Any other extreme hardship may be considered on a case-by-case basis.

(B) A written request for a refund based on extreme hardship must be submitted not later than thirty (30) days after the date the examination or portion of the examination was scheduled or intended to be scheduled. Documentation of the extreme hardship that precluded the applicant from scheduling or taking the examination must be submitted by the Candidate as follows:

(i) Illness: verification from a physician who treated the illness.

(ii) Accident: a copy of an official accident report.

(iii) Death: a copy of a death certificate or newspaper obituary.

(C) Approval of the request and refund of the fee or portion of the fee by the national examination provider.

(3) An examination fee may not be transferred to a subsequent examination.

RULE §1.123   Titles
(a) Architects duly registered in Texas are authorized to use any form of the word "architect" or the word "architecture" to describe themselves and to describe services they offer and perform in Texas.

(b) A firm, partnership, corporation, or other business association may use any form of the word "architect" or the word "architecture" in its name or to describe services it offers or performs in Texas only under the following conditions:

1. The business employs at least one Architect on a full-time basis or associates with at least one Architect pursuant to the provisions of section 1.122; and

2. The Architect(s) employed by or associated with the business pursuant to subsection (b)(1) of this section exercise Supervision and Control over all architectural services performed by nonregistrants on behalf of the business, or in the case of services rendered pursuant to section 1.122(e), exercise, at a minimum, Responsible Charge over all such services.

(c) No entity other than those qualified in subsections (a) and (b) of this section may use any form of the word "architect" or "architecture" in its name or to describe services it offers or performs in Texas.

(d) A person enrolled in the Architectural Experience Program (AXP) Intern Development Program (IDP) may use the title "architectural intern."
NCARB Launches Architectural Experience Program

6/29/16
Architectural Experience Program (AXP)

NCARB’s experience program has been updated to reflect current architectural practice and terminology.

Washington, DC—The program designed to guide professionals through the early stages of their career has been renamed the Architectural Experience Program™ (AXP™) and updated to reflect modern practice. Effective June 29, 2016, the program now requires licensure candidates to document 3,740 hours of experience in six simplified areas that cover all phases of architectural practice, rather than 17 experience areas.

Developed by the National Council of Architectural Registration Boards (NCARB), the program—which was previously called the Intern Development Program (IDP)—is required for licensure in most U.S. jurisdictions.

This update is one of several NCARB has made to its experience program over the past few years, namely: streamlining the number of required hours from 5,600 to 3,740; the ability to report experience beyond six months and up to five years; accepting AXP credit for paid academic internships; and enabling licensure candidates to earn AXP credit after high school and regardless of a project’s duration.

The six new experience areas include: Practice Management, Project Management, Programming & Analysis, Project Planning & Design, Project Development & Documentation, and Construction & Evaluation. These areas also mirror the six divisions of the new licensing exam, Architect Registration Examination® (ARE®) 5.0, which launches November 1, 2016, providing further alignment between the two programs.

“The NCARB Board of Directors, in consultation with our Member Boards, has updated the AXP to more closely align with current practice and terminology,” said NCARB President Kristine Harding, NCARB, AIA. “We have carefully broadened the program’s scope without reducing its rigor, which will help ensure licensure candidates acquire the skills and knowledge needed to practice in today’s evolving landscape.”

Over the past year, NCARB has released a number of resources to help licensure candidates and their supervisors prepare for this update, such as:
The AXP Guidelines: A comprehensive guide to navigating the program, reporting experience, and more.

The Experience Calculator: An online tool that shows how professional experience will transfer to the new program.

A blog series that breaks down the tasks associated with each area, plus real-world examples of opportunities that qualify for the AXP.

June 29 also marks the launch of NCARB’s AXP Portfolio, a new option for design professionals who can document two years of experience that is older than five years. To qualify for licensure through this alternative option, candidates will also need to meet their licensing board’s education and examination requirements.

For more information on NCARB’s experience program, visit www.ncarb.org/experience.

About NCARB

The National Council of Architectural Registration Boards’ membership is made up of the architectural registration boards of all 50 states as well as those of the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. NCARB assists its member registration boards in carrying out their duties and provides a certification program for individual architects.

NCARB protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects. In order to achieve these goals, the Council develops and recommends standards to be required of an applicant for architectural registration; develops and recommends standards regulating the practice of architecture; provides to Member Boards a process for certifying the qualifications of an architect for registration; and represents the interests of Member Boards before public and private agencies. NCARB has established reciprocal registration for architects in the United States and Canada.

Visit: www.ncarb.org
Twitter: www.twitter.com/ncarb
Facebook: www.facebook.com/NCARB
YouTube: www.youtube.com/NCARBorg
SOAH DOCKET NO. 459-18-2234
TBAE CASE NO. 409-17L

IN THE MATTER OF
LANDSCAPE ARCHITECT
REGISTRATION NO. 987
ISSUED TO
JERRY LYNN REESBY

§
§
§
§

BEFORE THE TEXAS
BOARD OF
ARCHITECTURAL EXAMINERS

ORDER OF THE BOARD

TO:  JERRY LYNN REESBY
     4L.1.115B/HOBBY UNIT
     742 FM 712
     MARLIN, TX  76661-4685

     JERRY LYNN REESBY
     11743 FOSTORIA RD.
     CLEVELAND, TX  77328-7136

     HONORABLE FERNANDO RODRIGUEZ
     ADMINISTRATIVE LAW JUDGE
     300 WEST 15TH STREET
     AUSTIN, TX  78701

At the regularly scheduled public meeting on May 22, 2018, the Texas Board of
Architectural Examiners (Board) heard the above-styled case, based on the Respondent’s failure
to appear at a previously scheduled hearing at the State Office of Administrative Hearings
(SOAH).

The Board finds that notice of the facts or conduct alleged to warrant disciplinary action in
this matter was provided to the Respondent in the form of formal charges, attached and
incorporated herein. The Board finds that after proper and timely notice was given, a hearing was
held in this matter before SOAH Administrative Law Judge (ALJ) Fernando Rodriguez on March
7, 2018. The Respondent failed to appear at the hearing, and the ALJ entered a Conditional Order
of Default Dismissal and Remand (Order), which is attached and incorporated by reference as a part of this Order. The Board adopts the Order and all findings therein. The Order was properly served on all parties and Respondent was given an opportunity to file a motion to set aside the default not later than 20 days from the date of the Order signed on March 7, 2018. No motion to set aside the default was filed by Respondent. The Board finds that it is authorized to enter a default order pursuant to Texas Government Code §2001.056.

The Board, after review and due consideration of the Order and Respondent’s presentation during the open meeting, if any, adopts the proposed findings of fact and conclusions of law as stated in Staff’s Notice of Hearing and Formal Charges, which are attached hereto and incorporated by reference for all purposes. The Board also adopts Staff’s recommended sanction and revokes Respondent’s landscape architectural registration.

NOW, THEREFORE, IT IS ORDERED that Landscape Architect Registration #987 issued to Jerry Lynn Reesby is hereby revoked.

Entered this the 22nd day of May, 2018.

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

ATTACHMENT: ORDER NO. 2 – CONDITIONAL ORDER OF DEFAULT DISMISSAL AND REMAND; DOCKET NO. 459-16-0272; STAFF’S NOTICE OF HEARING AND FORMAL CHARGES
ORDER NO. 2
CONDITIONAL ORDER OF
DEFAULT DISMISSAL AND REMAND

This matter was set for hearing on March 7, 2018, before Administrative Law Judge (ALJ) Fernando Rodriguez. General Counsel Lance Brenton appeared on behalf of the staff (Staff) of the Texas Board of Architectural Examiners (Board). Respondent Jerry Lynn Reesby did not appear and was not represented at the hearing. Upon receiving Staff’s Exhibits 1, 2, and 4 showing proof of adequate notice to Ms. Reesby, the ALJ granted Staff’s oral motion for default.¹

Due to Ms. Reesby’s failure to appear, this matter may be dismissed from the docket of the State Office of Administrative Hearings and returned to the Board for informal disposition on a default basis in accordance with Texas Government Code § 2001.056. IT IS, THEREFORE, ORDERED that this case is CONDITIONALLY DISMISSED AND REMANDED pursuant to 1 Texas Administrative Code § 155.501(d). This order of dismissal will become final, without further action by the ALJ, unless Ms. Reesby files a motion to set aside the default not later than 20 days from the date of this order. Such a motion must show good cause for reopening the hearing, or show that the interests of justice require setting aside the default dismissal.

SIGNED March 7, 2018.

[Signature]
FERNANDO RODRIGUEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ 1 Tex. Admin. Code § 155.501(d). The ALJ only reviewed the adequacy of the notice and not the sufficiency of Staff’s factual allegations.
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

In the Matter of

Texas Landscape
Architectural Registration No. 987
Issued to JERRY LYNN REESBY

STAFF’S NOTICE OF HEARING

SOAH Docket No. 459-18-2234

Respondent: JERRY LYNN REESBY
TDCJ/BPP#2115604
4L.1.115B/Hobby Unit
742 FM 712
Marlin, TX 76661-4685

And

JERRY LYNN REESBY
11743 Fostoria Road
Cleveland, TX 77328

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ) on March 7, 2018 at 9:00 o’clock a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 West 15th Street, 4th Floor, Austin, TX 78701, regarding the Formal Charges filed by the Texas Board of Architectural Examiners and attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq; Title I Part VII Texas Administrative Code Chapter 155; Texas Occupations Code §1051.401; and Board Rules 3.231 and 3.232 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached Formal Charge in connection to the facts or conduct alleged.

You are requested to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the Staff (General Counsel), Texas Board of Architectural Examiners, 333 Guadalupe, Suite 2-350, Austin, Texas 78701-3942). Continuances are set by the Administrative Law Judge.
You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT [www.soah.texas.gov](http://www.soah.texas.gov), OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this, the **2** day of February, 2018.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

By:

LANCE BRENTON, General Counsel
TEXAS BOARD OF ARCHITECTURAL EXAMINERS
State Bar No. 24066924
Email: lance.brenton@tbae.state.tx.us
333 Guadalupe St., Tower II, Ste. 350
Austin, TX 78701
(512) 305-8519 (telephone)
(512) 305-8900 (fax)
FORMAL CHARGES

This is a disciplinary proceeding under Section 1052, Texas Occupations Code. Respondent, JERRY LYNN REESBY, is a registered Texas Landscape Architect holding Landscape Architectural Registration number 987, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent’s address of record and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 5, 2015, in Cause No. CR31171 in the 253rd Judicial District Court of Liberty County, Texas, Respondent received deferred adjudication for the offense of Driving While Intoxicated 3rd Or More, committed on May 24, 2014. As a result of this action, Respondent was placed on community supervision for four years. Subsequently, Respondent violated her terms of community supervision, and the State filed a motion to revoke Respondent’s community supervision. As a result, on February 7, 2017, Respondent’s community supervision was revoked, and Respondent was sentenced to 10 years confinement in the Texas Department of Criminal Justice (TDCJ) Institutional Division. Respondent was received by TDCJ on March 1, 2017, and subsequently imprisoned in the TDCJ Hobby unit.

The above action mandates the revocation of Respondent’s landscape architect registration in accordance with Tex. Occ. Code §53.021(b) and 22 Tex. Admin. Code 3.149(f).

NOTICE IS GIVEN that staff will present evidence in support of the required revocation of Respondent’s license to practice landscape architecture in the State of Texas pursuant to the Landscape Architects’ Practice Act, Chapter 1052, Texas Occupations Code and the Board’s rules, 22 Tex. Admin. Code Chapter 3.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board’s website: http://www.tbae.state.tx.us/LawsAndEnforcement/StatutesAndRules.
Filed this the 12th day of February, 2018.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

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(512) 305-8900 (fax)
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: 227-17N  
Respondent: Gustavo Arredondo  
Location of Respondent: San Antonio, Texas  
Date of Complaint Received: April 12, 2017  
Instrument: Report and Notice of Violation

Findings:
- Gustavo Arredondo (hereafter “Respondent”) is the owner of the business A Design By Gustavo Arredondo in San Antonio, Texas.
- Neither Respondent nor the business is registered to engage in the practice of architecture or landscape architecture.
- On or about March 10, 2005, Respondent received a warning notice for improperly utilizing the title “architect,” despite not being registered with the Board.
- On or about March 28, 2017, April 12, 2017, and June 1, 2017, Respondent utilized a website for his firm which indicated that the firm provided services including, “excellent and intelligent architecture, interior design, and landscape architecture.” The website included a link to a Facebook profile for the firm, which referred to the firm as an “Architectural Designer in San Antonio, Texas.” The firm website also included a link to the firm’s Houzz profile, which identified A Design by Gustavo Arredondo as an “Award Winning San Antonio Architecture Firm,” and included multiple testimonials identifying Mr. Arredondo as an architect. Upon notice from the Board’s enforcement staff, Respondent promptly took steps to remove references to terminology involving “architecture.”

Applicable Statutory Provisions and Rules:
- A person who is not registered by the Board as an architect or landscape architect may not offer, engage in, or attempt to engage in, the practice of architecture or landscape architecture, respectively. Tex. Occ. Code §§1051.701, 1051.801 and 1052.151(b).
- Only architects, duly registered by the Board, may use any form of the words “architect” or “architecture” to describe themselves or to describe the services they offer or perform in Texas. 22 Tex. Admin. Code §1.123(a).
- Only landscape architects, duly registered by the Board, may use any form of the words “landscape architect” or “landscape architecture” to describe themselves or to describe the services they offer or perform in Texas. 22 Tex. Admin. Code §3.123(a).
- By identifying himself as an “Architectural Designer” and describing his professional services as “architecture” and “landscape architecture” on his firm’s website, and Facebook and Houzz profiles, Respondent violated Govt. Code §§1051.701, 1051.801 and 1052.151(b); and Tex. Admin. Code §§1.123 and 3.123.

Action Recommended by Executive Director:
- Enter an Order which prohibits Respondent from using any architectural title, landscape architectural title, practicing architecture or landscape architecture, other than subject to an exemption from the Architects’ Practice Act or Landscape Architects’ Practice Act; prohibits Respondent from associating with any business
which offer or renders architectural services or landscape architectural services, or which offers architecture or landscape architecture or holds itself out to the public as an architectural firm or landscape architectural firm, unless all architecture or landscape architecture on behalf of the firm is rendered by a registered architect or landscape architect; and adopts the findings of fact, conclusions of law, and recommended administrative penalty of $5,000 as set forth in the Revised Report and Notice of Violation dated April 5, 2018.
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: 157-14N
Respondent: John A Hamilton
Location of Respondent: Dallas, Texas
Date of Complaint Received: August 15, 2014
Instrument: Report and Notice of Violation
And Amended Agreed Order

Action Recommended by Executive Director:

- The Respondent has never been registered as an architect in Texas.
- From August 2010 through April 2015, Respondent engaged in the unauthorized use of an architectural seal, and the unregistered practice of architecture, in that he issued architectural plans and specifications on eight projects which were sealed with unauthorized or fraudulent architectural seal. Complete Findings of Fact and Conclusions of Law are contained in the attached Agreed Order.
- As a result of Staff’s notification and cooperation with the Tarrant Count District Attorney’s Office, the Respondent was prosecuted for his actions relating to one of the above projects. On January 5, 2018 Respondent received deferred adjudication for the 2nd degree felony offense of TAMPER W/GOVERN RECORD LIC/SEAL DEFRAUD/HARM and was placed on community supervision for a period of eight years and ordered to pay restitution in the amount of $5,000.
- Adoption of the attached Agreed Order would impose an administrative penalty in the amount of $64,000 upon the Respondent. Three payments of $5,000 each would be due within 50 days, one year, and two years of the entry of the Order, respectively. Payment of the remaining amount of the administrative penalty would be deferred for a period of 10 years (deferral period). During the deferral period, the Respondent would be required to comply with all laws and rules of the Board, and would be prohibited from practicing architecture except subject to an exception in the Architects’ Practice Act; utilizing the title “architect,” or associating with a firm that offers or practices architecture in the State of Texas unless such practice is offered or rendered through a registered architect and complies in all respects the Board’s laws. Additionally, for all written contracts for design services provided by Respondent, Respondent would be required to ensure that the following statement is included within the contract: "John Hamilton is not registered as an architect in the State of Texas." If Respondent does not violate the terms of the Order or the laws and rules enforced by the Board during the deferral period, the remaining amount of the administrative penalty would be cancelled ten (10) years after the effective date of the Order. However, if the Respondent fails to comply with any of the terms and conditions of the Order or otherwise violates the laws or rules of the Board, the entire remaining amount of the administrative penalty would become payable and due immediately.
- The Executive Director recommends that the Board adopts the attached Amended Agreed Order.
TBAE CASE NO. 157-14N

IN THE MATTER OF §

JOHN A. HAMILTON §

RESPONDENT §

BEFORE THE TEXAS BOARD §

OF §

ARCHITECTURAL EXAMINERS §

AMENDED AGREED ORDER

On this day, the Texas Board of Architectural Examiners (hereafter “the Board”) considered the matter of JOHN A. HAMILTON, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Texas Occupations Code §§ 1051.701, 1051.702 and 1051.752. Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on March 28, 2018. Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

1. Prior to the institution of agency proceedings, notice of the matters specified below in the Findings of Fact was served on Respondent, and Respondent was given an opportunity to show compliance with all requirements of law.

2. Respondent waived notice and hearing, and agreed to the entry of this Order.

3. Respondent is not and never has been registered as an architect in the State of Texas.

4. On or about August 25, August 31, and September 14, 2010, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued architectural plans and specifications for the project identified as Terillis Restaurant located in Dallas, Texas, bearing the architectural seal of John Anderson (TBAE Architect Registration #10135), despite the fact that Mr. Anderson did
not consent to the use of his architectural seal on the project, was unaware of the existence of the project, and in no way participated in the production of the construction documents for the project.

5. On or about August 25, August 31, and September 14, 2010, Respondent engaged in the unregistered practice of architecture, and improperly used the term “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as Terillis Restaurant located in Dallas, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.”

6. On or about December 15, 2011; July 13, August 20, October 25, November 10, and November 28, 2012; and March 21, 2013, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued architectural plans and specifications for the project identified as Bronson Rock – Burgers & Brew in Old Keller, Texas bearing an architectural seal containing Respondent’s name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

7. On or about December 15, 2011; July 13, August 20, October 25, November 10, and November 28, 2012; and March 21, 2013, Respondent engaged in the unregistered practice of architecture, and improperly used the terms “architect” and “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as Bronson Rock – Burgers & Brew in Old Keller, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.”

8. On or about March 1, 2013, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued architectural plans and specifications for the project identified as Snuffer’s Greenville in Dallas, Texas bearing an architectural seal containing Respondent’s name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

9. On or about March 1, 2013, Respondent engaged in the unregistered practice of architecture, and improperly used the term “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as Snuffer’s Greenville in Dallas, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.”

10. On or about July 13, 2013, and August 1 and October 10, 2014, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued architectural plans and specifications for the project identified as Haskell E-Bar Restaurant Expansion in Dallas, Texas bearing an architectural seal containing Respondent’s name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

11. On or about July 13, 2013 and August 1 and October 10, 2014, and June 10, 2015, Respondent engaged in the unregistered practice of architecture, and improperly used the terms “architect” and “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and
specifications, for the project identified as Haskell E-Bar Restaurant Expansion in Dallas, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.” Furthermore, Respondent presented himself as an architect to the project owners.

12. On or about February 5 and February 18, 2014, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued architectural plans and specifications for the project identified as Personal Touch Tree Service in Dallas, Texas bearing an architectural seal containing Respondent’s name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

13. On or about February 5 and February 18, 2014, Respondent engaged in the unregistered practice of architecture, and improperly used the terms “architect” and “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as Personal Touch Tree Service in Dallas, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.” Furthermore, the Respondent presented himself as an architect to the project owner.

14. On or about June 3 and July 7, 2014, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued architectural plans and specifications for the project identified as Pho Kitchen in Dallas,
Texas bearing an architectural seal containing Respondent’s name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

15. On or about June 3 and July 7, 2014, Respondent engaged in the unregistered practice of architecture, and improperly used the terms “architect” and “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as Pho Kitchen in Dallas, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.” Furthermore, Respondent presented himself as an architect to the Northpark Management Company in connection with the project.

16. On or about November 26, 2014 and March 15, 2015, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued architectural plans and specifications for the project identified as Cowboy Up Men’s Salon in Southlake, Texas bearing an architectural seal containing Respondent’s name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

17. On or about November 26, 2014 and March 15, 2015, Respondent engaged in the unregistered practice of architecture, and improperly used the term “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as Cowboy Up Men’s Salon in Southlake, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.”

18. On or about March 27 and April 17, 2015, Respondent engaged in the unauthorized use of an architect’s seal, or a copy or replica of an architect’s seal, in that Respondent issued
architectural plans and specifications for the project identified as Taco Ocho Restaurant in Flower Mound, Texas bearing an architectural seal containing Respondent’s name and the architect registration number issued to John Anderson (TBAE Architect Registration #10135).

19. On or about March 27 and April 17, 2015, Respondent engaged in the unregistered practice of architecture, and improperly used the term “architecture” to describe services he provided, in that Respondent provided architectural services, including the issuance of architectural plans and specifications, for the project identified as Taco Ocho Restaurant in Flower Mound, Texas, while utilizing the business title “Hamilton Wolf Andrews, Architecture / Design / Consulting.”

20. On or about January 5, 2018 in Cause No. 1466468D in the Criminal District Court Number Two of Tarrant County, Texas, Respondent received deferred adjudication for the offense of Tamper w/Governmental Record Lic/Seal Defraud/Harm, committed on May 8, 2015. This action was based on Respondent’s use of a fraudulent architectural seal on the project Cowboy Up Men’s Salon. As a result of this action, Respondent was placed on community supervision for a period of eight years and ordered to pay restitution in the amount of $5,000.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the disciplinary authority delegated to the Board in Texas Occupations Code Chapter 1051, Subchapters H, I, J, and O.

2. Pursuant to Tex. Occ. Code 1051.701, a person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture, as defined in Section 1051.001(7)(A), (B), or (C) unless the person is registered as an architect.
3. The unauthorized practice of architecture and unauthorized use of the title "architect" in the State of Texas are criminal offenses under Tex. Occ. Code §1051.801.

4. Except as allowed under limited circumstances specified by Tex. Occ. Code §1051.606(a)(4), Respondent has been prohibited from practicing architecture in the State of Texas for all times pertinent to this Agreed Order. Respondent also has been prohibited from using the title "architect" in the State of Texas for all times pertinent to this Agreed Order. Respondent’s business, Hamilton Wolf Andrews, has also been prohibited from engaging in the practice of architecture, offering architecture, and representing to the public that it is engaging in the practice of architecture for all times pertinent to this Agreed Order. Tex. Occ. Code §1051.701(b) and 22 Tex. Admin. Code §1.123.

5. Under Tex. Occ. Code §1051.702, no person may 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.

6. By creating a copy of an architect’s seal without the knowledge or consent of the architect and by affixing the seal to architectural plans on the Terillis Restaurant project, Respondent violated Tex. Occ. Code §1051.702 and 22 Tex. Admin. Code 1.104(c)(2).

7. By creating a replica of an architect’s seal which included a valid registration number issued to a registered architect and Respondent’s name, and affixing the seal to architectural plans on seven projects, Respondent violated 22 Tex. Admin. Code 1.104(c)(3).

9. The evidence received is sufficient cause pursuant to Tex. Occ. Code §1051.752(1) to take disciplinary action against Respondent.

ORDER OF THE BOARD

NOW, THEREFORE, it is the ORDER of the Texas Board of Architectural Examiners that Respondent be subject to the following provisions:

(A) AN ADMINISTRATIVE PENALTY of Sixty-Four Thousand Dollars ($64,000.00) is imposed upon RESPONDENT, Five Thousand Dollars ($5,000.00) of which is due and payable within 50 days after the effective date of this Order. A second payment of Five Thousand Dollars ($5,000.00) is due and payable within one (1) year of the effective date of this order. A third payment of Five Thousand Dollars ($5,000.00) is due and payable within two (2) years of the effective date of this order. Payment of the remaining Forty-Nine Thousand Dollars ($49,000.00) shall be deferred for a period of ten (10) years after the effective date of this Order (“the deferral period”) or until Respondent violates the terms of this Order or otherwise violates the laws or administrative rules enforced by the Board, whichever occurs first. If Respondent does not violate the terms of this Order or the laws and rules enforced by the Board during the deferral period, the deferred administrative penalty is cancelled ten (10) years after the effective date of this Order.

If, during the deferral period, an additional allegation, accusation, or complaint is reported or filed against the Respondent or a firm or business owned or controlled by the Respondent, the deferral period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

If, during the deferral period, the Respondent fails to comply with any of the terms and conditions of this Order or otherwise violates the laws or rules of the Board, the entire
amount of the administrative penalty shall become payable and due immediately, and any failure to pay such debt shall be referred to the Attorney General’s office for collection. Respondent’s liability for this payment shall be separate and apart from any disciplinary action or administrative penalty the Respondent may be subject to arising from subsequent violations under Texas Occupations Code §1051.752.

(B) RESPONDENT SHALL NOT engage in the practice of architecture, as defined by Tex. Occ. Code §1051.001(7), unless and until Respondent becomes registered by the Board as an architect or practices architecture under the supervision and control of an architect. This provision does not prohibit or otherwise restrict Respondent from practicing architecture under the exceptions listed in Tex. Occ. Code §1051.606, so long as Respondent complies with all limitations of those exceptions.

(C) RESPONDENT SHALL NOT use any form of the word “architect” to describe himself or the services he offers or renders in the State of Texas unless and until Respondent becomes registered by the Board as an architect.

(D) RESPONDENT SHALL NOT allow himself to be associated with any firm, partnership, association, or corporation, including but not limited to his business, Hamilton Wolf Andrews, that engages in the practice of architecture or holds itself out to the public as being engaged in the practice of architecture or uses a form of the word “architect” in its name unless the actual practice of architecture on behalf of such business entity is offered or rendered only by and through duly registered architects, and complies in all respects with 22 Tex. Admin. Code §§1.122 and 1.124, and any other relevant law.

(E) For all written contracts for design services provided by Respondent or a business or firm owned or controlled by the Respondent, RESPONDENT SHALL ensure that the following

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statement is included within the contract: “John Hamilton is not registered as an architect in the State of Texas.” The statement must appear just above or otherwise near the space reserved for the signature of parties to the contract, in no less than 12 point font and must be separated by clear space from the body of the contract. If Respondent or Respondent’s firm does not enter into a written contract with a client, he shall provide the client with a document prominently bearing the statement subject to the other requirements of this provision.

(F) RESPONDENT SHALL publish the same statement as described in Paragraph (E) above in no less than 12 point font in a prominent and visible location on any website used by the Respondent or a firm owned or controlled by the Respondent to advertise services relating to building design.

Respondent, by signing this Order, agrees to its terms and acknowledges his understanding of those terms. Respondent further acknowledges that this Order shall not become effective unless it is approved by the Board and signed by the Board’s presiding officer. The effective date of this Order is the first date it is signed by all parties and approved by the Board.

The Board, by approving this Order, acknowledges that it is the Board’s express desire to resolve this matter according to its terms. The Board acknowledges that so long as Respondent abides by the provisions of the Order, the Board shall not take further action against Respondent for any of the activities that are specifically identified as Findings of Fact in this Order or for any action occurring prior to the entry of this Order.
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. By my signature on this Order, I agree to the entry of this Order, and all conditions of said Order, to avoid further disciplinary action in this matter. I waive notice and hearing and judicial review of this Order. I understand that when this Order becomes final, and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, as a consequence of my noncompliance.


JOHN A. HAMILTON, Respondent

APPROVED AS TO FORM AND SUBSTANCE:

MICHAEL CRAMER, Attorney for Respondent

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned notary public, on this day personally appeared JOHN A. HAMILTON, a person whose identity is known to me. After I administered an oath to him, upon his oath he said that he read this Agreed Order, he acknowledged to me that he freely and knowingly executed the same for the purposes and consideration therein expressed.

SWORN TO AND SUBSCRIBED before me by JOHN A. HAMILTON, on this the day of __March__, 2018.

TIMOTHY SHAWN MCCULLOUGH
Notary Public, State of Texas
Comm. Expires 05-09-2019
Notary ID 12576187-6

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of __________________, 2018, by JOHN A. HAMILTON, Respondent, and said Order is final.

Effective this the ____ day of __________________, 2018.

DEBRA DOCKERY, FAIA
Chair
TEXAS BOARD OF ARCHITECTURAL EXAMINERS
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: 278-18N  
Respondent: Leslie Nepveux  
Location of Respondent: Dallas, Texas  
Date of Complaint Received: March 6, 2018  
Instrument: Report and Notice of Violation

- Respondent is not and has never been registered to practice architecture in the State of Texas.  
- Respondent is an applicant for architect registration by reciprocity. Respondent has met all eligibility requirements for registration as an architect by Reciprocity.  
- During the consideration of Respondent’s application, Staff became aware that Respondent had used the title “architect” on her firm's website and Instagram page, and on her personal LinkedIn profile. Additionally, Respondent had engaged in the unauthorized practice of architecture, in that she issued plans and specification on a residential remodel project which indicated that she was an architect on the cover page. Findings of Fact and conclusions of law are included in the attached Order.

Action Recommended by Executive Director:

- The Executive Director recommends that the Board adopts the attached Agreed Eligibility Order. This order would grant the Respondent’s architectural registration. Additionally, the Order would impose a $3,000 administrative penalty for Respondent's violations of the Board laws and rules prior to her registration.
BEFORE THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS

In the Matter of Leslie Nepveux, Applicant for Registration by Reciprocity

§ AGREED
§ ELIGIBILITY ORDER

On this day, the Texas Board of Architectural Examiners (hereafter “the Board”) considered the above-styled matter at a regularly scheduled meeting.

Information received by the Board produced evidence that Leslie Nepveux (Respondent) may be ineligible for licensure pursuant to Section 53.021, Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on May 3, 2018, subject to ratification by the Board.

Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

FINDINGS OF FACT

1. Respondent is an applicant for architect registration by reciprocity having successfully met all requirements for registration under 22 Tex. Admin. Code §1.22.

2. Respondent is not, and has never been, registered to engage in the practice of architecture in Texas.

3. On or about October 27, 2017, Respondent issued architectural plans and specifications for permit on a residential remodel project located on Camden Avenue in Dallas, Texas. The plans identified Respondent and her design firm as the “Architect” on the project. Additionally, the plans referenced future design decisions to be made by the “Architect,” and included the proviso that the
documents were “not suitable for use on other projects or in other locations without the approval of the Architect.”

4. On or about March 6, 2018, Respondent utilized a website at www.veuxdeuxdesign.com for her design firm which stated that “VeuxDeux Design is a full-service architecture firm focusing on residential and small commercial projects in the Dallas, Texas area.” The website listed Respondent as the “Owner, Architect” for the firm. Additionally, Respondent utilized an Instagram account that stated her firm was offering residential architecture in Dallas, Texas and a LinkedIn profile which stated that Respondent was “Architect, Owner” at VeuxDeux Design in Dallas, Texas.

5. Respondent states that it was not her intention to violate the laws and rules governing the practice of architecture and apologizes for her oversight. She notes that she is an architect in good standing in the state of Kansas.

CONCLUSIONS OF LAW

1. The Texas Board of Architectural Examiners has authority and jurisdiction over this case and the Respondent. The Board may, after notice and hearing, impose an administrative penalty upon a person who is not registered to engage in the practice of architecture if it appears that that person is violating or has violated Texas Occ. Code Chapter 1051. See Tex. Occ. Code §§ 1051.401, 1051.451, 1051.501, 1051.503, 1051.504, 1051.751, 1051.752.

2. As an applicant for registration, the Board may take action against the Respondent for any violation of the practice or title restrictions of the Architects’ Practice Act. Such action may include the imposition of an administrative penalty or denial of registration. 22 Tex. Admin. Code §1.151(c).
3. A person who is not registered by the Board as an architect may not offer, engage in, or attempt to engage in, the practice of architecture. Tex. Occ. Code §§1051.701, 1051.801.

4. Only architects, duly registered by the Board, may use any form of the words “architect” or “architecture” to describe themselves or to describe the services they offer or perform in Texas. 22 Tex. Admin. Code §1.123(a).

5. A firm, partnership, corporation, association, or other business entity may engage in the practice of architecture, represent itself to the public that it is engaged in the practice of architecture or offering architecture, or use the words “architect” or “architecture” in its name only if any practice of architecture or architectural service performed on behalf of the entity is performed by or through a person registered as an architect by the Board. Tex. Occ. Code §1051.701(b) and 22 Tex. Admin. Code 1.123(c).


**ORDER**

It is THEREFORE AGREED AND ORDERED, subject to the approval of the Texas Board of Architectural Examiners, that Respondent shall pay an administrative penalty in the amount of Three Thousand Dollars ($3,000) within sixty (60) days after the date this ORDER becomes final. Failure to timely pay the administrative penalty shall be considered a violation of this Board Order, subject to a penalty of up to and including suspension or revocation of Respondent’s architectural registration.
It is further ORDERED, that upon payment of any required fees and completion of any other requirements for registration, Respondent shall be issued a CERTIFICATE OF REGISTRATION to practice architecture in the State of Texas, subject to the terms of this Order. Respondent shall comply with all laws and regulations governing the practice of architecture in the State of Texas.

Upon full compliance with the terms of this Order, all encumbrances will be removed from Respondent’s registration to practice architecture in Texas.

Upon approval by the Board, the Chair of the Texas Board of Architectural Examiners is authorized to sign this Agreed Final Order on behalf of the Board.

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I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. By my signature on this Order, I agree to the entry of this Order, and all conditions of said Order, to avoid further disciplinary action in this matter. I waive notice and hearing and judicial review of this Order. I understand that when this Order becomes final, and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my registration to practice architecture in the State of Texas, as a consequence of my noncompliance.


[Signature]

Leslie Nepveux, Respondent and
Applicant for Texas Architect Registration

STATE OF TEXAS §

COUNTY OF DALLAS §

Before me, the undersigned notary public, on this day personally appeared Leslie Nepveux, a person whose identity is known to me. After I administered an oath to her, upon her oath she said that she read this Agreed Order, she acknowledged to me that she freely and knowingly executed the same for the purposes and consideration therein expressed.

Sworn to and subscribed before me by Leslie Nepveux on the 4th day of May, 2018.

[Signature]

Anita Alvarado
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of _____________________, 2018, by Leslie Nepveux, Respondent, and said Order is final.

Effective this the _____ day of _____________________, 2018.

________________________________________
DEBRA DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Findings:

- James Thompson Wilson, Jr. (hereafter “Respondent”) is registered as an architect in Texas with registration number 15260.
- Previous History
  - On March 8, 2017, the Executive Director issued a Warning to the Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review.
  - On November 20, 2017, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “2nd Floor Finish-Out” located in Denton, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on July 18, 2017, and were submitted to TDLR on August 24, 2017.

Applicable Statutory Provisions and Rules:

- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated §1051.252(2) of the Architect Registration Law and Board Rule 1.170(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1,000 as set forth in the Report and Notice of Violation dated March 27, 2018.
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: 413-17A  
Respondent: Edmond Patrick Alexander  
Location of Respondent: Austin, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:

- Edmond Patrick Alexander (hereafter “Respondent”) is registered as an architect in Texas with registration number 15493.
- On June 15, 2017, 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, 2016 through December 31, 2016.
- On July 13, 2017, Respondent replied that due to multiple moves, he could not provide the Board with complete and accurate proof of continuing education activities.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, 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:

- Enter an Order which adopts the findings of fact, the conclusions of law, and the recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated October 31, 2017.
Case Number: 188-18A
Respondent: Kenneth Ray Blevins
Location of Respondent: Luling, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Kenneth Ray Blevins (hereafter “Respondent”) is a registered architect in Texas with registration number 10826.
- 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, 2016 through December 31, 2016.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:
- By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated March 6, 2018.
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: 283-18I
Respondent: Michael Anthony Bunch
Location of Respondent: Bryan, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Michael Anthony Bunch (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 3351
- On December 15, 2017, 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, 2016 through December 31, 2016.
- On February 24, 2018, Respondent replied that he could not locate his continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, 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:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated April 4, 2018.
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: 039-18A
Respondent: Kent Edward Coston
Location of Respondent: La Mesa, CA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Kent Edward Coston (hereafter “Respondent”) is registered as an architect in Texas with registration number 24027.
- 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, 2016 through December 31, 2016, but completed them prior to the renewal of his architectural registration.

Applicable Statutory Provisions and Rules:
- By failing to timely complete the required continuing education program hours during the audit period, but before his renewal period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $500 as set forth in the Report and Notice of Violation dated December 7, 2017.
Case Number: 132-18I  
Respondent: Melissa Erin Diaz deLeon  
Location of Respondent: Cibolo, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Melissa Erin Diaz deLeon (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10873.
- On November 16, 2017, 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, 2016 through December 31, 2016.
- On December 4, 2017, Respondent replied that due to the loss of an archive folder on her computer, she could not produce her continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of December 1, 2016 through December 31, 2016, 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:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated January 25, 2018.
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: 128-18L
Respondent: Robert E. Forsythe
Location of Respondent: Houston, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Robert E. Forsythe (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 507.
- On September 15, 2017, 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, 2016 through December 31, 2016.
- On October 17, 2017, Respondent replied that due to computer issues, he could not produce his continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, Respondent violated Board Rule 3.69. 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:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated January 25, 2018.
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: 286-18A  
Respondent: Christian St. Jon Gournay  
Location of Respondent: Plano, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Christian St. Jon Gournay (hereafter “Respondent”) is registered as an architect in Texas with registration number 18869.
- 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, 2016 through December 31, 2016, but completed them prior to the renewal of his architectural registration.

Applicable Statutory Provisions and Rules:
- By failing to timely complete the required continuing education program hours during the audit period, but before his renewal period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $500 as set forth in the Report and Notice of Violation dated April 5, 2018.
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: 273-18A
Respondent: Robert Lee Herbage
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Robert Lee Herbage (hereafter “Respondent”) is registered as an architect in Texas with registration number 11258.
- 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, 2016 through December 31, 2016, but completed them prior to the renewal of his architectural registration.

Applicable Statutory Provisions and Rules:
- By failing to timely complete the required continuing education program hours during the audit period, but before his renewal period, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $500 as set forth in the Report and Notice of Violation dated March 27, 2018.
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: 285-18A  
Respondent: Rodger Wylie Messer  
Location of Respondent: Atlanta, GA  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Rodger Wylie Messer (hereafter “Respondent”) is a registered architect in Texas with registration number 9032.
- 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, 2016 through December 31, 2016.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:
- By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is $700.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated April 5, 2018.
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: 127-18I
Respondent: Joseph Javier Rodriguez
Location of Respondent: San Francisco, CA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Joseph Javier Rodriguez (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10837.
- On November 16, 2017, 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, 2016 through December 31, 2016.
- On December 7, 2017, Respondent replied that due to a computer crash, he could not produce his continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, 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:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated January 25, 2018.
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: 282-18A
Respondent: Robert Sennet
Location of Respondent: Plano, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Robert Sennet (hereafter “Respondent”) is registered as an architect in Texas with registration number 9084.
- On September 15, 2017, 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, 2016 through December 31, 2018.
- On January 18, 2018, Respondent replied that he could not locate his continuing education certificates.

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2016 through December 31, 2016, 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:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated April 5, 2018.
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: 274-18I
Respondent: Gari L. Sprott
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Gari L. Sprott (hereafter “Respondent”) is a registered interior designer in Texas with registration number 2562.
- 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, 2016 through December 31, 2016.
- 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:
- Enter an Order which adopts the findings of fact, the conclusions of law, and the recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated March 13, 2018.
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: 123-18I  
Respondent: Meredith Ashley Wallace  
Location of Respondent: Dallas, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Meredith Ashley Wallace (hereafter “Respondent”) is a registered interior designer in Texas with registration number 11112.
- 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, 2016 through December 31, 2016.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

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

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $700 as set forth in the Report and Notice of Violation dated January 31, 2018.
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: 190-18I
Respondent: Vickey Lynn Ward
Location of Respondent: Hurst, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Vickey Lynn Ward (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 6376.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- In addition to failing to complete the required continuing education hours, Respondent falsely certified completion of CE responsibilities in order to renew her interior design registration.

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(g). The Board’s standard assessment for providing false information is $700.
- By failing to timely complete the required continuing education program hours, Respondent violated Board Rule 5.79(b). The standard administrative penalty assessed for this violation is $500.

Action Recommended by Executive Director:
- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of $1200 as set forth in the Report and Notice of Violation dated February 15, 2018.
TBAE Mission

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

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

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

About TBAE

A. Agency Overview and Organizational Aspects

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

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

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

B. Current Year Activities

Through the second quarter of fiscal year 2018, TBAE is operating under a balanced budget, in spite of the requirement to pay $50,000 for the audit conducted by the State Auditor’s Office. As a result, for the fourteenth year in a row, TBAE did not raise registration fees. With such fiscal responsibility, TBAE has a healthy fund balance at 85% of its annual budget.
Looking at registration trends through the second quarter of FY18, TBAE expects to see a 5.6% increase for active architect registrants, a 1.2% increase for active registered interior designers and a 6.5% increase for active landscape architect registrants for FY18. It is also expected that TBAE will see more than 1,166 new registrants from all professions for FY18. These numbers are a marked increase from the registration trends in FY16.

In the enforcement unit, TBAE is on track to open approximately 480 complaints in FY18. This number is a two-fold increase from FY16 and previous years. This increase is due to an increase of cases received from the Texas Department of Licensing and Regulation related to design professionals’ accessibility review filings. Through the second quarter of FY18, the enforcement unit has closed 267 cases, with 28 resulting in disciplinary action by TBAE. This pace should keep us on track to avoid a backlog in cases.

TBAE staff worked to implement all relevant legislation from the 85th Session, including the promulgation of rules related to the licensure of Registered Interior Designers. Staff has focused significant amounts of time this fiscal year on its transition to CAPPs for both HR and Payroll and will be prepared for the final transition this summer. Staff also focused on special projects, including transition to the Texas Centralized Accounting and Payroll/Personnel System, recertification of the Records Retention Schedule, Continuity of Operations Plan Exercises, and compliance with several oversight agency audits. Additionally, TBAE successfully completed a Post-Payment Audit by the Comptroller in FY17 and three audits (State Auditor’s Office, Texas Workforce Commission and Department of Public Safety) in FY18 and implemented all recommendations, resulting in improvements to TBAE’s operations. Lastly, TBAE assisted the Governor’s office and state agencies in responding to the needs of the citizens of Texas effected by Hurricane Harvey.

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

1. Use of Technology by the Professions
2. Mobility of Registrants
3. Evolving Role of the Design Professional in Project Management
4. Unregistered Practice
5. Thriving Registrant Pool/Emerging Professionals
6. Positive Construction Forecasts
7. Workforce Demographics
### TBAE Goals and Action Plans

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

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

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

Accountable • Efficient • Effective • Transparent • Customer Service

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

Specific Action Items to Achieved Throughout the Strategic Plan Period

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

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

Accountable • Efficient • Effective • Transparent • Customer Service

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

<table>
<thead>
<tr>
<th>Service, Statute, Rule or Regulation (Provide Specific Citation, if applicable)</th>
<th>Describe why the Service, Statute, Rule or Regulation is Resulting in Inefficient or Ineffective Agency Operations</th>
<th>Provide Agency Recommendation for Modification or Elimination</th>
<th>Describe the Estimated Cost Savings or Other Benefit Associated with Recommended Change</th>
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</thead>
<tbody>
<tr>
<td>Annual $510,000 SDSI payment, Tex. Gov’t Code 472.102(c)</td>
<td>Expenditures, most of which are fixed, are set to outpace revenues in coming years. Absent a reduction in legislatively mandated expenditures, higher registration fees will be required resulting in greater barriers to entering or continuing in the regulated professions.</td>
<td>Respectfully, TBAE suggests a review of the two legislative requirements noted in this section. An evaluation of whether the requirements accomplish the state’s goals of reducing barriers and maximizing results may be in order.</td>
<td>If these legislatively mandated expenditures are eliminated, TBAE would expect for the need to increase renewal fees to be significantly delayed, which would reduce impediments to continued or initial registration.</td>
</tr>
<tr>
<td>Remittance of all administrative penalties to General Revenue, Tex. Gov’t Code 472.110(d)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TBAE is facing difficult demographic and financial realities, and likely will need to raise registration fees after fourteen continuous years of not needing to do so. TBAE projects that by FY21, renewal fees may climb by approximately $7 for an annual registration renewal unless one or more of the fixed costs noted above are decreased. TBAE well understands that increased fees can be a barrier to registration, and is proud to have avoided raising fees for so long. But in light of the required $510,000 annual SDSI payment to General Revenue and the 2013 requirement to remit all enforcement penalties to General Revenue, the agency has little choice but to consider raising revenue via fee increases.

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

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

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

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

1. TBAE’s Executive Director reached out to the Executive Directors of New York, New Jersey, Louisiana and Mississippi to ask for their experiences and advice based on the aftermath of Hurricanes Sandy, Ike, Rita, and Katrina.

2. TBAE staff established contact with collateral groups, including professional associations and other registration boards, to coordinate any needs from those entities. Specifically, TBAE assisted the Texas Society of Architects in their initiative to provide trained, volunteer design professionals for safety assessments.

3. Pursuant to Section 418.171 of the Government Code, TBAE gave consideration to out-of-state registrations and allowed an individual holding such registration to render aid involving their professional skills during the period of declared emergency.

4. TBAE expedited its registration processes for individuals affected by the hurricane and individuals providing services in response to the hurricane.

5. TBAE waived the late payment penalty for affected individuals who were not able to renew by their expiration date.

6. TBAE waived the requirement for documentation of continuing education credits for affected individuals who were audited.

7. TBAE waived the cost of replacement wall certificates for those lost in the hurricane.

8. TBAE participated in the Harvey Occupational and Professional Emergency (HOPE) Workgroup created to share best practices, resources and analytics during the state’s response to Hurricane Harvey.

9. TBAE communicated to its registrants via its regular newsletter the importance of the role registrants would play during the rebuilding phase and the responsibility to design smarter with an emphasis on resiliency and accessibility.

10. In the future, during the rebuilding phase, TBAE anticipates that it may see an increase in complaints related to fraud and practice without a registration and will respond accordingly.

11. In response to specific requests, TBAE continues to work with affected individuals to ensure that we do not prevent, hinder, or delay necessary action in coping with the disaster and to assist them any way that we can.

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

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

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

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

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

Measures Related to the Licensing Goal:

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

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

Average time to issue a registration

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

Number of examination candidates

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

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

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

Number of enforcement actions by sanction type
1. Definition: The number of disciplinary actions taken by TBAE broken down by sanction type.
2. Purpose/Importance: The measure helps to track the results of the agency’s enforcement activities.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” and “Complaint” and having a Final Disposition of “Agreed Order,” “Cease and Desist,” “Consent Order,” “Notice of Violation,” “Order of the Board,” “Penalty Notice,” “Revocation,” “Suspension/Probation,” or “Dismissed (C.O.).” Of the universe, those items with a Final Disposition of “Agreed Order,” “Cease and Desist,” “Consent Order,” “Notice of Violation,” “Order of the Board,” “Penalty Notice,” or “Dismissed (C.O.)” and having a penalty assigned will be counted as “Admin Penalty.” Those of this same list without having a penalty to pay will be counted as “Cease & Desist.” Those having a Final Disposition of “Revocation,” and “Suspension/Probation” will be counted under their corresponding Sanction Type. Cases will be counted in the appropriate fiscal year based on “Board Approved Date.” Roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative
7. New Measure: No.

Number of enforcement cases closed through voluntary compliance
1. Definition: The number of enforcement cases closed by voluntary compliance by the respondent in the case.
2. Purpose/Importance: The measure helps to track agency workload and determine the effectiveness of enforcement activities.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: From TBAsE, the universe will consist of all enforcement matters with an entry in the Case Type field of “Case” or “Complaint.” Items from this universe with an entry in the Final Disposition field of “warning letter” or “informal reprimand” will be counted. Cases will be counted in the appropriate fiscal year based on their closed date. Roster data are saved for future review.
5. Data Limitations: None.
6. Calculation Type: Non-cumulative
7. New Measure: No.

Amount of administrative penalties assessed and the rate of collection of assessed administrative penalties
1. Definition: The amount of all administrative penalties assessed during the reporting period and the rate of collection of administrative penalties during the reporting period.
2. Purpose/Importance: The measure helps to track disciplinary compliance among enforcement respondents.
3. Source and Collection of Data: TBAE internal database, TBAsE.
4. Method of Calculation: The amount (in dollars) of all administrative penalties assessed in a fiscal year is divided by the amount (in dollars) of all administrative penalties collected in the same fiscal year. The date entered in “Board Approved Date” will determine in which fiscal year to report the penalties assessed. If “Board Approved Date” is not entered, the “Case Closed Date” field will determine the fiscal year of reporting. The recorded “Payment Date” will determine in which fiscal year to report the amount collected. The result is expressed as a percentage. Roster data are saved for future review.
5. Data Limitations: Penalties collected in one fiscal year may have been assessed in a previous fiscal year.
6. Calculation Type: Non-cumulative.
7. New Measure: No.

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

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

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

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

Mission of the TBAE HUB Program

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

Goal of the TBAE HUB Program

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

1. 23.7% for professional services contracts;
2. 26.0% for all other services contracts; and
3. 21.1% for commodities contracts.

TBAE HUB Program Strategies

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

1. compliance with HUB planning and reporting requirements;
2. utilization of the Texas Procurement and Support Services’ (TPASS) Centralized Master Bidder List and other sources in bidding for delegated services;
3. adherence to the HUB purchasing procedures and requirements established by the Comptroller of Public Accounts’ Texas Procurement and Support Services Division;
4. attendance at HUB Coordinator meetings, HUB small business trainings and HUB agency functions;
5. utilization of HUB resellers from the Department of Information Resources’ contracts;
6. promotion of HUBs in the competitive bid process on all goods and services; and
7. encourage contractors to use HUBs as partners and subcontractors.
Texas Board of Architectural Examiners
Proposed 2019 Budget

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>FY 2018 Approved Budget</th>
<th>FY 2018 Projected through 8/31/18</th>
<th>FY 2019 Proposed Budget</th>
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<tr>
<td>Licenses &amp; Fees</td>
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<td>Business Registration Fees</td>
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<td><strong>3,021,330</strong></td>
<td><strong>$3,007,966</strong></td>
<td><strong>$3,016,553</strong></td>
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<td>Operating Expenditures</td>
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<td>Registration Fees--Employee Training</td>
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<td><strong>Total Expenditures</strong></td>
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<tr>
<td>Excess/ (Deficiency) of Rev over Exp.</td>
<td>-</td>
<td>49,963</td>
<td>-</td>
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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 eight 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, legal defense costs and settlements, and disaster recovery costs) 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 determine and evaluate possible fiscal risks and monitor the Reserve Fund Balance. A report on the fund balance will be provided 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.
MEMORANDUM

TO: NCARB Member Boards

FROM: Alfred Vidaurre Jr., FAIA, NCARB, AICP
NCARB Secretary

DATE: May 4, 2018

RE: Resolutions to Be Acted Upon at the 2018 Annual Business Meeting

At its April meeting, the NCARB Board of Directors voted to move forward four resolutions for Member Board consideration at the 2018 Annual Business Meeting concerning:

- The NCARB Legislative Guidelines and Model Rules/Model Regulations (Resolution 2018-01)
- NCARB Certification Requirements in the Certification Guidelines (Resolution 2018-02)
- The NCARB Rules of Conduct (Resolution 2018-03)
- The NCARB Bylaws (Resolution 2018-04)

These documents and policies may only be changed by a vote of the membership at the Annual Business Meeting. As a result of discussion at the 2018 Regional Summit in Wichita and written feedback from the regions, the Board of Directors amended some of the draft resolutions previously distributed to address comments and add clarification. More information on these changes is available in the April 2018 BOD Brief and in the attached 2018 NCARB Resolution Feedback document.

Overview of Resolutions

Resolution 2018-01: NCARB Legislative Guidelines and Model Rules/Model Regulations Amendment – HSW Category Realignment

This resolution organizes and re-defines existing HSW categories defined in the Legislative Guidelines and Model Law/Model Regulations to align with the practice areas that are used in the AXP and the ARE. This is intended to be an aid for the CE provider and user community to help determine how courses qualify for HSW.

The sponsors’ statement of support has been updated to incorporate more resiliency and sustainability topics. The Board directed development of a new Continuing Education Guidelines to provide more specificity on the example
topics and to provide better support and guidance for Member Boards. This will be a charge for the Education Committee in FY19.

The Board of Directors supported this resolution 14-0. This resolution requires an absolute majority of Member Boards at the Annual Business Meeting to pass, which is 28 votes.

**Resolution 2018-02: Certification Guidelines Amendment – Revision to the EESA Requirement for the Education Alternative to Certification**

This resolution gives education alternative applicants with 64 or more semester credit hours of post-secondary education an option of whether to obtain an Education Evaluation Services for Architects (EESA). It is currently required. The absolute requirement for an EESA places an unnecessary financial burden and time delay on a subset of Certificate applicants.

The Board of Directors did not make any changes to this resolution at its meeting in April. The Board supported this resolution 14-0. This resolution requires an absolute majority of Member Boards at the Annual Business Meeting to pass, which is 28 votes.

**Resolution 2018-03: Amendment and Restatement of the NCARB Model Rules of Conduct**

This resolution makes several housekeeping changes, reformats the document, and adds clarity to several sections. It also renames the document to the *Model Rules of Conduct* to re-emphasize that the document is a collection of rules to serve as a model for adoption by Member Boards.

In response to member feedback, the Board of Directors moved the remaining commentary from the main part of the document to footnotes, changed “municipal” to “local” in Rule 3.5, removed language from Rule 4.5, and added language to Rule 5.1.

The Board of Directors supported this resolution 14-0. This resolution requires an absolute majority of Member Boards at the Annual Business Meeting to pass, which is 28 votes.

**Resolution 2018-04: Amendment and Restatement of the NCARB Bylaws**

This resolution makes several housekeeping changes to reorganize, eliminate redundant language, add clarity, and eliminate outdated requirements. It also has changes to align the document with current best practices.

In response to member feedback, the Board of Directors added a definition for “registration” to Article II; deleted “or without” from Article VII, Section 4; added
a definition of AXP and a section for additional services to Article X; and deleted Section 2ii (about short- and long-range planning) from Article XII.

The Board of Directors supported this resolution 14-0. This resolution requires a two-thirds (2/3) majority of Member Boards at the Annual Business Meeting to pass, which is 36 votes.

**Next Steps**

NCARB will be hosting three calls before the Annual Business Meeting to discuss the resolutions and answer any questions. The tentative dates for these calls are:

- Tuesday, May 29, 2018 at 3 p.m. EDT
- Wednesday, June 6, 2018 at 12:30 p.m. EDT
- Monday, June 11, 2018 at 4:00 p.m. EDT

Additional reference documents are included in this packet to provide guidance for boards and voting delegates:

- 2018 NCARB Resolution Feedback (with responses from Venable LLP, NCARB Staff, and the NCARB Board of Directors)
- Guide to Proposing Amendments to Resolutions

If you have questions about any resolutions or documentation included, please contact NCARB Council Relations at council-relations@ncarb.org.

Enc: Resolutions to Be Acted Upon at the 2018 Annual Business Meeting
     2018 NCARB Resolution Feedback
     Guide to Proposing Amendment to Resolutions
Resolutions to be Acted Upon
2018 NCARB Annual Business Meeting
May 2018
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Resolution 2018-01

Supported by the Council Board of Directors (14-0)

**TITLE:** NCARB Legislative Guidelines and Model Law/Model Regulations Amendment – HSW Category Realignment

**SUBMITTED BY:** Education Committee

**WHEREAS,** the Board of Directors have proposed an alignment of HSW categories with the current experience areas of the Architectural Experience Program® (AXP®) and the practice areas of the Architect Registration Examination® (ARE®); and

**WHEREAS,** the Education Committee of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to realign the current HSW categories for continuing education defined in 100.006 (page 25) of the Legislative Guidelines and Model Law/Model Regulations; and

**WHEREAS,** requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards (28 votes), with such change becoming effective at the time specified in this Resolution; and

**WHEREAS,** prior to implementing the changes to 100.006 (page 25) of 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 Section 100.006 (Health, Safety, and Welfare Subjects, page 25) of the Model Regulations be amended as follows:

“Health, Safety, and Welfare Subjects

Technical and professional subjects related to the practice of architecture that the Board deems appropriate to safeguard the public and that are within the following enumerated continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations

CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods


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ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public

MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment

OCCUPANT COMFORT: Air Quality, Lighting, Acoustics, Ergonomics

PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

PRESERVATION: Historic, Reuse, Adaptation

PRACTICE MANAGEMENT: This category focuses on areas related to the management of architectural practice and the details of running a business.

PROJECT MANAGEMENT: This category focuses on areas related to the management of architectural projects through execution.

PROGRAMMING & ANALYSIS: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

PROJECT PLANNING & DESIGN: This category focuses on areas related to the preliminary design of sites and buildings.

PROJECT DEVELOPMENT & DOCUMENTATION: This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

CONSTRUCTION & EVALUATION: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

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 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 July 1, 2018.
ADVOCATES:

• **Education Committee**
  - Miguel A. Rodriguez, *Florida Member Board Member*
  - Alastair Stokes, *Massachusetts recently licensed architect*
  - Lori SchraderBachar, *Iowa Member Board Executive*
  - Ann Marie Borys, *Educator, University of Washington Department of Architecture*
  - Bobbi Jo Hepper-Olson, *North Dakota Member Board Member*
  - Carole E. Pacheco, *Georgia Member Board Member*
  - Caryn J. Brause, *Educator, University of Massachusetts Amherst Department of Architecture*
  - Charles Robert Deese, *Montana recently licensed architect*
  - Jennifer R. Arbuckle, *Vermont Member Board Member*
  - Kerry Anderson, *Iowa recently licensed architect*
  - Mitra Kanaani, *Educator, NewSchool of Architecture and Design*
  - Patrick Ryan Barry, *Michigan Member Board Member*
  - Gary Ey, *Maryland Public Board Member*
  - Bayliss Ward, *Montana Member Board Member; Director, Region 5*

• **Experience Committee**
  - John Patrick Rademacher, *Ohio Member Board Member*
  - Erin Fox, *Oregon licensure candidate*
  - Julie Hildebrand, *Texas Member Board Executive*
  - Gianna Lisa Pigford, *Texas architect*
  - James "JC" Clifford Rearden, *Missouri Member Board Member*
  - Roch F. Manley, *Washington Member Board Member*
  - Terance B. White, *Utah Member Board Member*
  - James Oschwald, *New Mexico Member Board Member; Director, Region 6*

• **Resiliency Workgroup**
  - Allen J. Bacqué, AIA, NCARB, *Louisiana Member Board Member*
  - Chris E. Brasier, FAIA
  - Suni Dillard, AIA, LEED AP BD+C, *Massachusetts Member Board Member*
  - Maria Brown, Oregon Member Board Executive
  - Harley H. Hightower, FAIA, NCARB, *Former Alaska Member Board Member*
  - John R. Klai II, FAIA, NCARB, NCIDQ, *Nevada Member Board Member*
  - Joyce Noe, FAIA, Hawaii Member Board Member
  - Jim Oschwald, NCARB, AIA, LEED AP BD+C, *New Mexico Member Board Member*
  - R. K. Stewart, FAIA, NCARB, Hon. FRIAC, Hon. JIA, Hon. AIA, *Former AIA President*
SPONSORS’ STATEMENT OF SUPPORT:

This proposal represents an effort to align HSW categories in Legislative Guidelines and Model Law/Model Regulations to the core programs of the Council, experience (AXP) and examination (ARE). The current HSW categories are outdated and limiting for the breadth of topics that could be considered for HSW continuing education. While the AXP and ARE have very specific topics listed for every experience and practice area, it is proposed that these same areas be used to organize the list of acceptable HSW continuing education topics.

A new comprehensive list of acceptable HSW topics for continuing education will be added to the Education Guidelines to enable modifications to the list of topics as needed to keep up with current trends and evolving technologies. This new section will also expand the language in Model Regulations by adding specific topics associated with each HSW subject area.

Health, Safety, and Welfare Subjects and Acceptable Topics

Technical and professional subjects related to the practice of architecture that safeguard the public and that are within the following continuing education subject areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment. Acceptable HSW topics listed under each CE subject area are not all-inclusive and may span across multiple subjects.

PRACTICE MANAGEMENT: This category focuses on areas related to the management of architectural practice and the details of running a business.

Acceptable Topics
Applicable Laws and Regulations
Ethics
Insurance to Protect Owner and Public
Business Management
Risk Management
Information Management
Design for Community Needs
Supervisor Training

PROJECT MANAGEMENT: This category focuses on areas related to the management of architectural projects through execution.

Acceptable Topics
Project Delivery Methods
Contract Negotiation
Pre-Design Services
Site and Soils Analysis
Consultant Management
Project Scheduling
Resolutions to be Acted Upon

PROGRAMMING & ANALYSIS: This category focuses on areas related to the evaluation of project requirements, constraints, and opportunities.

Acceptable Topics
- Land-Use Analysis
- Programming
- Site Selection
- Historic Preservation
- Adaptive Reuse
- Codes, Regulations, and Standards
- Natural Resources
- Environmental Impact and Ecosystem Risk Assessment
- Hazardous Materials
- Resilience to Natural and Human Impacts
- Life Safety
- Feasibility Studies

PROJECT PLANNING & DESIGN: This category focuses on areas related to the preliminary design of sites and buildings.

Acceptable Topics
- Building Systems
- Urban Planning
- Master Planning
- Building Design
- Site Design
- Safety and Security Measures
- Impacts, Adaptation and Mitigation of a Changing Climate
- Energy Efficiency and Positive Energy Design
- Sustainability
- Indoor Air Quality
- Ergonomics
- Lighting
- Acoustics
- Accessibility
PROJECT DEVELOPMENT & DOCUMENTATION: This category focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project.

Acceptable Topics
- Construction Documents
- Materials and Assemblies
- Fixtures, Furnishings, & Equipment

CONSTRUCTION & EVALUATION: This category focuses on areas related to construction contract administration and post-occupancy evaluation of projects.

Acceptable Topics
- Construction Contract Administration
- Bidding and Negotiation
- Post Occupancy Evaluation (POE)
- Building Commissioning

This proposed revision:
- Aligns HSW continuing education subject areas to the experience/practice areas of AXP and ARE
- Provides a general definition for each new HSW continuing education subject area
- Eliminates a lengthy list of continuing education topics within Model Regulations
- Supports efforts to evolve NCARB programs and documents with the evolution of the architectural profession

REFERENCES:
- Legislative Guidelines and Model Law/Model Regulations
- AXP experience area definitions
- ARE practice area definitions
Resolution 2018-02

Supported by the Council Board of Directors (14-0)

TITLE: Certification Guidelines Amendment – Revision to the EESA Requirement for the Education Alternative to Certification

SUBMITTED BY: Education Committee

WHEREAS, the Board of Directors have determined that the current EESA requirement for applicants pursuing certification through the Education Alternative be optional for those who do not have an architecture-related degree and have more than 64 semester credit hours of postsecondary education; and

WHEREAS, the Education Committee of the Council has determined upon careful consideration that it is advisable and in the best interest of the Council to revise the current EESA requirement for the Education Alternative to Certification set forth in Section 2 of the Certification Guidelines; and

WHEREAS, requirements for NCARB certification may only be changed by an absolute majority vote of the Council Member Boards (28 votes), 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 Section 2 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 alternatives for certification of an architect registered in a U.S. jurisdiction as included in Section 2.2 of the Certification Guidelines (page 11) be amended as follows:

“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. 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 Architectural Experience 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 Architectural Experience 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 or 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.) or non-U.S. or Canadian degree, 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.

   • Submit a Certificate Portfolio. Document experience as a licensed architect to satisfy all subject areas of the NCARB Education Standard identified as deficient by the EESA report through a portfolio for peer review.

      i. Architects with 64 or more semester credit hours of postsecondary education have the option to obtain an Education Evaluation Services for Architects (EESA) to identify specific subject area deficiencies to address through the Certificate Portfolio.

      ii. The General Education subject area of the Certificate Portfolio is waived for those with a U.S. or Canadian bachelor degree or higher.

* Architects with less than 64 semester credit hours of postsecondary education do not require an EESA and must satisfy all education deficiencies through an education portfolio.

B. 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 Architectural Experience Program is described in the AXP Guidelines. The NCARB Education Standard is described in the Education Guidelines. These documents may be revised from time to time by NCARB.”

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 July 1, 2018, and will apply to new applicants for certification through the Education Alternative.
ADVOCATES:

• Education Committee
  - Miguel A. Rodriguez, Florida Member Board Member
  - Alastair Stokes, Massachusetts recently licensed architect
  - Lori SchraderBachar, Iowa Member Board Executive
  - Ann Marie Borys, Educator, University of Washington Department of Architecture
  - Bobbi Jo Hepper-Olson, North Dakota Member Board Member
  - Carole E. Pacheco, Georgia Member Board Member
  - Caryn J. Brause, Educator, University of Massachusetts Amherst Department of Architecture
  - Charles Robert Deese, Montana recently licensed architect
  - Jennifer R. Arbuckle, Vermont Member Board Member
  - Kerry Anderson, Iowa recently licensed architect
  - Mitra Kanaani, Educator, NewSchool of Architecture and Design
  - Patrick Ryan Barry, Michigan Member Board Member
  - Gary Ey, Maryland Public Board Member
  - Bayliss Ward, Montana Member Board Member; Director, Region 5

• National Architectural Accrediting Board

SPONSORS’ STATEMENT OF SUPPORT:

This proposal represents an effort to ensure current requirements for the Education Alternative to Certification are rational and provide the necessary rigor. The current requirement is for all Certificate Portfolio applicants who have 64 or more semester credit hours of postsecondary education to obtain an Education Evaluation Services for Architects (EESA). The proposed resolution gives applicants the option to obtain an EESA. Those who choose to obtain an EESA may eliminate the need to satisfy some subject areas of the Education Standard through the Certificate Portfolio. Those who choose not to obtain an EESA must satisfy all subject areas through the Certificate Portfolio.

The EESA, administered by the National Architectural Accrediting Board (NAAB), was established to assist applicants who do not have a professional degree in architecture from a NAAB- or CACB/CCCA-accredited program who wish to apply for NCARB certification. As it relates to the Education Alternative, the EESA evaluates an applicant’s academic transcript in comparison with the NCARB Education Standard, an approximation of the requirements of the professional degree from a NAAB-accredited degree program.

The EESA report states which areas of the NCARB Education Standard have been satisfied and which areas (if any) are deficient. Areas of deficiency are then remedied through submission of a Certificate Portfolio. Both the EESA and Certificate Portfolio use the NCARB Education Standard as criteria by which to review satisfaction of the education requirement for certification.
About 20 percent of architects falling into the category of requiring an EESA have received an associate, bachelor, or master degree in completely unrelated fields. Their EESA evaluation typically leads only to a waiver of the “General Education” subject area. The EESA requirement is a time-consuming and costly effort for little to no value in these cases.

Many of the remaining 80 percent of architects requiring an EESA have completed some coursework in architecture or architecture-related programs and have also expressed interest in satisfying their education by completing all subject areas of the *Education Standard* through the Certificate Portfolio, bypassing the cost and time required to obtain an EESA.

Also included in this proposal is a waiver of General Education for all Certificate Portfolio applicants who hold a bachelor or higher degree from the U.S. or Canada. This is in direct correlation to the waiver historically given to EESA applicants by the NAAB. The rationale for which is that institutions able to grant a bachelor degree are required to have a curriculum that meets the general education standards.

**This proposed resolution:**

- Recognizes that the criteria used for an EESA evaluation is the same criteria used to evaluate a Certificate Portfolio: the *NCARB Education Standard*
- Allows all applicants the option of either:
  - a. Obtaining an EESA and submitting a Certificate Portfolio addressing only identified subject area deficiencies from the EESA report, or
  - b. Bypassing the EESA and submitting a Certificate Portfolio addressing ALL subject areas
- Provides an unbiased evaluation of an architect’s education
- Gives credit for General Education to those who have obtained a bachelor degree or higher
- Maintains program rigor
- Streamlines the process for those choosing to bypass the EESA
- Supports efforts to minimize program fees

**REFERENCES:**

- *NCARB Education Guidelines*
- *Certificate Portfolio Applicant Guide*
Resolution 2018-03

Supported by the Council Board of Directors (14-0)

TITLE: Amendment and Restatement of the NCARB Model Rules of Conduct

SUBMITTED BY: Council Board of Directors

WHEREAS, the Ethics Task Force of the Council has determined upon careful consideration that it is advisable to amend and restate the NCARB Model Rules of Conduct to ensure they remain relevant to contemporary architectural practice and to ensure the expected professional and ethical conduct of architects found in law remains focused on the protection of the health, safety, and welfare of the public.

WHEREAS, the Rules of Conduct may only be changed by an absolute majority vote of the Council Member Boards (28 votes), 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

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the NCARB Rules of Conduct are hereby amended and restated in the form attached hereto as Exhibit A.

FURTHER RESOLVED, that upon the approval of the changes by an absolute majority of the Council Member Boards, such changes will become effective July 1, 2018.

ADVOCATES:

- Ethics Task Force
  - Dale H. McKinney, Past President
  - Jenny Owen (Wilkinson), Mississippi Member Board Executive
  - David Whatley Hinson, Educator, Auburn University College of Architecture, Design and Construction
  - George Miller, New York Member Board Member
  - Jan Burgess
  - John Cameron Jr., Former Public Director
  - John Ehrig, Florida Member Board Member
  - Michael Norman Archer, New York recently licensed architect
  - Darryl R. Hamm, Pennsylvania Member Board Member; Public Director

SPONSORS’ STATEMENT OF SUPPORT:

The Ethics Task Force was formed in 2015 by then President-elect Dennis Ward to explore opportunities to increase awareness of ethics and professional conduct within the profession and to specifically review the NCARB Rules of Conduct for relevance and currency. Over the
course of the past two and a half years, the task force conducted an extensive, word-by-word review of the Rules; the first comprehensive review conducted since its adoption by Member Boards in 1977. The task force reviewed the codes of conduct for architects from various countries/organizations around the world, as well as those of our design-related professions (interior design, landscape architecture, and engineering) and other professions regulated in the United States (accounting, psychology, and medicine).

The review resulted in several areas of proposed change, including long-overdue “housekeeping” changes; a significant reduction of the supporting commentary; rules with more than one idea were separated in two and restated in order to bring clarity; two former rules were deleted; one new rule was created to cover a new subject; and the last section of rules was reorganized and significantly overhauled to focus on signing and sealing documents. The document was also retitled as Model Rules of Conduct to re-emphasize that the collection of rules serves as a model for adoption and use by NCARB’s Member Boards.

Former Rule 5.1 (resident architect) was deleted as more of a condition of practice rather than an issue of professional conduct. Thoughts on this former rule will be shared with the Model Law Task Force for review and possible incorporation in their work.

Former Rule 5.3 (private gifts) was also deleted. While bribes or gifts to influence public officials or gain favor for future public work remain strictly prohibited by Rule 4.4, the task force felt that there was nothing inherently unethical with seeking favor on private projects through reduced fees or pro bono services.

New Rule 2.5 was added by the task force to highlight the significant responsibility AXP supervisors have in their relationship with and mentoring of licensure candidates. It is the task force’s opinion that the supervisor/supervisee relationship is crucial and must be free of conflicts of interest, whether perceived or fact.

And finally, Section 5 was retitled and refocused on rules related to the signing and sealing of documents. Former Rule 5.2 was inappropriately used to define responsible control and technical submissions rather than focus on the architect’s conduct in this context. While those concepts are critically important to the profession, the task force determined that the Rules of Conduct should focus on the conditions of signing and sealing technical submissions, not simply their definitions. The actual definitions will be shared with the Model Law Task Force for inclusion in the definitions section in support of their effort to update and revise NCARB’s Legislative Guidelines and Model Law/Model Regulations. With this refocusing effort, the remaining rules in Section 5 were relocated to another more appropriate section.

Throughout the effort, the Ethics Task Force maintained a laser-like focus on those rules that comprise the legal and ethical requirements of the profession in support of the protection of the public health, safety, and welfare. The Board of Directors unanimously accepted the task force’s recommended revisions and supports the passage of Resolution 2018-C.

REFERENCES:

- NCARB Model Rules of Conduct (a clean version of Exhibit A)
MODEL RULES OF CONDUCT

FOREWORD

INTRODUCTION

GUIDING PRINCIPLES

RULE 1  COMPETENCE

RULE 2  CONFLICT OF INTEREST

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RULE 4  COMPLIANCE WITH LAWS

RULE 5  RULES OF PROFESSIONAL CONDUCT SIGNING AND SEALING DOCUMENTS
FOREWORD

These Model Rules of Conduct are published by the National Council of Architectural Registration Boards (NCARB) as a recommended set of rules for Member Boards—the jurisdictional licensing boards—having the authority to promulgate and enforce rules of conduct applicable to those licensed in their jurisdiction.

INTRODUCTION

These rules of conduct are published by NCARB as a recommended set of rules for Member Boards having the authority to promulgate and enforce rules of conduct applicable to their registrants.

Immediately following the 1975 Annual Meeting, the Board of Directors charged the NCARB Committee on Professional Conduct with drafting a set of rules of conduct for use by Member Boards. The Committee worked on these rules over an 18-month period. Initially, the Committee searched the existing rules of several of its Member Boards. From this search, a preliminary set of rules of conduct covering a multitude of matters was prepared. The preliminary rules were finally revised to a draft set of rules in February 1976. That draft was submitted to representatives of various governmental agencies and professional organizations in March 1976. On the basis of informal comment received at that time, the rules were again revised. In November 1976, another series of hearings with governmental officials was held and further revisions were made.

Thereafter, these rules were distributed broadly with requests for comment, and in February 1977 the Committee on Professional Conduct, taking into account the comments received, revised, and redrafted the rules into their present form. The rules were approved by the Member Boards at the 1977 Annual Meeting. At the 1982 NCARB Annual Meeting one amendment to these rules of conduct was approved, adding a new Section 5.1 and renumbering subsequent items accordingly.

Certain Committee assumptions are clarified as follows:

- It is the Committee’s belief that a set of rules of conduct, which will be the basis for policing and disciplining members of the profession, should be “hard-edged” rules and should not include those precatory injunctions which are often found in a list of professional obligations. For example, the Committee believes that it is an obligation of all registered architects to assist interns in their...
development. But the Committee could not conceive of making the failure to perform that obligation the basis for revocation of registration, suspension of registration, or reprimand. Thus, the rules set forth below have all been subjected to the critical test of whether or not an architect violating any one of the rules should be subject to discipline. It is the Committee’s judgment that the rules proposed are all rules for which it is appropriate to command compliance and threaten sanctions:

- The Committee views these rules as having as their objective the protection of the public and not the advancement of the interests of the profession of architecture. The Committee believes, however, the profession is advanced by requiring registration holders to act in the public interest. There are, however, various rules of conduct found in many existing state board rules which seem more directed at protecting the profession than advancing the public interest. Such a rule is the prohibition against allowing one architect to supplant another until he/she has adequate proof that the first architect has been properly discharged. Without doubt, such a rule makes the practice more civilized, more orderly; and, under some circumstances, exposes a client to less risk. On the other hand, it was frequently pointed out to the Committee that clients may often wish to verify the competence of a retained architect by engaging a second architect, and it hardly seems appropriate for governmental regulation to prevent that from occurring. Similarly, prohibitions against brokers selling architects’ services, fee competition, advertising, free sketches, and the like, seem more appropriately included in professional ethical standards than in rules to be enforced by state agencies.

In protecting the public, there are two general areas of concern. First, non-architects (beginning with the client and including all other members of the construction industry) dealing with an architect should be protected against misrepresentation, fraud, and deceit. It has long been recognized as a proper function of government to protect the consumer of services from such wrongful behavior. Second, the users of a project on which the architect has worked must be protected from a building which is unsafe. This kind of protection by a governmental agency has an even longer history:

- The Committee sought to avoid burdening the architect-
with standards of conduct which were unreasonable to expect. At the same time, the Committee took into account the fact that the public views the architect or, in the case of an engineering project, the engineer as the only registered professional involved in a leadership position in the construction process, and relies on the registered professional to help safeguard the public interest. Rule 3.3, derived from a similar rule found in the Alaska State Board’s rules of conduct, recognizes the special responsibility of the registered architect. In this regard, the architect is not unlike the lawyer who, while enjoined to defend vigorously the position of his/her client, must under certain circumstances abandon his/her partisan effort on behalf of his/her client by virtue of his/her duty as an officer of the court to advance the cause of justice. Similarly, accountants have in recent years been compelled to insist on positions that are not in their client’s interest but that are necessary in order to provide the public with full disclosure. So the architect has a fiduciary duty to his/her client, while at the same time has a supervening duty to the public:

- As has been stated above, these rules are intended to point out those areas of behavior for which an architect risks being disciplined by his/her state board. The enforcement of these rules is the subject of a paper titled “Procedural Requirements for Discipline of Architects by State Architectural Registration Boards,” prepared and distributed by the Professional Conduct Committee. Enforcement, of course, raises quite special problems. State registration boards are notoriously understaffed and underfunded. Nonetheless, the Committee believes the experience of some of our Member Boards in using available resources to assist in enforcement will provide guidance to other state boards that have despaired of being able to enforce rules of conduct in the past. The paper on enforcement suggests strategies by which the state boards can police the profession and can effectively enforce these rules. The Committee, however, does not believe that an infraction of each of these rules will yield the same punishment. Obviously, any disciplinary body takes into account a multitude of mitigating circumstances. In addition, a first infraction of some of the rules would, in all likelihood, not result in disciplinary action. For example, very few responsible and honorable architects avoid negligence completely in their careers. On the other hand, the board must have the right to discipline and, if necessary, revoke the registration of an-
Exhibit A: Proposed Changes to the NCARB Rules of Conduct

Resolutions to be Acted Upon

architect with a demonstrated record of incompetence.

- The Committee struggled with the question of the necessary proximity between the act proscribed and the public interest involved. As an example, we can pick out three points on a line all leading to unsafe structures which the public clearly has an interest in preventing. The first point, for purposes of this illustration, is architects bidding against each other on the basis of fee. There is evidence that buildings constructed from the work of architects who have won the job on the basis of a low fee have more problems than buildings generally. As a second point on the line, buildings designed by architects who suffer from substantial physical or mental disabilities contain a much higher risk of defects than buildings generally. As a final point on the line, there is the architect who has been chronically negligent in his/her past projects and is likely to perform with similar negligence in the future. The Committee was compelled to ask itself whether the odds were sufficiently high in connection with the competitive bidding issue to warrant a registration board attempting to protect the public at that point on the line. A similar question was raised concerning the architect whose competence is physically or mentally impaired. In a sense, disciplining the architect after the defective building had been discovered was the least effective way of protecting the public. This kind of inquiry resulted in the Committee’s deleting any reference to competitive bidding in its rules but retaining a rule concerning physical or mental disabilities on the grounds that the protection of the public required that the board have power to step in when it has evidence that such a condition exists and is likely to impair the competence of the architect. Similar inquiries were made in connection with many of the other rules set forth in this document.

In July 1975, following a directive from delegates at its Annual Business Meeting, NCARB began to develop rules on professional conduct that it could recommend to its Member Boards. The committee conducted extensive research, produced several drafts, and conducted reviews with various governmental agencies and professional organizations in March 1976 and again in November 1976. In February 1977, the committee finalized the first version of NCARB’s Model Rules of Conduct and subsequently gained their acceptance and approval by its Member Boards at the Annual Business Meeting in June 1977.
Over a two-year period, NCARB undertook a study of the conduct rules of various jurisdictions and other learned professions, held in-depth interviews with a number of government consumer affairs officials, and carried out other research inquiries. These efforts led to the formulation of NCARB’s Model Rules of Conduct. Their substance was drawn from the following series of considerations:

- **The Rules**, which will serve as the basis for the regulating and disciplining of architects, should be mandatory rules and should not include aspirational rules that often comprise the codes of professional associations;
- **The Rules** should have as their objective the protection of the public and not the advancement of the interests of the profession of architecture;
- The architect should not be burdened unfairly with rules and expectations that are unreasonable. The public, however, expects to find an architect in a leadership position on a construction project to protect its interests. Consequently, while the architect is primarily enjoined to serve a client’s best interests, the architect also has a supervening duty to the public; and
- **The Rules** are intended to set out those areas of behavior for which an architect risks being disciplined, including suspension or revocation of the privilege to practice, by a jurisdictional licensing board.

As a result of these considerations, NCARB’s Model Rules of Conduct, as approved and recommended to its Member Boards who have the authority to promulgate such rules, center on five areas: competence, conflict of interest, full disclosure, compliance with laws, and signing and sealing documents. Over time, NCARB’s Model Rules of Conduct have been revised to ensure they remain relevant to contemporary practice and to ensure the expected professional and ethical conduct of architects found in law remains focused on the protection of the health, safety, and welfare of the public.
GUIDING PRINCIPLES FOR THE DEVELOPMENT OF NCARB’s
MODEL RULES OF CONDUCT

A. A set of rules of conduct, which will be the basis for regulating and disciplining members of the profession, should be mandatory rules and should not include those aspirational rules that are often found in a list of obligations promoted by a professional association.

B. The objective of these Model Rules of Conduct is the protection of the public health, safety, and welfare. There are two general areas of concern. First, non-architects [beginning with the client and including all other members of the construction industry] dealing with an architect should be protected against misrepresentation, fraud, and deceit. Second, the users of a project on which the architect has worked must be protected from a building which is unsafe.

C. These Model Rules of Conduct, when referenced to “law,” are concerned only with violations of U.S. law and not with violations of the laws of other nations. It would be extremely difficult for a jurisdictional licensing board to obtain suitable evidence of the interpretation of foreign laws and it is not unusual for such laws to be at odds with the laws of the United States.

D. These Model Rules of Conduct address the conduct of the architect irrespective of the architect’s having been convicted under a criminal law. An architect is subject to discipline by the jurisdictional licensing board whether or not the architect has been convicted by a court of law.

E. The public views the architect as the primary registered design professional involved in the planning and design of a building project and relies on the architect to help safeguard the public interest. While architects are obligated to defend vigorously the position of their clients, architects may be compelled to insist on positions that are not in their clients’ interest in order to protect the health, safety, and welfare of the public.

F. The public expects that professions will be guided by a commonly accepted standard of conduct and that architects will assume a primary role in ensuring ethical conduct by their colleagues. For example, this principle is the foundation of the requirements to report violations found in Rule 3.9. An architect’s accountability
in this regard extends to the actions of parties external to their practice and to their practice colleagues. Accordingly, for the purposes of these Model Rules of Conduct, any architect who, alone or with others, is in charge of a firm’s architectural practice will be deemed to have violated these rules if the firm has violated these rules.

G. Architects who act as Architectural Experience Program (AXP) Supervisors of candidates for licensure play a critical role in the protection of the public and a central role in the training of future license holders. NCARB and the jurisdictional licensing boards rely on AXP Supervisors to both confirm that the expected experience has been gained and to serve as the primary “quality assurance” guarantor regarding the efficacy of the candidate’s experience. Accordingly, these Model Rules of Conduct include several provisions intended to protect the integrity of the experience verification process and other elements of the qualifications reporting system that jurisdictional licensing boards rely on when making licensure decisions.
RULE 1

COMPETENCE

1.1 In practicing architecture, an architect’s primary duty is to protect the public’s health, safety, and welfare. In discharging this duty, an architect shall act with reasonable care and competence, and shall apply the knowledge and skill which is ordinarily applied by architects of in good standing, practicing in the same locality.\(^1\)

COMMENTARY

Although many of the existing state board rules of conduct fail to mention standards of competence, it is clear that the public expects that incompetence will be disciplined and, where appropriate, will result in revocation of the license. Rule 1.1 sets forth the common law standard which existed in this country for 100 years or more in judging the performance of architects. While some courts have stated that an architect, like the manufacturer of goods, warrants that his/her design is fit for its intended use, this rule specifically rejects the minority standard in favor of the standard applied in the vast majority of jurisdictions that the architect need be careful but need not always be right. In an age of national television, national universities, a national registration exam, and the like, the reference to the skill and knowledge applied in the same locality may be less significant than it was in the past when there was a wide disparity across the face of the United States in the degree of skill and knowledge which an architect was expected to bring to his/her work. Nonetheless, the courts have still recognized this portion of the standard, and it is true that what may be expected of an architect in a complex urban setting may vary from what is expected in a more simple, rural environment.

1.2 In designing a project, an architect shall take into account all the applicable federal, state, and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such laws and regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

\(^1\) This rule is based on the common law “standard of care” that has been accepted by courts in this country for over 100 years in judging the performance of architects.
COMMENTARY

It should be noted that the rule is limited to applicable state and municipal building laws and regulations. Every major project being built in the United States is subject to a multitude of laws in addition to the applicable building laws and regulations. As to these other laws, it may be negligent of the architect to have failed to take them into account, but the rule does not make the architect specifically responsible for such other laws. Even the building laws and regulations are of sufficient complexity that the architect may be required to seek the interpretation of other professionals. The rule permits the architect to rely on the advice of such other professionals.

1.3 An architect shall undertake to perform professional services only when he/she, together with those whom the architect may engage as consultants, is qualified by education, training, and experience, has the necessary knowledge and skill in the specific technical areas involved.

COMMENTARY

While an architect is licensed to undertake any project which falls within the definition of the practice of architecture, as a professional, the architect must understand and be limited by the limitations of his/her own capacity and knowledge. Where an architect lacks experience, the rule supposes that he/she will retain consultants who can appropriately supplement his/her own capacity. If an architect chooses to undertake a project where he/she lacks knowledge and where he/she does not seek such supplementing consultants, the architect has violated the rule.

1.4 No person shall be permitted to practice architecture if, in the board’s judgment, the architect’s professional competence is substantially impaired by physical or mental disabilities. The assessment of impairment should be performed by an appropriately qualified professional.²

²This rule empowers the Board to act preemptively in the interest of public health, safety, and welfare when the Board becomes aware of an architect’s impaired competence rather than waiting until the impaired competence causes harm.
COMMENTARY

Here the state registration board is given the opportunity to revoke or suspend a license when the board has suitable evidence that the license holder’s professional competence is impaired by physical or mental disabilities. Thus, the board need not wait until a building fails in order to revoke the license of an architect whose addiction to alcohol, for example, makes it impossible for that person to perform professional services with necessary care.
RULE 2  CONFLICT OF INTEREST

2.1 An architect shall not accept compensation in connection with services from more than one party on a project (and never in connection with specifying or endorsing materials or equipment) unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be and waived in writing) by all interested parties.

COMMENTARY

This rule recognizes that in some circumstances an architect may receive compensation from more than one party involved in a project but that such bifurcated loyalty is unacceptable unless all parties have understood it and accepted it.

2.2 If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his/her judgment in connection with the performance of professional services, the architect shall fully disclose in writing to his/her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

COMMENTARY

Like 2.1, this rule is directed at conflicts of interest. It requires disclosure by the architect of any interest which would affect the architect’s performance.

2.3 An architect shall not solicit or accept compensation from material or equipment suppliers in connection with specifying or endorsing their products in connection with a project. As used herein, “compensation” shall not mean customary and reasonable business hospitality, entertainment, or product education.

COMMENTARY

This rule appears in most of the existing state standards. It is absolute and does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education, while not furnishing a clear definition of what is and is not allowed is nevertheless well understood by state ethics laws, company policies, and tax guidelines that wish to allow what is.

\(^3\) Unlike Rule 2.1, this rule does not provide for waiver by agreement. Customary and reasonable business hospitality, entertainment, and product education may be determined by jurisdictional ethics laws, company policies, and tax guidelines.
usual and appropriate in the industry in terms of dining, entertainment, and travel while ruling out lavish or excessive expenditures.

2.3 An architect shall not perform professional services in the face of a conflict of interest that is not fully disclosed and waived in writing by all parties. An architect has a conflict of interest when:

(a) the architect has or may acquire a financial or other interest in the project, someone participating in it, or any component of it; or

(b) the architect’s judgment may be adversely affected by a relationship with another party.

2.4 When an architect, when acting by agreement of the parties as the independent interpreter of building contract documents and/or as the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

COMMENTARY

This rule applies only when the architect is acting as the interpreter of building contract documents and the judge of contract performance. The rule recognizes that these roles are not inevitable and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in those two roles. In general, however, the rule governs the customary construction industry relationship where the architect, though paid by the owner and owing the owner his/her loyalty, is nonetheless required, in fulfilling his/her role in the typical construction industry documents, to act with impartiality.

2.5 An architect serving as an AXP Supervisor for a candidate for licensure shall not have, nor enter into, any relationship with the candidate that would interfere with the objectivity of the AXP Supervisor’s certification of the candidate’s experience.

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4 This rule governs the construction industry relationship where the architect is to act impartially as the interpreter of building contract documents and/or the judge of contract performance, even though paid by the owner. The rule recognizes that these roles are not inevitable and that there may be circumstances (for example, where the architect has an interest in the owning entity) in which the architect may appropriately decline to act in either of these two roles.

5 AXP Supervisors are required to balance their duty to protect the public with their role in licensure candidate development. Balancing these duties makes the AXP Supervisors’ objectivity critical.
RULE 3  FULL DISCLOSURE

3.1  An architect shall not make misleading, deceptive, or false statements or claims that are misleading, deceptive, or false.

3.12 An architect making public statements on architectural questions shall disclose when he/she if the architect is being compensated for making such statements or when he/she has an economic interest in the issue.

COMMENTARY

Architects frequently and appropriately make statements on questions affecting the environment in the architect’s community. As citizens and as members of a profession acutely concerned with environmental change, they doubtless have an obligation to be heard on such questions. Many architects may, however, be representing the interests of potential developers when making statements on such issues. It is consistent with the probity which the public expects from members of the architectural profession that they not be allowed under the circumstances described in the rule to disguise the fact that they are not speaking on the particular issue as an independent professional but as a professional engaged to act on behalf of a client.

3.23 An architect shall accurately represent to a prospective or existing client or employer his/her not misrepresent the architect’s qualifications, capabilities, and experience or that of the architect’s firm and the scope of his/her responsibility in connection with work for which he/she is claiming credit.

COMMENTARY

Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his/her experience working under a more senior architect has every right to claim credit for the work which he/she did. On the other hand, the public must be protected from believing that the younger architect’s role was greater than was the fact.
3.4 An architect shall accurately represent to a prospective or existing client or employer his/her qualifications, capabilities, experience, and not misrepresent or overstate the scope of his/her responsibility in connection with work for which he/she is claiming credit.

**COMMENTARY**

Many important projects require a team of architects to do the work. Regrettably, there has been some conflict in recent years when individual members of that team have claimed greater credit for the project than was appropriate to their work done. It should be noted that a young architect who develops his/her experience working under a more senior architect has every right to claim credit for the work which he/she did. On the other hand, the public must be protected from believing that the younger architect’s role was greater than was the fact.

3.35 If, in the course of an architect’s work on a project, an architect becomes aware of a decision taken by his/her employer or client, against the architect’s advice, which violates applicable federal, state, or municipal building laws and regulations and which will, in the architect’s judgment, materially and adversely affect the health and safety, and welfare of the public, of the finished project, the architect shall:

(i) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations, refuse to consent to the decision, and

(ii) refuse to consent to the decision, and report the decision to the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations, and

(iii) in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her provision of services with reference to the project unless the architect is able to cause the matter to be resolved by other means.

\[6\] In the circumstances described, the architect is compelled to report the matter to the appropriate building official even though to do so may adversely affect the client’s interests. The rule specifically intends to exclude matters of safety during the course of construction that are the obligation of the contractor.
In the case of a termination in accordance with Clause (iii), the architect shall have no liability to his/her client or employer on account of such termination.

**COMMENTARY**

This rule holds the architect to the same standard of independence which has been applied to lawyers and accountants. In the circumstances described, the architect is compelled to report the matter to a public official even though to do so may substantially harm the architect’s Note that the circumstances are violations of building laws which adversely affect the safety of the finished project. While a proposed technical violation of building laws (e.g., a violation which does not affect the public safety) will cause a responsible architect to take action to oppose its implementation, the Committee specifically does not make such a proposed violation trigger the provisions of this rule. The rule specifically intends to exclude safety problems during the course of construction which are traditionally the obligation of the contractor. There is no intent here to create a liability for the architect in this area. Clause (iii) gives the architect the obligation to terminate his/her services if he/she has clearly lost professional control. The standard is that the architect reasonably believes that other such decisions will be taken notwithstanding his/her objection. The rule goes on to provide that the architect shall not be liable for a termination made pursuant to Clause (iii). Such an exemption from contract liability is necessary if the architect is to be free to refuse to participate on a project in which such decisions are being made.

### 3.46 An architect shall not deliberately make a false statement or fail deliberately to disclose accurately and completely a material fact lawfully requested by the Board in connection with the architect’s application for licensure or renewal.

**COMMENTARY**

The registration board which grants registration or renews registration on the basis of a misrepresentation by the applicant must have the power to revoke that registration.
3.5 An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

3.7 An architect possessing knowledge of an applicant’s qualifications for registration shall cooperate with the applicant, the Board and/or NCARB by responding appropriately regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document related to licensure that contains false or misleading information and shall not assist in the application for licensure of a person known by the architect to be unqualified.

3.8 An architect possessing knowledge of an applicant’s qualifications for licensure registration shall cooperate with the applicant, the Board, and/or NCARB by responding appropriately and in a timely manner regarding those qualifications when requested to do so. An architect shall provide timely verification of employment and/or experience earned by an applicant under his or her supervision if there is reasonable assurance that the facts to be verified are accurate. An architect shall not knowingly sign any verification document that contains false or misleading information.

3.9 An architect possessing knowledge of a violation of these rules, jurisdiction’s laws or rules governing the practice of architecture, by another architect shall report such knowledge to the Board. It is the professional duty of the architect to do so.
RULE 4  COMPLIANCE WITH LAWS

4.1 An architect shall not, in the conduct of his/her architectural practice, knowingly violate any state or federal criminal law of the United States or any U.S. jurisdiction that in any material way relates to the conduct of the architect’s practice.

COMMENTARY

This rule is concerned with the violation of a state or federal criminal law while in the conduct of the registrant’s professional practice. Thus, it does not cover criminal conduct entirely unrelated to the registrant’s architectural practice. It is intended, however, that rule 5.4 will cover reprehensible conduct on the part of the architect not embraced by rule 4.1. At present, there are several ways in which Member Boards have dealt with this sort of rule. Some have disregarded the requirement that the conduct be related to professional practice and have provided for discipline whenever the architect engages in a crime involving “moral turpitude.”

The Committee declined the use of that phrase, as its meaning is by no means clearly or uniformly understood. Some Member Boards discipline for felony crimes and not for misdemeanor crimes. While the distinction between the two was once the distinction between serious crimes and technical crimes that distinction has been blurred in recent years. Accordingly, the Committee specifies crimes in the course of the architect’s professional practice, and, under 5.4, gives to the Member Board discretion to deal with other reprehensible conduct. Note that the rule is concerned only with violations of state or federal criminal law. The Committee specifically decided against the inclusion of violations of the laws of other nations. Not only is it extremely difficult for a Member Board to obtain suitable evidence of the interpretation of foreign laws, it is not unusual for such laws to be at odds with the laws, or, at least, the policy of the United States. For example, the failure to follow the dictates of the “anti-Israel boycott” laws found in most Arab jurisdictions is a crime under the laws of most of those jurisdictions; while the anti-Israel boycott is contrary to the policy of the government of the United States and following its dictates is illegal under the laws of the United States.

4.2 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

Formerly Rule 5.4
4.3 An architect shall comply with the registration licensing laws and regulations governing his/her the architect's professional practice in any U.S. jurisdiction. An architect may be subject to disciplinary action if, based on grounds substantially similar to those which lead to disciplinary action in this jurisdiction, the architect is disciplined in any other U.S. jurisdiction.

COMMENTARY

Here, again, for the reasons set out under 4.1, the Committee chose to limit this rule to United States jurisdictions.

4.4 An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing an the official's judgment in connection with a prospective or existing project in which the architect is interested.

COMMENTARY

Rule 2 tracks a typical bribe statute. It is covered by the general language of 4.1, but it was the Committee's view that 4.2 should be explicitly set out in the rules of conduct. Note that all of the rules under this section look to the conduct of the architect and not to whether or not the architect has actually been convicted under a criminal law. An architect who bribes a public official is subject to discipline by the state registration board, whether or not the architect has been convicted under the state criminal procedure.

4.45 An employer engaged in the practice of architecture shall not have been found by a court or an administrative tribunal to have violated any applicable federal or state law the law of the United States or any U.S. jurisdiction protecting the rights of persons working for the employer with respect to fair labor standards or with respect to maintaining a workplace free of such as those pertaining to harassment, discrimination: [States may choose instead to make specific reference to the “Federal Fair Labor Standards Act of 1938, as amended” and the “Equal Employment Opportunity Act of 1972, as amended” and to state laws of similar scope]. and unfair compensation, shall be subject to discipline. For purposes of this rule, any registered architect employed by a firm engaged in the practice of architecture who is in charge of the firm's architectural practice, either alone or with other architects, shall be deemed to have violated this rule if the firm has violated this rule.
RULE 5 
RULES OF PROFESSIONAL CONDUCT: SIGNING AND SEALING DOCUMENTS

5.1 Each office engaged in the practice of architecture shall have an architect resident and regularly employed in that office.

5.1 An architect shall sign and seal only those technical submissions that were prepared under the architect’s responsible control except as noted in rule 5.2 and 5.3.

5.2 An architect may sign and seal technical submissions only if the technical submissions were:

(i) prepared by the architect;

(ii) prepared by persons under the architect’s responsible control;

(iii) prepared by another architect registered in the same jurisdiction if the signing and sealing architect has reviewed the other architect’s work and either has coordinated the preparation of the work or has integrated the work into his/her own technical submissions; or

(iv) prepared by another architect registered in any United States jurisdiction and holding the certification issued by the National Council of Architectural Registration Board if

(a) the signing and sealing architect has reviewed the other architect’s work and has integrated the work into his/her own technical submissions and

(b) the other architect’s technical submissions are prototypical building documents.

An architect may also sign and seal drawings, specifications, or other work which is not required by law to be prepared by an architect if the architect has reviewed such work and has integrated it into his/her own technical submissions.

“Responsible control” shall be that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a registered architect applying the required professional standard of care, including but not limited to an architect’s integration of information.
from manufacturers, suppliers, installers, the architect’s consultants, owners, contractors, or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect’s technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

Any registered architect signing or sealing technical submissions not prepared by that architect but prepared under the architect’s responsible control by persons not regularly employed in the office where the architect is resident, shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the architect’s control over and detailed knowledge of such technical submissions throughout their preparation. Any registered architect signing or sealing technical submissions integrating the work of another architect into the registered architect’s own work as permitted under clauses (iii) or (iv) above shall maintain and make available to the board upon request for at least five years following such signing and sealing, adequate and complete records demonstrating the nature and extent of the registered architect’s review of and integration of the work of such other architect’s work into his/her own technical submissions, and that such review and integration met the required professional standard of care.

COMMENTARY

This provision reflects current practice by which the architect’s final construction documents may comprise the work of other architects as well as that of the architect who signs and seals professional submissions. The architect is permitted to apply his/her seal to work over which the architect has both control and detailed professional knowledge, and also to work prepared under the direct supervision of another architect whom he/she employs when the architect has both coordinated and reviewed the work.
5.2 **An architect of record may sign and seal technical submissions not required by law to be prepared by an architect including information supplied by manufacturers, suppliers, installers, contractors, or from the architect of record’s consultants, when that information is intended to be incorporated into the architect of record’s technical submissions and the architect of record has reviewed such information and can reasonably trust its accuracy.**

5.3 **An architect of record may sign and seal prototypical building documents prepared by an architect licensed in any U.S. jurisdiction, but only if the architect of record determines that such documents are in compliance with the requirements of the project’s jurisdiction and incorporates them into the architect of record’s own technical submissions.**

5.3—An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

**COMMENTARY**

This provision refers to “private bribes” (which are ordinarily not criminal in nature) and the unseemly conduct of using gifts to obtain work. Note that the rule realistically excludes reasonable entertainment and hospitality and other gifts of nominal value.

5.4—An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

**COMMENTARY**

Violations of this rule may involve criminal conduct not covered by 4.1, or other reprehensible conduct which the board believes should warrant discipline. A state board must, in any disciplinary matter, be able to point to a specific rule which has been violated. An architect who is continuously involved in nighttime burglaries (no connection to his/her daytime professional practice) is not covered by 4.1 (crimes committed “in the conduct of his/her architectural practice”). Serious misconduct, even though not related to professional practice, may well be grounds for discipline. Lawyers commenting on the rules had little trouble with the standard set in 5.4.
it applies to conduct which would be characterized as wicked, as opposed to minor breaches of the law. While each board must “flesh out” the rule, murder, rape, arson, burglary, extortion, grand larceny, and the like would be conduct subject to the rule, while disorderly conduct, traffic violations, tax violations, and the like would not be considered subject to the rule.

5.5—An architect shall not make misleading, deceptive, or false statements or claims.

COMMENTARY

An architect who fails to accurately and completely disclose information, even when not related to the practice of architecture, may be subject to disciplinary actions if the board concludes that the failure was serious and material.
Resolution 2018-04

Supported by the Council Board of Directors (14-0)

TITLE: Amendment and Restatement of the NCARB Bylaws

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 amend and restate the NCARB Bylaws; and

WHEREAS, pursuant to Article XV of the NCARB Bylaws, the Bylaws may only be amended at a special meeting or the Annual Business Meeting of the Council by resolution approved by the affirmative vote of not less than two-thirds of the Member Boards (36 votes).

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the Amended and Restated NCARB Bylaws are adopted in the form attached hereto as Exhibit B.

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, 2018.

ADVOCATES:

- Board of Directors
  - Gregory L. Erny, President/Chair of the Board
  - David L. Hoffman, First Vice President/President-elect
  - Terry L. Allers, Second Vice President
  - Robert M. Calvani, Treasurer
  - Alfred Vidaurri Jr., Secretary
  - Kristine Annexstad Harding, Past President
  - Stephen D. Schreiber, Director, Region 1
  - Paul D. Edmeades, Director, Region 2
  - John E. Cardone Jr., Director, Region 3
  - Stephen L. Sharp, Director, Region 4
  - Bayliss Ward, Director, Region 5
  - Jim Oschwald, Director, Region 6
  - Maria Brown, Member Board Executive Director
  - Darryl R. Hamm, Public Director
SPONSORS’ STATEMENT OF SUPPORT:

The Board of Directors have undertaken a holistic review of the NCARB Bylaws and propose this omnibus resolution to remove outdated, inconsistent or redundant language; apply consistent treatment where possible; ensure conformance with current Iowa law; and improve overall clarity of the Bylaws. The edits can generally be classified in one of the following categories:

**Housekeeping.** These edits include reformatted lists, updated cross references, consolidated and clarified text, enhanced definitions, removal of anachronistic language, and updated “Annual Meeting” to “Annual Business Meeting.”

**Board of Directors.** These edits are mostly found within Articles VII, VIII, and XII and include updates and clarifications to qualifications, nomination and election procedures, and roles and responsibilities. These changes bring consistency to the nomination and elections process and to the language used across all Board positions as well as ensure conformance with Iowa laws.

**Committees.** Edits for this category occur in Articles VII and XII and include consolidating all committee references into Article XII, adding language defining “Board Committees” and “Advisory Committees,” and updating some committee definitions to align with current practices.

**Annual Business Meeting.** Edits proposed in this category add definitions and rights of “Delegates” and “Voting Delegates” in Article II and Article V.

To facilitate review of the proposed edits, the intent behind each proposed change has been provided in explanatory notes in the purple sidebars on each page.

REFERENCES:

- **NCARB Bylaws: Proposed Update** *(a clean version of Exhibit B)*
- **NCARB Bylaws** *(the current NCARB Bylaws available on ncarb.org).*
ARTICLE I—NAME
The name of this organization shall be the National Council of Architectural Registration Boards.

ARTICLE II—DEFINITIONS
The following terms shall have the following meanings when used in these Bylaws:

A. “Council Advisory Committee” shall mean any committee not having and exercising the authority of the Board of Directors;

B. “Board Committee” shall mean a committee which is comprised solely of two or more Directors and shall have and exercise the authority of the Board of Directors, to the extent authorized by the Board of Directors and permitted by law;

A: C. “Board of Directors” shall mean the Board of Directors of the National Council of Architectural Registration Boards;

D. “Committee” shall mean a Board Committee or an Advisory Committee;

E. “Council” shall mean the National Council of Architectural Registration Boards;

F. “Council Record” shall mean a record of the education, training, examination, practice, and character of an individual member of the architectural profession;
G. “Delegate” shall mean any member of a Member Board in attendance at an Annual Business Meeting or any special meeting of the Council as a representative of such Member Board;

H. “Director” shall mean a member of the Board of Directors;

I. “Elected Officer” shall mean any of the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, and the Secretary;

J. “Examination” shall mean the Architect Registration Examination® prepared by the Council;

K. “Executive Director” shall mean a person holding such title at a Member Board or having a comparable position as the primary administrator responsible for overseeing the activities of the Member Board;

L. “Jurisdiction” shall mean any political subdivision of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of architecture;

M. “Member Board” is a member of the Council in good standing and shall mean the body legally authorized by a Jurisdiction to certify that an applicant for Registration as an architect is qualified;

N. “Public Director” shall mean the individual serving as the Public Director (as that term is described in Article VII of these bylaws) on the Board of Directors.

O. “Public Member” shall mean a member of a Member Board who does not hold or have a license in a discipline regulated by such Member Board or in a related design profession.

P. “Regional Chair” shall mean the chairperson of a Region, as such term is described in Article VI of these Bylaws;

Q. “Regional Director” shall mean a Director who was nominated to serve on the Board of Directors by a Region;

R. “Registration” shall mean licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure.
S. “Voting Delegate” shall mean a Delegate who is authorized to vote on behalf of a Member Board, as evidenced by a letter of credentials provided by the applicable Member Board.

ARTICLE III—PURPOSE
The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public and to assist Member Boards in carrying out their duties. Pursuant thereto, the Council shall develop and recommend standards to be required of an applicant for architectural Registration; develop and recommend standards regulating the practice of architecture; provide a process for certifying to Member Boards the qualifications of an architect for Registration; and represent the interests of Member Boards before public and private agencies, provided that the Council shall not purport to represent the interest of a specific Member Board without that Member Board's approval.

ARTICLE IV—MEMBERSHIP
SECTION 1. Members. The membership of the Council shall be the legally constituted Jurisdiction Member Boards in good standing. Membership in the Council shall be attained through acceptance by the Council Board of Directors. Application shall be made upon forms furnished by the Council. Every Member Board shall annually provide the Council with the names and addresses of its members, a copy of its law relating to the Registration and practice of architecture, a copy of its rules or regulations administering such law, and a roster of all persons registered by the Member Board, and shall pay the annual membership dues. All Member Boards in good standing shall have equal rights.

SECTION 2. Removal. If, after written notification from the Council Board of Directors, a Member Board shall: (i) fail to pay its dues or other financial obligations to the Council or to its Region, or (ii) shall persistently refuse Registration or otherwise fail to register architects holding the Council Certificate for the reason that such architects are not the residents of the Member Board's jurisdiction, or (iii) shall fail to administer the Architect Registration Examination prepared by the Council to all its applicants (other than applicants of whom it does not require a written examination) for Registration,
then, the Council Board of Directors may recommend to the Council that such Member Board be removed from membership in the Council. Upon following such recommendation, such Member Board may be removed from membership in the Council by the affirmative vote of not less than two-thirds of all Member Boards, to remove such Member Board or, with respect to non-payment of dues or other financial obligations, waive or modify the Member Board’s obligation to pay such amounts due to the Council.

SECTION 3. Reinstatement. A Jurisdiction that has been removed from membership in the Council for reasons of non-payment of dues or other financial obligations shall be automatically reinstated as a Member Board in the Council by a vote of two-thirds of all Member Boards;

A. following payment of all financial obligations of membership had the Jurisdiction not been removed (or such lesser amount approved unless, by such a vote of two-thirds of all Member Boards), such financial obligations shall be modified or waived, and

B. upon being in compliance with all other membership requirements of Article IV, Sections 1 and 2; A Member Board that was removed from the Council for reasons other than failure to pay dues or other financial obligations shall only be reinstated upon the affirmative vote of two-thirds of all Member Boards.

ARTICLE V—MEETINGS
SECTION 1. Annual Business Meeting. The Council shall hold an Annual Business Meeting at a time and place as determined by the Council Board of Directors. Notice of all Annual Business Meetings shall be sent to the chair or equivalent presiding officer and to the Member Board Executive of each Member Board not less than 90 days prior to each such meeting.

SECTION 2. Special Meetings. Special business meetings of the Council may be called by the President/Chair of the Board, with the approval of the Council Board of Directors, or by a majority of the Member Boards. The Bylaws provisions which govern notice for, and the procedures and conduct of business of, the Annual Business Meeting shall apply to Special Meetings.

SECTION 3. Delegates and Credentials. Each Member Board shall be entitled to be represented at Annual Business.
Meetings and special meetings of the Council by one or more official Delegates who shall be members of that Member Board.

A delegate attending the meeting of the Council by one Voting Delegate, who shall be entitled to cast the vote of its Member Board and who shall be identified as the Voting Delegate by a letter of credentials from the applicable Member Board, which voting delegate the. A Member Board may change by its Voting Delegate from time to time by issuing a subsequent letter of credentials. A Member Board may be represented by as many delegates as attend, but only one vote may be cast for each Member Board by its delegates to the Council. Each Voting Delegate shall have an equal vote on all matters on which all Member Boards are entitled to vote.

SECTION 4. Quorum. A quorum for the transaction of business at the Annual Business Meeting of the Council shall be one or more Voting Delegates representing a majority of the Member Boards.

SECTION 5. Resolutions and Other Motions. Resolutions are the substantive matters placed on the agenda for a meeting of the Council in accordance with this Section. All resolutions to be considered at any meeting of the Council, except those submitted by the Council Board of Directors, those submitted by Select Committees and those of the laudatory type, shall be submitted to the Regional Leadership Committee not later than 75 days prior to the day at the Annual Business Meeting at which the resolution is to be considered. The Regional Leadership Committee shall review each resolution submitted by Regions and Member Boards for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of clarity and to avoid duplication. All resolutions shall, insofar as practicable without altering or confusing the intent of the resolution, avoid invective or argument; but the proponent of a resolution may, when submitting the resolution to the Regional Leadership Committee, include a brief summary of the argument in support of the resolution, which summary shall be published with the publication of the resolution. The Council shall distribute all resolutions, except laudatory resolutions, to the Member Boards not less than
Exhibit B: Proposed Changes to the NCARB Bylaws

30 days prior to the meeting at which the resolution is to be considered. If the Board of Directors discloses its position to the Council, the vote of the Board of Directors shall be disclosed at the same time.

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.

SECTION 6. Voting. 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, or as provided in Article IV, Section 3. The affirmative vote of a majority of all Member Boards is required to pass any other resolution. Except as otherwise 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.

Except as expressly permitted by these Bylaws, there shall be no voting by proxy.

SECTION 7. Order of Business. An agenda outlining the order of business shall be prepared for all Council meetings. The agenda shall be prepared under the direction of the Council Board of Directors and printed and sent by the Secretary to all Member Boards at least 30 days before the date set for a particular meeting.

SECTION 8. Rules of Order. The Council shall be governed by Robert’s Rules of Order Newly Revised when not in conflict with first, applicable laws, then, the Articles of Incorporation, and lastly the Bylaws of the Council.

SECTION 9. Advisory Votes by Letter or Electronic Ballot. The Council Board of Directors may from time to time submit any issue or question to the Member Boards for an advisory vote by letter or electronic ballot, provided the subject matter and the ballot shall have been officially submitted in writing to the Member Boards at least 60 days prior to a date therein set for final receipt of ballots. Only ballots returned in the prescribed time will be counted.

SECTION 10. Other Participants. Council Officers and
Directors, Delegates, 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.

SECTION 11. International Agreements. All written international and/or foreign agreements entered into by the Council shall be subject to ratification by majority vote of the members at an Annual Business Meeting.

ARTICLE VI—REGIONS

SECTION 1. Purpose. In order to foster closer communication between Member Boards and the Council, as well as among Member Boards, and further to foster the development of future leaders and assist the Council in achieving its stated purpose, six geographical Regions comprising, in the aggregate, all the Member Boards are hereby established. Each Member Board shall be required to be a member of its Region.

SECTION 2. Membership. The membership of the Regions is established as follows:


REGION 3—Southern: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands.

REGION 4—Mid-Central: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.

REGION 5—Central States: Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming.

ARTICLE VII — THE COUNCIL BOARD OF DIRECTORS

SECTION 1. Membership. The Council Board of Directors shall comprise, be comprised of, the Elected Officers of the Council as designated in Section 1 of Article VIII, one Regional Director elected from each Region, the immediate Past President, one Member Board Executive Director, and one Public Director elected as provided in this Article VII.

SECTION 2. Qualifications and Limitations. The qualifications for serving as a Director shall be as set forth in this Article VII, Section 2, and no entity responsible for nominating any Director shall impose any qualification not set forth herein.

A. A candidate for election as a Regional Director or Officer position shall (i), at the time such person is nominated:

(i) be a citizen of the United States, and (ii);

(ii) have served at least two (2) years as a member of a Member Board; or, in the case of a candidate for the position of Member Board Executive Director, have served at least two (2) years as an Executive Director;

(iii) be a current member of a Member Board within the Region or be a past member of such a Member Board whose service as a member ended no more than one year before nomination, or the Chair, be an officer of the Region, or the incumbent Regional Director (iii) have served at least two years as a member of a Member Board, and (iv), or, in the case of a candidate for the Member Board Executive Director, be a current Executive Director; and

(iv) in the case of architect candidates who are architects, hold an active NCARB Certificate, in every case at the time he or she is nominated by the Region.

B. With respect to candidates for a Regional Director position, all qualifications relating to current or past membership in a Member Board or Region must be within the Region from which the case of candidate is nominated.

C. If a Member Board regulating professions in addition to the profession of architecture, the candidate will
qualify as a member or former member of a Member Board only if he or she is or was an architect-member or a public member of the architect section of the Member Board. All Directors shall serve without compensation.

A candidate for election as the Member Board Executive Director shall be (i) a citizen of the United States, (ii) either an executive director or hold a comparable position as the primary administrator responsible for overseeing the activities of a Member Board at the time of election, (iii) nominated by vote of a majority of the members of the Member Board Executives Committee, and (iv) such person so-nominated shall be elected at the Annual Meeting. A Member Board Executive Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Member Board Executive Director shall be filled by vote of a majority of the members of the Member Board Executives Committee.

D. A candidate for election as the Public Director (i) shall be a citizen at the time of the United States, (ii) shall be serving as nomination a public or consumer member on a Member Board, and (iii) any person qualified as prescribed above may be nominated as Public Director by declaring his or her candidacy at the time election for such office begins at the Annual Meeting and shall be elected at the Annual Meeting. A Public Director shall serve the same or have served in such position no more than one (1) year prior to the time of nomination to the Board of Directors.

E. An individual shall qualify to serve as the President/Chair of the Board during the one-year period immediately following his or her term as First Vice President/President-Elect.

F. An individual shall qualify to serve as the Immediate Past President during the one-year period immediately following his or her term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors as President/Chair of the Board.
SECTION 3. Terms of Office and Election. The terms of office of Officers and Directors shall be as provided in Section 5 of Article VIII. Regional Directors shall be nominated as provided in Section 5 of this Article and persons so nominated shall be elected at the Annual Meeting of the Council to serve The term of office of a Director shall be one year from the adjournment of Annual Business Meeting at which he or she is elected to serve; or, in the case of President/Chair of the Board and Immediate Past President, until the adjournment of the next Annual Business Meeting at which he or she is elected to serve or, in the case of President/Chair of the Board and Immediate Past President, until the adjournment of the next Annual Business Meeting or until their successors are duly elected and succeeds to office. No person shall serve more than three terms in succession as a Director; provided, however, that service as an Elected Officer and Immediate Past President shall not count against such limit. No incumbent shall serve for more than one term in any Elected Officer position or as Immediate Past President; provided, however, that an Elected Officer shall be eligible for reelection for the full term of office if, during the period immediately prior thereto, such Elected Officer had succeeded to or been elected to the office to fill a vacancy.

SECTION 4. Removal. As provided by applicable Iowa law, a Regional Director may be removed with or without cause by the Region electing such Director by a majority vote of those present and voting at a meeting duly called for such purpose; the Member Board Executive Director and the Public Director may be removed with or without cause by a majority vote of those present and voting at a meeting duly called for such purpose, respectively by the Member Board Executives Committee in the case of the Member Board Executive Director and the Council Board of Directors in the case of the Public Director; and the Past President may be removed with or without cause by appropriately amending these Bylaws at a meeting of the Member Boards duly called for such purpose. Because any Officer is a Director on account of his or her election as an Officer, any Officer removed as such Officer in accordance with these Bylaws shall cease to be a Director upon such removal.

SECTION 4. Removal.

A. A Director may be removed with cause by a majority vote of the Member Boards at a meeting where a quorum is present, with the meeting notice stating that the purpose, or one of the purposes, of the meeting is the removal of the director.
B. Director may be removed with cause by the affirmative vote of two-thirds (2/3) of the Board of Directors.

SECTION 5. Nomination and Election of Regional Directors.

A. Directors shall be nominated as set forth below in this Section 5 of this Article VII. Notwithstanding the various methods of nomination set forth below, all Directors must be elected by a majority vote of the Member Boards at a meeting at which a quorum is present.

B. Each Region shall select its nominee for Regional Director at a Region meeting. The nominations will be announced by the several Regions at the Annual Business Meeting of the Council.

C. Any person qualified to serve as an Elected Officer (other than President/Chair of the Board) may be nominated by declaring his or her candidacy at the time election for such office begins at the Annual Business Meeting.

D. The candidate for Member Board Executive Director shall be nominated by majority vote of the Member Board Executive community comprised of the Executive Director of each Member Board.

E. Any person qualified to serve as the Public Director may be nominated by declaring his or her candidacy at the time election for such position begins at the Annual Business Meeting.

SECTION 6. Vacancies.

A. Vacancies in the offices of Officer and Directors shall be filled as provided in Section 6 of Article VIII. A vacancy in the office of a Regional Director, Member Board Executive Director, Public Director and Elected Officers other than First Vice President/President-Elect and President/Chair of the Board shall be filled by an appointee designated by and from the Region originally represented by the Board of Directors to hold office from the time of such appointment until the adjournment of the next Annual Business Meeting. Any such appointee shall meet all qualifications applicable to the vacant Director position, as determined by the Credentials Committee. Prior to making such
appointments, the Board of Directors shall consider any recommendations received from the constituent group or individuals responsible for nominating such vacated Director position, as applicable.

B. A vacancy in the office of President/Chair of the Board shall be filled by the First Vice President/President-Elect, who shall serve the remainder of the term as President/Chair of the Board and the following term during which he or she would have succeeded to the office if not for the vacancy.

C. A vacancy in the office of First Vice President/President-Elect shall be filled by the Second Vice President, who shall hold such office of First Vice President/President-Elect until the adjournment of the next Annual Business Meeting, at which Annual Business Meeting the Member Boards shall elect both a First Vice President/President-Elect and a President/Chair of the Board, each of whom shall be subject to the qualifications applicable to candidates for First Vice President/President-Elect.

D. A vacancy in the office of Immediate Past President shall remain vacant.

E. Any Regional Director who moves his or her principal residence to a place outside the Region from which he or she was nominated shall be deemed to have vacated the office of Regional Director, and any Member Board Executive Director and/or Public Director who ceases to be eligible as provided in this Article VII, Section 2, clause (ii) shall be deemed to have vacated the office of Member Board Executive Director or Public Director, respectively.

SECTION 7. Duties. The affairs of the Council shall be managed under the authority and direction of the Council Board of Directors, who shall act by majority vote of the Directors present at a meeting at which there is a quorum, except as otherwise expressly required by these Bylaws or applicable law. It shall exercise all authority, right, and power granted to it by the laws of the State of Iowa and shall perform all duties required by the said laws and by these Bylaws, and, in accordance therewith, it shall not delegate any of the authority, rights, or power or any of the duties imposed on it by these Bylaws or otherwise, unless such delegation is specifically provided for in these Bylaws.

*Footnote
Eliminated. Requirement for architect Directors to have NCARB Certificate is now in full effect.
All Directors shall serve without compensation; provided, however, that nothing herein shall prohibit the Board of Directors from providing reasonable allowances from time to time to the President/Chair of the Board and to the First Vice President/President-Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.

*Clauses (iii) and (iv) are effective March 1, 2017 and apply to any Regional Director or officer then in office

SECTION 8. Meetings of the Board. The Council Board of Directors may meet in any manner allowed by applicable law in regular or special meetings in order to transact business. Unless finances of the Council will not permit, the Council Board of Directors shall hold a regular meeting immediately prior to the opening of the Annual Business Meeting and a regular meeting immediately following the adjournment of the Annual Business Meeting of the Council. Special meetings may be held upon call of the President/Chair of the Board or the Executive Committee and shall be held upon written request of the majority of the membership of the Council Board of Directors. All members shall be given due notice in writing of the time and place of all meetings, although notice of any meeting may be waived in writing by any member. A majority of the membership of the Council Board of Directors shall constitute a quorum for the transaction of business.

In the event that a Regional Director is unable to attend a meeting of the Council Board of Directors, the Chair of the Region the Director represents shall have the privilege of participating in the meeting in the Director’s stead.

SECTION 9. Executive Committee of the Council Board of Directors. The Executive Committee of the Council Board of Directors shall comprise the President/Chair of the Board, the First Vice President/President Elect, the Second Vice President, the Treasurer, the Secretary, and the immediate Past President. The Executive Committee shall:

A. act for the Council Board of Directors between meetings only as directed by the Board;

B. develop short-range and long-range goals, consistent with the mission of the Council, as the basis for planning and implementation by the Board; and

C. assist the President/Chair of the Board with the
development of issues to be presented at the spring Regional Meetings.

D. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Council Board of Directors; periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Council Board of Directors for appropriate action.

SECTION 10. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other committees, shall consist of the Treasurer, who shall serve as the chair of the Committee, one additional Executive Committee Member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board and shall be responsible for overseeing the Council’s financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes and from the implementation of changes in policies that affect internal financial controls. The Audit Committee shall annually select and engage an independent auditor of the Council’s financial records.

ARTICLE VIII—OFFICERS
SECTION 1. Elected Officers. The Elected Officers of the Council shall be the President/Chair of the Board, the First Vice President/President–Elect, the Second Vice President, the Treasurer, and the Secretary.

SECTION 2. Qualifications and Limitations. To be eligible for elective office in the Council a person shall be:

A. a citizen of the United States; and

B. at the time of election, serving either (i) as a member of the Council Board of Directors or (ii) as a member of a Member Board and, in the case of Member Boards regulating professions in addition to the profession of architecture and which is divided into professional sections, as a member of the architectural section of the Member Board. Elected Officers of the Council shall serve without compensation, provided, however, that nothing herein shall prohibit the Council Board of Directors from providing reasonable allowances.
SECTION 3. Nomination of Officers. Any person qualified as prescribed in Section 2 may be nominated for office by declaring his or her candidacy at the time election for such office begins at the Annual Meeting.

SECTION 4. Election of Officers. All elections of Officers shall be by ballot at the Annual Meeting, unless the Council shall agree to waive the provision. A majority vote of the Member Boards present and voting shall elect an Officer. 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.

SECTION 5. Terms of Office:

A. Second Vice President shall serve from the adjournment of the Annual Meeting at which such person is elected, until the adjournment of the next following Annual Meeting or until a successor is duly elected.

B. The First Vice President/President Elect shall serve as such from the adjournment of the Annual Meeting at which such person is so elected, until the adjournment of the next following Annual Meeting at which time such person shall assume the office of President/Chair of the Board and shall serve as such until the adjournment of the next following Annual Meeting.

C. The Treasurer and the Secretary shall serve from the adjournment of the Annual Meeting at which they are elected until the adjournment of the next following Annual Meeting or until their successors are elected.

D. No incumbent shall serve for more than one term in succession as President/Chair of the Board, First Vice President/President Elect, or Second Vice President, provided, however, that an Officer shall be eligible for reelection for the full term of office if during the period immediately prior thereto such Officer had succeeded to or been elected to the office to fill a vacancy.
SECTION 6. Removal. As provided by applicable Iowa law, an Officer may be removed with or without cause by the Council Board of Directors by a majority vote of those present and voting at a meeting duly called for such purpose.

SECTION 7. Vacancies. A vacancy in the office of the President/Chair of the Board shall be filled by the First Vice President/President Elect assuming the office. A vacancy in the office of the First Vice President/President Elect shall be filled by the Second Vice President assuming the office. A vacancy in the office of Second Vice President, Secretary, or Treasurer shall be filled by an appointee designated by the Council Board of Directors to hold office until the adjournment of the next Annual Meeting; but the balance of the unexpired term, if any, shall be filled at the Annual Meeting by nomination and election as provided in Sections 3 and 4.

SECTION 8. President/Chair of the Board. The President/Chair of the Board shall be the senior elected Officer of the Council and shall:

A. preside at all meetings of the Council Board of Directors, the Executive Committee of the Council Board of Directors, and the Annual Business Meeting;

B. present to the Council at the Annual Business Meeting a report of activities during the President/Chair of the Board’s term of office;

C. identify individuals to serve on all committees while serving as First Vice President/President Elect and, when serving as either President/Chair of the Board or First Vice President/President Elect may appoint all members of committees to serve during his or her own term of office as President/Chair of the Board subject to the approval of the Council Board of Directors;

D. develop charges for all Committees that will serve during his or her term as President/Chair of the Board; and following approval of the charges by the Council Board of Directors, oversee the work of all committees in discharging their responsibilities;

D. select all members of Committees to serve during his or her term of office as President/Chair of the Board subject to the terms of Article XII, Section 5;

ARTICLE VIII – OFFICERS (cont.)

Section 2 (formerly Section 8)

- Proposed edits clarify the responsibilities of the President/Chair of the Board.
- Deleted clause 2(iii) – Language has been revised to 2(iv) and 2(v) plus language inserted as clause 3(iii) to differentiate the timing of responsibilities for the President/Chair of the board and the First Vice President/President-elect with respect to committee appointments.
E. have the power to make appointments to any unfilled or vacant Committee membership during his/her term as President/Chair of the Board, subject to the approval of the Board of Directors;

EF. represent the Council Board of Directors and its policies to all external and internal constituents including to the Chief Executive Officer; and

FG. perform such other duties and powers as the Council Board of Directors may from time to time decide.

SECTION 9.3. First Vice President/President-Elect and Second Vice President. The Vice Presidents, in order, shall, in the absence of the President/Chair of the Board, exercise the duties of and possess all the powers of the President/Chair of the Board. In addition, the First Vice President/President-Elect shall:

A. develop the Committee charges to be completed during his or her term of office as President/Chair of the Board, subject to the approval of the Board of Directors.

B. select the Chair of all Committees to serve during his/her term as President/Chair of the Board, subject to the approval of the Board of Directors; and

C. select all members of Committees to serve during his or her term of office as President/Chair of the Board, subject to the approval of the Board of Directors.

SECTION 10.4. Treasurer. The Treasurer shall generally:

A. oversee the financial affairs of the Council and be the primary liaison of the Council Board of Directors with the person designated by the Chief Executive Officer as the chief financial officer of the Council. The Treasurer shall report to the Council Board of Directors and Annual Meeting on financial matters of the Council. The Treasurer shall perform such duties and have such powers additional to the foregoing as the Council Board of Directors may designate.
Exhibit B: Proposed Changes to the NCARB Bylaws

Explanatory Notes

SECTION 11. Secretary. The Secretary shall:

A. record or cause to be recorded all votes, consents, and the proceedings of all meetings of the Council and of the Board of Directors; and

B. perform such duties and have such powers additional to the foregoing as the Board of Directors may designate.

Records of the Council meetings shall be open at all reasonable times to the inspection of any Member Board.

In the absence of the Secretary from any meeting of the Council or from any meeting of the Board of Directors, a temporary Secretary designated by the person presiding at the meeting shall perform the duties of the Secretary.

SECTION 12. Chief Executive Officer. The Chief Executive Officer shall be the senior appointed officer of the Council. Such person shall be appointed by, and shall serve at the pleasure of the Board of Directors, and shall have such compensation and benefits as shall be established from time to time by the Council Board of Directors. The Chief Executive Officer shall have general charge of the management and administration of the Council’s affairs, the implementation of policies established from time to time by the Council Board of Directors, and such other duties and powers as the Council Board of Directors may from time to time determine, subject always to the ultimate authority of the Council Board of Directors under applicable law and these Bylaws.

SECTION 13. Bonding. The Council’s Chief Executive Officer and those in general charge of the Council’s financial matters shall be bonded in an amount of not less than $500,000. The Chief Executive Officer may decide to have others bonded in the Council. The cost of such bond shall be paid from funds of the Council.
ARTICLE IX—COUNCIL SERVICES TO MEMBERS OF THE ARCHITECTURAL PROFESSION

SECTION 1. Council Record. The Council shall, upon request of individual members of the architectural profession, secure, authenticate, and record factual data of an applicant’s education, training, examination, practice, and character: for purposes of establishing a Council Record. Upon request of the applicant, this Council Record will be forwarded to any Member Board or to any foreign Registration authority with whom NCARB has an agreement for mutual reciprocity.

SECTION 2. Council Certification. Council Certification shall be given to an Architect holding a Council Record verifying that the Architect has complied with the Council standards of education, training, examination, Registration, and character. In addition to this verification, the Certification shall carry the recommendation of the Council that Registration be granted the Architect without further examination of credentials. For applicants registered as Architects in countries where formal agreements with the Council exist, the standards and procedures for Certification will be in accordance with such written agreements or as otherwise established by the Council. Architects certified by the Council shall have a Certificate incorporated in their Council Record.

SECTION 3. Annual Renewal. Council Certification shall be in effect for a period of one year. Renewal of the Council Certification shall be predicated upon the submission of an annual fee and an annual report containing such information as the Council deems appropriate. The Council Certification shall lapse if the annual fee and report are not received by the Council within such grace period as the Council Board of Directors may establish. A lapsed Council Certification may be reactivated by paying delinquent renewal fees, furnishing delinquent annual reports, and paying such fee for reinstatement as the Council Board of Directors may establish from time to time.

SECTION 4. Revocation of Certification. The Council shall revoke an Architect’s Council Certification if:

A. a Member Board has revoked (without limitation as to time) the Architect’s Registration for a cause other than nonpayment of renewal fees or failure to file information with the Member Board; or

EXPLANATORY NOTES

ARTICLE IX – SERVICES TO MEMBERS OF THE PROFESSION

Sections 1 - 3.
- Housekeeping edits.

Section 4. Revocation of Certification
- Housekeeping edits; and,
- Simplified language in the last paragraph.
B. facts are subsequently revealed which show that the Architect was actually ineligible for Council Certification at the time of Council Certification.

In addition, the Council may revoke an Architect's Council Certification if:

C. a Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of his or her architectural practice, violated the law or has engaged in conduct involving wanton disregard for the rights of others; or

D. the Architect has surrendered or allowed to lapse his or her Registration with the Member Board in connection with disciplinary action pending or threatened; or

E. a Member Board has denied the Architect registration for a cause other than the failure to comply with the educational, experience, age, citizenship, or other technical qualifications for registration in such jurisdiction; or

F. the Architect has willfully misstated a material fact in a formal submission to the Council.

The Council may reinstate a Certification previously revoked, if the cause of the revocation has been removed, corrected, or otherwise remedied.

In order to assist the Council in carrying out its responsibilities under this Section, each Member Board shall (unless prohibited by its State Law) report to the Council each case in which the Member Board has revoked or suspended an Architect's registration for cause other than nonpayment of renewal fees or failure to file information with the Member Board, or in which the Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of architectural practice, violated the laws applicable law) report to the Council the occurrence of any event that qualifies an Architect for revocation of his or her Council Certification, as described herein.
ARTICLE X—COUNCIL SERVICES TO MEMBER BOARDS

SECTION 1. Architect Registration Examination. The Council shall prepare an architect registration examination for use by Member Boards. The Council Board of Directors shall issue, from time to time, rules respecting the administration and grading of the examination, which shall include, among other things, the schedule of charges for the use of the examination, the date or dates on which examinations may be administered, safeguards to prevent improper disclosure of information respecting the examinations, and such other matters respecting the administration and grading of examinations as the Council Board of Directors deems appropriate. Every Member Board using the Architect Registration Examination shall comply strictly with the rules issued by the Council Board of Directors, unless the Council Board of Directors agrees to waive any of the rules in a particular case. If any Member Board refuses to comply with the rules applicable to its use of the examination or, after so agreeing, fails to comply with such rules, the Council Board of Directors may withhold the examination from such Member Board until it is satisfied that such Member Board will comply with such rules thereafter. Any Member Board which refuses registration to architects holding the Council Certification for the reason that the Member Board has requirements or procedures for grading the Architect Registration Examination which are different from the requirements or procedures established by the Council shall be denied the use of the examination until such policy of refusing registration is revoked; but the Council Board of Directors may, with sufficient cause, waive the denial of the use of the examination.

SECTION 2. Architectural Experience Program. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.

SECTION 3. Additional Services. Additional services may be offered as determined by the Board of Directors from time to time.

SECTION 4. Forms and Documents. In order to ensure uniformity in the reporting of an applicant’s education, experience, registration (if applicable), and other necessary supporting data for determining eligibility for the examination, Council Certification, or reciprocal registration, the Council shall study and prepare forms, documents, and/or systems.

EXPLANATORY NOTES

ARTICLE X – SERVICES TO MEMBER BOARDS
Sections 1, 4-6
- Housekeeping edits.

Sections 2-3
- The AXP and flexibility to add additional services in the future were added based on regional feedback.
appropriate for use by both the Council and Member Boards.

SECTION 35. Research. The Council, through work of Committees, shall engage in research pertinent to all matters relating to legal registration of architects.

SECTION 46. International Relations. The Council shall engage in the exploration and formulation of agreements with foreign countries to allow architects to practice in countries other than their own.

ARTICLE XI—FINANCES, FUNDS, ACCOUNTING, INVESTMENTS, AND RECORDS OF THE COUNCIL

SECTION 1. Dues and Fees.

A. Annual membership dues may be changed for any period after July 1, 2018, by resolution adopted at an Annual Business Meeting with implementation of any change to take place not less than three years after such resolution is adopted.

B. Fees: The fees to be charged for services to members of the architectural profession shall be established, from time to time, by an affirmative vote of not less than two-thirds of the Council Board of Directors present and voting.

SECTION 2. Operating Fund.

A. Receipts: All membership dues and all fees and other revenues received from any of the activities of the Council shall be placed in the operating fund of the Council. The operating fund shall be administered by the Council’s chief financial officer.

B. General Budget: As soon as feasible following the Annual Business Meeting, the Council Board of Directors shall adopt a general budget which shall show the anticipated income and expenditures for the current year.

C. Authority to Expand and Disburse Money: No Officer, Director, Committee, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and in its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability, or
commitment has been properly incorporated into the budget, and the Council Board of Directors has made an appropriation to pay the same.

D. Fiscal Year. The Fiscal Year of the Council shall be from July 1 of one year to June 30 of the next succeeding year.

SECTION 3. Securities and Investments. In accordance with the Council Board of Directors' policies and the directions by the Board of Directors to the Chief Executive Officer, the Council's chief financial officer shall have charge of the investment of all funds of the Council not held in its operating fund. In accordance with such policies and such directions, such chief financial officer may sell, purchase, transfer, and convey securities and exercise all rights, by proxy or by participation, of the Council with respect to such securities, or may authorize such purchases, sales, transfers, conveyances, and the exercise of any or all of said rights.

SECTION 4. Liabilities of Officers, Directors, and Employees. No Officer, Director, or employee of the Council shall be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from his or her acts performed in good faith and within the scope of his or her authority.

SECTION 5. Disclosure of Records. Upon written request made with reasonable specificity, a Member Board shall have the right to receive from the Council with reasonable promptness copies of any Council record it may reasonably request, but excluding:

(A) information barred from disclosure by an applicable statute;

(B) trade secrets;

(C) information disclosed to the Council in reliance upon its continued non-disclosure;

(D) information that, if released, would give an inappropriate advantage to a competitor or bidder with respect to a request for proposals issued or about to be issued by the Council;

(E) personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy;
ARTICLE XII—COMMITTEES

SECTION 1. Authorization and Appointment of Committees. Committees may be established to perform services for the Council. Except as otherwise specifically provided, all Committees shall be appointed as provided in Article VIII, Section 7 of these Bylaws and shall be under the jurisdiction of the Council Board of Directors, reporting to it when directed. Except as otherwise specifically provided, the President/Chair of the Board shall select the Chair of all Committees.

SECTION 1. Board Committees. The Board of Directors may, by the affirmative vote of a majority of the Directors then in office or as otherwise set forth in these Bylaws, create one or more Board Committees. Board Committees, to the extent provided in the applicable authorizing action of the Board of Directors or these Bylaws, shall have and exercise the authority of the Board of Directors in the management of the Council. A Board Committee may not, however:

1. attorney-client communications and attorney work-product materials;
2. transcripts and personal information respecting Certificate applicants or holders without the permission of such applicant or holder;
3. contents and results of examinations except to the extent disclosure is provided for in the contract between the Council and the Member Board together with data, methodologies, practices, plans, proposals, records of committee deliberations and other records relating to the content, administration, scoring or security of examinations; and
4. information arising from investigatory cases.

Any of the excluded records that the Council has already distributed publicly shall, notwithstanding the preceding sentence, be available to any Member Board.

To the extent permitted by applicable law, Council records furnished to a Member Board shall not be distributed by the Member Board to outsiders other than to members of such Member Board. The Council may charge the Member Board only reasonable costs to comply with the request. Such charges shall be itemized by the Council in an invoice to the Member Board.
A. authorize distributions;
B. approve or recommend to members dissolution, merger, or the sale, pledge, or transfer of all or substantially all of the Council’s assets;
C. elect, appoint, or remove directors or fill vacancies on the Board of Directors or on any Board Committees; or
D. adopt, amend, or repeal the Council’s Articles of Incorporation or Bylaws.

The designation of, and the delegation of authority to, a Board Committee shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon them by law.

SECTION 2. Executive Committee of the Board of Directors. The Executive Committee of the Board of Directors shall be a Board Committee and shall comprise the President/Chair of the Board, the First Vice President/President-Elect, the Second Vice President, the Treasurer, the Secretary, and the Immediate Past President. The Executive Committee shall:

A. act for the Board of Directors between meetings only as directed by the Board;
B. prior to the start of the new fiscal year of the Council, review the budget for the next fiscal year for presentation to the Board of Directors; and
C. periodically review the budget, investments, financial policies, and financial positions of the Council and make recommendations concerning the same to the Board of Directors for appropriate action.

SECTION 3. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other Committees, shall be a Board Committee and shall consist of the Treasurer, who shall serve as the chair of the Committee, up to one additional Executive Committee member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board of Directors and shall be responsible for overseeing the Council’s financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes, and from the implementation of changes in policies that affect internal financial controls.

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES (cont.)

Section 2. Executive Committee
- Previously located in Article VII, has been relocated to this Article XII.
Edits made subsequent to relocation include:
- Identifying the Executive Committee as a Board Committee;
- Deleting the clause pertaining to Regional meetings as out-dated language, shown here as deleted clause (iii); and
- Segmenting the former Article VII, Section 9, clause D into two separate clauses, shown here as clauses (iv) and (v).

Section 3. Audit Committee
- Previously located in Article VII, has been relocated to this Article XII.
Edits made subsequent to relocation include:
- Identifying the Audit Committee as a Board Committee,
- Removing the requirement for – but still allowing the appointment of – an additional Executive Committee member.
The Audit Committee shall annually select and engage an independent auditor of the Council’s financial records.

SECTION 4. Advisory Committees. Advisory Committees may be created by affirmative vote of a majority of the Directors present at a meeting at which there is a quorum or as set forth in these Bylaws. The Council Board of Directors may delegate to any of the Elected Officers or the Immediate Past President the authority to supervise the work of any of the Advisory Committees.

SECTION 5. Committee Membership.

In accordance with Article VIII, Section 2, the President/Chair of the Board shall select the members of all Committees subject to approval by the Board of Directors. Except as otherwise specifically provided in these Bylaws, the President/Chair of the Board shall have the power to make select the Chair of each Committee. The terms of all Committee appointments to shall be for one year, during the President/Chair of the Board’s term in such capacity, except as otherwise approved by the Board of Directors. Any filled or vacant Committee membership. The Council Board Committee positions shall be filled in accordance with the regular procedures for appointment. The Board of Directors may at any time, by the affirmative vote of a majority of the Directors then in office, discontinue a Board Committee or Advisory Committee other than a standing Committee those established in the these Bylaws, or (which may only be discontinued by amendment of these Bylaws), and make any changes in a Committee’s personnel membership without regard to the terms of appointment of the Committee members.

SECTION 6. Reports of Committees. Each Committee shall report in writing annually to the Council Board of Directors, at least 60 days prior to the date of the Annual Business Meeting and shall make interim reports to the Council Board of Directors as directed.

SECTION 7. General Procedure of Committees. Every Committee shall perform in accordance with these Bylaws and with the directions of the Council Board of Directors. With the approval of the Council. The provisions of these Bylaws that govern Board of Directors’ meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the Board of Directors shall apply to meetings and action of the Committees and their members as well. With the approval of the Board of Directors, every Committee may

EXPLANATORY NOTES

ARTICLE XII – COMMITTEES (cont.)

Section 4. Advisory Committees

• New language to identify Board authority with respect to Advisory Committees, a new term added in Article II. Despite the new language of “Advisory Committee,” the concept of “Advisory Committee” and the Board’s authority to create Advisory Committees already existed under the existing Bylaws and Iowa law.

Section 5. Committee Membership

• Revised language makes minor edits to clarify the responsibilities of the President/Chair of the Board and the Board of Directors with regard to establishing committee membership and terms of service.

Section 6. Reports of Committees (formerly Section 2)

• Housekeeping edits.

Section 7. General Procedure of Committees (formerly Section 3)

• Proposed edits outline committee requirements with respect to meeting notices, quorums and voting.
• Clarifies that Advisory Committees may take no action or exercise any authority.
call and hold meetings and meet with other organizations or their representatives; provided that an Advisory Committee may not take any action to bind the Board of Directors or otherwise exercise any powers or authority of the Board of Directors, and no Committee may take any actions prohibited under Article XII, Section 1 of these Bylaws.

SECTION 4. Terms of Committee Appointments. The terms of Committee appointments shall be for one fiscal year except as otherwise approved by the Council Board of Directors.

SECTION 5. Advisory Committees. The following Advisory Committees are hereby established and may from time to time make recommendations to the Council Board of Directors for consideration, subject to the terms of these Bylaws and applicable law:

A. Education Committee: The Education Committee shall assess and recommend updates to the Council Board of Directors with respect to the Council’s education and continuing education policies for use by Member Boards and the Council’s relationship with the National Architectural Accrediting Board (NAAB).

B. Experience Committee: The Experience Committee shall assess and recommend updates to the Council Board of Directors with respect to the Architectural Experience Program for use by Member Boards.

C. Examination Committee: The Examination Committee shall assess and recommend updates to the Council Board of Directors with respect to the Architectural Registration Examination (ARE) for use by Member Boards.

D. Procedures and Documents Policy Advisory Committee: The Policy Advisory Committee shall review proposed resolutions, procedures, and documents and special publications, as directed by the Board of Directors, for their impact on and consistency with Council policies and programs and make recommendations on such matters to the Council Board of Directors. The Committee shall assess the usefulness of special Council publications, and modify as appropriate Board of Directors.

E. Professional Conduct Committee: The Professional Conduct Committee shall oversee the development, application, assessment, and adjudication of Council
policies and practices relating to the professional conduct of Council Record holders and others using Council services.

F. Member Board Executives Committee: The Member Board Executives Committee shall consider issues of concern to the jurisdictions and Member Board Executives. The Committee shall nominate a Member Board Executive Director to serve on the Council Board of Directors as provided in Article VII, Section 2.

G. Regional Leadership Committee: The Regional Leadership Committee shall discharge its responsibilities as described in Article V, Section 5, and consider issues of concern to the Regions. The membership of the Committee shall be the Region Chairs of each of the Regions, any person designated by the Region as the chief administrative officer of the Region, and the First Vice President/President–Elect who shall serve as Chair of the Committee.

H. Credentials Committee: The Credentials Committee shall oversee the nomination and election process for positions on the Board of Directors, verify candidate qualifications for office, examine and verify Annual Meeting Voting Delegate credentials, report to the membership on regarding quorum at the Annual Business Meeting attendance, and tabulate and report election results to the President/Chair of the Board. Members of the Credentials Committee shall be sitting Member Board Members and/or Member Board Executives.

I. Other: Committees, task forces, and work groups may be established from time to time by the President/Chair of the Board with the approval of the Council Board of Directors.

SECTION 9. Select Committees. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section 75 of Article VIII–XII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, notwithstanding Article V, Section 5, to offer resolutions to be voted on at the Annual Business Meeting on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee.
submitted to the Council Board of Directors in accordance with Section 26 of this Article XII. Such annual report of a Select Committee shall be distributed to the membership not later than 30 days prior to the Annual Business Meeting without revision by the Council Board of Directors. A Select Committee may be a Board Committee or an Advisory Committee, provided that the procedures and authority applicable to such Select Committee are consistent with those of a Board Committee or Advisory Committee, as applicable.

ARTICLE XIII—INDEMNIFICATION

In addition to such further indemnification as may be authorized by the Board of Directors from time to time consistent with applicable law, to the fullest extent permitted by law, including without limitation Section 504 of the Iowa Code known as the Revised Iowa Nonprofit Council Act (“RINCA”) and after the Council’s Board of Directors makes the determination that the standards of Section 504.852 of RINCA (or successor provisions) have been met for the specific proceeding at issue, any present or former Director, officer, or employee determined by Board of Directors to be an executive employee, or member of a Council Committee, or the estate or personal representative of any such person, made a party to any action, suit or other proceeding, civil or criminal, by reason of the fact that such person is or was serving the Council as such, or serving at the Council’s request in any other entity or with respect to the Council’s employee benefit plan, shall be indemnified by the Council against the reasonable expenses, including without limitation amounts paid by way of judgment, fine or penalty and reasonable defense costs including attorney’s fees incurred in connection with the defense of such proceeding whether or not such defense shall be successful in whole or in part, or in connection with any appeal therein, or any settlement of any such proceeding on terms approved by the Council Board of Directors. Such indemnification shall not be deemed exclusive of any other rights to which such persons may be entitled. Any other present or former employee or agent of the Council may also be indemnified with the approval of the Council Board of Directors. Expenses incurred of the character described above may, with the approval of the Council Board of Directors, be advanced to any person entitled to indemnity upon satisfaction of the requirements of Section 504.854 (or successor provisions) of RINCA. The Council shall have the power to purchase and maintain insurance on behalf of any person described above, or any other employee, volunteer or agent of the Council, against liability asserted against or incurred
by such person on account of his or her status as such, whether or not the Council would have the power to indemnify or advance expenses to such persons.

**ARTICLE XIV—SEAL**

The Official Seal of the Council shall be used in all legal documents and on the Certification referred to in Article IX, Section 2 of these Bylaws.

**ARTICLE XV—AMENDMENTS**

These Bylaws may be amended at any special meeting or Annual Business Meeting of the Council by resolution submitted to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of the Member Boards shall be required to secure adoption of any amendment to these Bylaws.
2018 NCARB Resolution Feedback

Region Comments with Responses from:

- Venable LLP
- NCARB Staff
- NCARB Board of Directors
The following is a compilation of comments received from the six NCARB regions after Regional Summit with responses from NCARB’s legal consultant, Venable LLP, and NCARB staff for Board discussion. Final Board of Director responses/actions from the April Board of Directors meeting have also been included in this document.

Region comments are in black.
Legal counsel comments are in blue.
NCARB staff comments are in purple.
NCARB Board of Directors response and action in red.

Resolution 2018-01
NCARB Legislative Guidelines and Model Law/Model Regulations Amendment—HSW Category Realignment

Region 1
• Agrees with the edits proposed by Regions 2, 3, and 6

Region 2
• Mention was made that some would like to see sustainability addressed in more areas.
  o **Staff Response:** Education Committee Chair Mike Rodriguez worked with Harry Falconer and Jared Zurn (Resiliency Workgroup staff liaison) to update the sponsor’s statement of support. Changes include additional or edited topics under Programming & Analysis and Project Planning & Design.
  o **Board of Directors Response:** Approved the revised statement of support.

Region 3
• No comments.

Region 5
• No concerns.

Region 6
• Several members felt that the proposed Health, Safety, and Welfare subjects in the resolution did not necessarily fall into the category of HSW. Redefining HSW is important but the proposal does not do it right. Concerns expressed that the proposed new HSW categories move more toward globalization and do not allow for more flexibility for the state boards.

• A comment that NCARB used the inaccurate language in trying to define “HSW Realignment”; should amend to say “CEU Realignment”, since the
listing of categories are all legitimate CEU content areas, but classification as HSW would depend on the specific program.

• Several members felt that specific information on the definition of HSW is mentioned in the NCARB Bylaws and is more appropriately outlined in the Education Standard publication. Much agreement in the region that NCARB should consider deleting HSW language entirely from the Bylaws and move to the Education Standard.
  
  o **Staff Response:** HSW only appears in the NCARB Bylaws under “Article III – Purpose” which reads: “The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public.....”

  o HSW relates to all professional practice, not just the education component of licensure; therefore, inclusion in the Education Standard does not appear to be the appropriate direction.
    
    ▪ The Education Standard is the approximation of the requirements of a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB). It includes general studies, professional studies, and optional studies, which together comprise a professional liberal education in architecture. It is used to when evaluating foreign degrees or degrees from non-accredited programs for NCARB certification. The standard is updated by Board action with Member Board comment period.

    ▪ The Education Guidelines provides a general overview of the education requirement for NCARB certification and alternatives to the education requirement. In the sponsors’ statement of support, it proposes adding a new section that outlines acceptable HSW topics for continuing education. Other than the Education Standard, which is located in the back of the Education Guidelines, this document is updated as needed to reflect current internal and external processes as they change and to enhance language for clarity.

  o **Board of Directors Response:** The Board decided that general language is more appropriate for the NCARB Legislative Guidelines and Model Law/Model Regulations. The Board directed development of a new Continuing Education Guidelines to provide more specificity on the example topics and to provide better support and guidance for Member Boards. This will be a charge for the Education Committee in FY19.
Overview of Board Discussion & Action:
The sponsors’ statement of support has been updated to reflect comments from Region 2. The Board of Directors voted 14-0 to move Resolution 2018-01 forward for membership consideration.
Resolution 2018-02
Certification Guidelines Amendment—Revision to the EESA Requirement for the Education Alternative to Certification

Region 1
- No comments.

Region 2
- No comments.

Region 3
- No comments.

Region 5
- No concerns.

Region 6
- Little comment mentioned on this proposal other than clarification requested as to whether this proposed resolution was based on the recent Canadian MRA entered into between NCARB/Jurisdictions and Canada.
  - Staff Response: This proposed resolution is not related to the Canadian MRA. Applicants for NCARB certification utilizing the education alternative have long challenged the purpose and validity of requiring an EESA from those who have more than 64 credit hours of higher education.

From the Sponsor’s Statement of Support: About 20 percent of architects falling into the category of requiring an EESA have received an associate, bachelor, or master degree in completely unrelated fields. Their EESA evaluation typically leads only to a waiver of the “General Education” subject area. The EESA requirement is a time-consuming and costly effort for little to no value in these cases. Many of the remaining 80 percent of architects requiring an EESA have completed some coursework in architecture or architecture-related programs and have also expressed interest in satisfying their education by completing all subject areas of the Education Standard...
through the Certificate Portfolio, bypassing the cost and time required to obtain an EESA.

- **Board of Directors Response:** Consensus that the staff response answers Region 6’s question.

**Overview of Board Discussion & Action:**
The Board of Directors made no changes to the resolution as presented at 2018 Regional Summit. The Board of Directors voted 14-0 to move Resolution 2018-02 forward for membership consideration.
Resolution 2018-03
Amendment and Restatement of the NCARB Model Rules of Conduct

Region 1
- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2
- General comments that commentary should be eliminated. Let the rules state exactly what is intended. Keep them simple and straightforward. Less is more!
  - Legal Response: Commentary has already been substantially removed. It is an internal NCARB decision to remove remaining commentary.
  - NCARB Board of Directors Response: The Board agreed to remove the commentary from the main body of the Model Rules of Conduct. Felt the commentary still provided value, so language will become footnotes.
- Delete Rule 1.4 altogether and allow the Standard of Care clause to cover this. Defining impairment is very dangerous and open ended.
  - Legal Response: The “Standard of Care” clause generally covers all of the responsibilities that are further defined in Section 1. Further, Rule 1.4 does not define impairment but states that impairment is determined by the assessment of a qualified professional.
  - NCARB Board of Directors Response: The Board decided not to make any changes to Rule 1.4.
- Noted a concern for Rule 1.3 as a matter of discretion that similar to 1.4 is a matter of the Standard of Care.
  - Legal Response: As noted above, the scope of the “Standard of Care” can cover most things implicitly that are explicitly defined in the Rules of Conduct.
  - NCARB Board of Directors Response: The Board decided not to make any changes to Rule 1.3.
- Concern was expressed that the Rules may be used as a “Standard” against which all Architects may be judged.
  - Legal Response: Our understanding is that the Rules of Conduct are specifically intended to be a standard by which all architects will be judged.
  - NCARB Board of Directors Response: The language is intended to be a model standard that can be adapted by jurisdictions as they see fit. The Board is not proposing to have this document govern disciplinary actions of Certificate holders; those actions will be based
on disciplinary decisions determined by a Member Board. Rather, this effort is designed to provide a guidance document for jurisdictions wishing to pursue enactment of their own Code of Conduct and to make a public statement regarding the aspirational goals of NCARB as a national organization.

Region 3

- No comments.

Region 4

- Rules of Conduct 4.2 - Question is: “Who will determine this?”
  - Staff Response: The courts and/or the jurisdictional board.
  - Legal Counsel Response: Agree with staff comment. Rule 4.2 can be read to permit a finding of fraud or deliberate disregard of the rights of others by a formal court/tribunal or through findings by the jurisdiction’s board.
  - Board of Directors Response: No additional comments.

- Rules of Conduct 4.5 - The Region did not agree with the last sentence: “For purpose of this rule, any who, alone or with others, is in charge of the architectural practice, shall be deemed to have violated this rule if the employer has violated this rule. Their comments:
  - They are concerned with holding someone responsible for the actions of others when they were not involved or had no previous knowledge.
  - We do not discipline firms.
  - Can you hold an employee responsible for the actions of the firm?
    - Legal Response: This was based on previous Model Rule 4.4. The rule is stating that an architect “in charge of the architectural practice” at an employer found in violation of certain employer protection laws, including labor and discrimination law, is in violation of the Rules. This rule suggests that, as a manager, the architect has personal professional responsibility for violations of law by the firm. We understand, however, that there may be instances where the person “in charge” of the architecture practice is not necessarily the manager of the employer engaged in the violation. Upon NCARB’s direction, we can add language to address this potential distinction. Further, note that Rule 4.5 is generally consistent with Guiding Principle F of the proposed Model Rules of Conduct.
    - Board of Directors Response: The Board decided to strike the last sentence of Rule 4.5. Agreed that the language was too broad.
• Rule 5- Signing and Sealing Documents - The Region had issue with 5.2 and 5.3. Their comments:
  o The architect should not be sealing anything that they did not produce.
    ▪ Legal Response: Our understanding is that the inclusion of Rule 5.2 and 5.3, which are based on previous Rule 5.2, is based on common industry practice.
    ▪ Board of Directors Response: No additional comments.
  o 5.2 and 5.3 are both in direct conflict with 5.1.
    ▪ Legal Response: We do not read the Rules to be in direct conflict. However, based on NCARB’s direction, we can add language to Rule 5.1 clarifying Rules 5.2 and 5.3 (e.g., “An architect shall sign and seal only those technical submissions..., except as noted in Rule 5.2 and 5.3.”).
    ▪ NCARB Board of Directors Response: The Board decided to add “except as provided in 5.2 and 5.3” to 5.1.

Region 5
• No concerns.

Region 6
• 1.4 Concerns expressed it would be inappropriate for a Board to determine professional competency based on medical and physical disabilities. All agreed that this determination must be made by a qualified individual rather than an architect. Many thought the term “appropriately qualified professional” was overly broad and the more appropriate term would be “health care professional” to include therapists, etc., who are not always referred to as medical professionals.
  o Legal Response: The rule requires the board to make the judgment as to whether the architect can practice based off the assessment of an “appropriately qualified professional.” Therefore, the architect is not performing the evaluation of impairment, just the evaluation of the assessment conducted by a professional and its application to the practice of architecture. We believe, in most instances, the appropriately qualified professional to determine impairment will be a “health care professional”. Upon NCARB’s direction, we can revise the term used in Rule 1.4 to narrow the scope, if requested.
  o NCARB Board of Directors Response: The Board feels “health care profession” would be too narrow. The model language is intended to be broad so boards have more leeway when adapting the rules to their own jurisdictions. The Board decided not to make any changes to Rule 1.4.

• Discussion also about whether the language should say “should” vs. “shall.” No consensus reached.

• 3.5 Much consternation articulated about the whistleblower aspect of this
rule. Members who are employees of firms were concerned that they would have to potentially turn in their bosses if they heard of any wrongdoing. Turning in a client might also be challenging but certainly not inappropriate. However, language that could hold a law-abiding member accountable for the wrong-doing of others was not well received. Additionally, requiring termination of a contract due to a client’s wrong-doing could be contrary to the architect’s contract terms regarding termination and would therefore need to be considered before compelling the architect to terminate the contract. Members wanted clarification on how this rule is meant to work.

- **Legal Response:** Rule 3.5 is designed to be a whistleblower provision. The requirements of Rule 3.5 are consistent with general professional responsibility that members are required to report clients or employers that violate law which could result in harm to health or safety of the public, especially in a profession whose primary duty is to “protect the public’s health, safety, and welfare.” See also **NCEES Model Rules 240.15(A)(3).** It is arguable that a court would not choose to enforce a contract in an action for breach pursuant to public policy since the architect was acting out of concern for HSW.

- **NCARB Board of Directors Response:** The language is intended to be advisory to our Member Boards, and their legal counsel will interpret as appropriate. The Board decided to change the word “municipal” to “local.”

4.4 Members felt the language for “official” was not broad enough since many of them deal directly with building department or jurisdiction employees (serving in an official capacity). Recommend changing language to “public officials” and to add “public employees” as well. Several members felt that the existing language should remain. Several members felt that the existing language in Rule 5.3 covers these matters more appropriately than breaking up it up into numerous other rules.

- **Legal Response:** “Official” is meant to be read in the broadest sense. Upon NCARB’s direction, we can revise the term or revise the rule to provide greater detail regarding the scope of application.

- **NCARB Board of Directors Response:** The Board felt “public” would narrow the scope. Would like to keep the language broad, and allow Member Boards more flexibility to adapt and narrow if they see fit.

4.5 Concern conveyed that employee architects will be put in position to monitor “any and all” possible laws in the U.S. or U.S. jurisdictions of partners or firm owners or face potential discipline. The second half of this Rule does not recognize the issues facing firms with multi-jurisdictional offices. Holding the “firm” or “other owners” accountable for taking appropriate action against a violator makes sense but the current language is excessive. This needs to be further examined and clarified.

- **Legal Response:** As discussed above, this limits responsibility to those employee architects “in charge of the architectural practice.”

- **Board of Directors Response:** The Board decided to strike the last
sentence of Rule 4.5. Agreed that the language was too broad.

- 5.3: See 4.4 above.

**Overview of Board Discussion & Action:**
The Board of Directors made the following edits to the resolution:
- Removed commentary from the main body of the document to footnotes.
- Changed “municipal” to “local” in Rule 3.5
- Struck out the last sentence of Rule 4.5
- Updated Rule 5.1 to add “except as noted in Rules 5.2 and 5.3.”

The Board of Directors voted 14-0 to move Resolution 2018-03 forward with these changes for membership consideration.
Resolution 2018-04
Amendment and Restatement of the NCARB Bylaws

Region 1
- Agrees with the edits proposed by Regions 2, 3, and 6

Region 2
- Question was raised regarding coordination of terminologies. i.e. the Rules of Conduct changed reference of “registration” to “licensure.” Registration remains a term in the Bylaws.
  - **Staff Question:** Should we have a definition that registration and license are interchangeable terms for NCARB? Registration as a term has significance for the organization as it appears in our name: National Council of Architectural Registration Boards. In other documents (program guidelines) we note that registration and license are interchangeable.
    - **Legal Response:** We would not recommend adding such a broadly applicable definition to the Bylaws, however, a more limited definition of “Registration” may be helpful. For example, you may wish to consider adding a definition similar to the following: “‘Registration’ shall mean ‘Licensure as an architect by the body legally authorized by a Jurisdiction to grant such licensure.’”
      - Note that by adding a definition, most (but not all) uses of the word “registration” in the Bylaws will need to be capitalized.
  - **Board of Directors Response:** The Board decided to add legal counsel’s definition for “Registration.” The Board noted that both terms often have different meanings for each Member Board. Since there is not a common approach at the Member Board level, NCARB must use a simpler approach.

Region 3
- Removal of directors - Should removal of a Regional Director be accomplished by his/her region?
  - **Staff Question:** Per Bylaws, Directors are elected by the full body—only nominated by the Region. Is this Iowa Law or just our Bylaws?
    - **Legal Response:** Under Iowa law, the default rule is that directors elected by the members can be removed by the members with or without cause. However, Iowa law allows the default rule to be changed in the bylaws (e.g., to allow the Board to remove a director for cause).
Staff Question: Is it correct that it would not be appropriate for the Region to remove because the Regional directors were voted in by the full membership?

- **Legal Response:** Under Iowa law, NCARB could amend its bylaws to allow the Regions to remove a Regional Director, however, we would advise against it. As previously discussed, the Directors of NCARB are elected by the full membership and have fiduciary duties to NCARB overall, not to any particular Region.

- **NCARB Board of Directors Response:** The Board agreed with legal response. Separately, the Board decided to delete “or without” from Article VII, Section 4.

**Vacancies - Should a vacancy in the office of Regional Director be filled by his/her region rather than the BOD?**

- **Legal Response:** Note that the draft Bylaws already state that prior to filling any vacancy, the Board will consider recommendations from the constituent group responsible for nominating the vacated director position (e.g., the applicable Region).

- **NCARB Board of Directors Response:** No additional comments.

Services provided to member boards - Consider revising services provided by NCARB to include administration of an experience program in addition to the examination.

- **Staff Response:** Can add Architectural Experience Program (AXP)/national experience program as a service.
  - **Proposed Addition:** Architectural Experience Program. The Council shall prepare a structured experience program for use by Member Boards. The Board of Directors shall issue, from time to time, updates to program rules and opportunities to remain relevant with experiences and competencies necessary for the current practice of architecture.

- **Staff Question:** Should we take a closer look at this from a holistic view at a later date to make sure we have captured all appropriate services to include in the Bylaws?

- **Legal Response:** We think it is OK to add AXP as a service, but we generally recommend against adding too many other services or specifics about services into the Bylaws (a separate policy would be more appropriate, in order to avoid needing to revise the Bylaws every time a service is changed). Instead, you could consider adding language indicating that additional services may be offered as determined by the Board of Directors from time to time.

- **NCARB Board of Directors Response:** The Board decided to add the Architectural Experience Program to the Bylaws and an additional section that addresses the possibility of other services that says “Additional services may be offered as determined by the Board of Directors from time to time.”
• Consider adding, as a service to Member Boards, maintenance of an architect’s transcript of HSW CEUs and transmittal to Member Boards for auditing purposes.
  o Legal Response: As noted above, we suggest that you avoid being too specific about services in the Bylaws, and instead consider adopting a separate policy for member services.
  o Staff Response: This is not yet a service NCARB currently provides. We are working on the concept.
  o NCARB Board of Directors Response: No additional comments.

• Why assign ExCom the authority to develop short-range and long-range goals? – Shouldn’t goal setting be the responsibility of the BOD?
  o Staff Response: We can delete this charge.
  o Legal Response: You could also consider adding language to the charge such as “develop short-range and long-range goals...to supplement those developed by the Board” or “...subject to review and approval by the Board.” This would allow the Executive Committee to retain the charge, but make clear that the full Board also has the right to develop goals and/or has the right to override any of the ExCom’s goals.
  o NCARB Board of Directors Response: The Board decided to delete the charge noted from the Executive Committee section of the Bylaws.

Region 5
  • No concerns.

Region 6
  • Article V, Section 5: Region 6 suggests that the timing of when resolutions are to be received and disseminated be aligned. As an example, proposed resolutions coming from Regions or Members Boards must have 75 days’ notice, while resolutions coming from committees only requires 30 days’ notice. Member boards were in agreement that the timing should be more, not less in order to give member boards adequate time to meet and review the proposals and provide feedback prior to the Annual Meeting.
    o Staff Response: The 30-day requirement in the Bylaws requires the Board of Directors to release all resolutions to the membership before the Annual Business Meeting.
      ▪ The 75-day requirement is for Member Boards or Regions to submit resolutions to the Regional Leadership Committee, which in turn reviews and forwards to the Board Directors to be released with all other resolutions 30 days prior to the Annual Business Meeting.
      ▪ All other committees submit resolutions to the Board of Directors by January 1.
    o Legal Response: We have no further comments.
    o NCARB Board of Directors Response: No additional comments.
• Article VII, Section 2: Many members of Region 6 advocated that it is appropriate for each individual region to set the qualifications for its Regional Director. Maybe NCARB can offer general guidelines to help inform regions on the qualifications that would be beneficial.
  
  **Staff Response:** While regions (and the MBE community) nominate individuals to be considered for director seats, each director is elected by the membership as a whole at the Annual Business Meeting and, once elected, serves the interests of NCARB as a whole, rather than a particular region. For this reason, qualifications for positions on the national Board should be set by the national membership through the Bylaws. We note, however, that the eligibility requirements are relatively broad and leave significant room for regions to nominate a director of its liking.
  
  ▪ **Legal Response:** We agree with the comment above.
  
  • Regions determine qualifications for Regional Chairs and other officers of the Regional Boards.
  
  • **NCARB Board of Directors Response:** No additional comments.

**Overview of Board Discussion & Action:**

The Board of Directors made the following edits to the resolution:

• Article II: Added a definition for “Registration”
• Article VII, Section 4: Deleted “or without”
• Article X: Added definition of AXP and added language about additional services.
• Article XII: Deleted Section 2.ii (and changed the section to letters to match the rest of the document)

The Board of Directors voted 14-0 to move Resolution 2018-04 forward with these changes for membership consideration.
Guide to Proposing Amendments to Resolutions at the Annual Business Meeting

If a Member Board or region would like to offer an amendment to a resolution being moved forward at the Annual Business Meeting (ABM), NCARB is available to provide support in various ways including legal counsel support and coordinating distribution to all Member Boards.

Amendments Offered Prior to the Annual Business Meeting

If a Member Board or region develops an amendment to a resolution prior to arriving at the Annual Business Meeting, and you would like to share it in advance so other Member Boards can discuss it prior to arriving at the meeting:

1. Download the Resolution and Amendment template. Use this document to develop the amendment in the required format.
2. Send the proposed amendment to Josh Batkin at council-relations@ncarb.org.
3. NCARB legal counsel will review and provide feedback relative to formatting or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
4. Once finalized, NCARB can distribute the final version of the amendment to membership. This will include posting on the Member Board Community and publishing via NCARB’s various membership communications channels (Fast Facts, emails, feedback webinars, etc.)
   - To include the amendment in the Pre-Annual Business Meeting Briefing, NCARB must receive it by May 18, 2018.
   - Amendments can be submitted after this date. They will be shared via all other communications channels.
5. NCARB will prepare printed copies of the amendment for distribution at the Annual Business Meeting.
   - If the authoring Member Board or region changes the amendment following electronic distribution, please send the revised amendment to Josh Batkin at council-relations@ncarb.org by June 8, 2018.

At the Annual Business Meeting Prior to Saturday Resolution Session

If a Member Board or region develops an amendment onsite prior to the Saturday morning resolution session and would like to make it available to membership for early discussion:

1. Submit the amendment at the registration table as soon as possible.
2. NCARB legal counsel will review and provide feedback relative to formatting or any unintended consequences. Any proposed changes will be returned to the authoring Member Board/region, with explanation, for consideration.
3. Once finalized, NCARB can provide copies of the amendment at the registration desk. Further, NCARB can share the amendment through various communications channels including email to all Members, posting on the Member Board Community and
announced through the ABM app. These various communication channels will ensure that members not in attendance at the ABM may also be made aware and engaged.

4. Authoring Member Boards/regions may inform attendees about the amendment developed during the Friday Resolution Forum. If timing permits, the printed versions can be made available for the Resolution Forum and/or Regional Meetings.

5. The amendment will be distributed for discussion during the Saturday resolution session.

Introducing an Amendment from the Floor During Saturday Resolution Session

If a Member Board or region decides to offer an amendment from the floor during the Saturday Resolution Session:

1. A delegate must go to the microphone and identify their name and Member Board or region to offer the amendment.
   - Note: Only one amendment may be considered at a time. If a delegate wishes to suggest a different amendment while one is currently being debated, the delegate may go to the microphone to state the intention, but no formal action can begin until the current amendment has fully been discussed and voted on.

2. The amendment must be seconded from the floor.

3. At this point, the session will likely go on break while the legal counsel and parliamentarian work with the authoring Member Board/region to finalize the amendment for members’ consideration. This includes developing a hard-copy version for distribution to the attendees, as well as posting on the Member Board Community so that Members participating in the Saturday session via phone or watching the live stream may be engaged.

4. Once the hard-copy has been distributed, debate will begin/resume. If needed, delegates will be given the opportunity to caucus to discuss the amendment(s).

Voting on Amendments

1. After discussion on the amendment has concluded, the first vice president/president-elect will call for a vote on the amendment. A simple majority of voting delegates present is needed to amend a resolution.
   - If the amendment passes, discussion begins on the amended resolution.
   - If the amendment fails, discussion resumes on the original resolution.

2. Additional amendments may be introduced, following the above steps.

3. After all discussion is completed, the first vice president/president-elect will call for a vote on the resolution, original or as amended, based on voting results of amendments.

4. The number of votes needed to pass a resolution are dictated by the NCARB Bylaws.

Questions?

If you have questions about the amendment or resolution process, please contact council-relations@ncarb.org.
# TBAE Event Calendar 2018

## January 2018

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<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>01</td>
<td>New Year’s Day (Closed)</td>
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<tr>
<td>02</td>
<td>NCARB AIA Students’ Forum, Austin</td>
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<td>03</td>
<td>Martin Luther King Day (Closed)</td>
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<td>04</td>
<td>Survey of Excellence (Jan 16-19)</td>
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<td>05</td>
<td>Confederate Heroes Day (Skleton Crew)</td>
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<td>06</td>
<td>Texas Tech University</td>
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<td>07</td>
<td>TNC EEO Policy Review</td>
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## February 2018

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<tr>
<td>01</td>
<td>Board Meeting – Rm III-102</td>
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<tr>
<td>02</td>
<td>CLARB MB Committee Meeting, Washington, D.C.</td>
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<td>03</td>
<td>Stephen F Austin University ID Program</td>
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<td>04</td>
<td>Panel Discussion UT Arlington</td>
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<td>Presidents Day (Closed)</td>
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## March 2018

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<tr>
<td>01</td>
<td>2018 NTCEA Building Communities Conference &amp; Expo – South Padre Island</td>
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<tr>
<td>02</td>
<td>2018 CLARB Annual Meeting, Toronto, Canada</td>
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## April 2018

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<tr>
<td>01</td>
<td>Southern Conference of NCARB Region 3 - Orlando, FL</td>
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<tr>
<td>02</td>
<td>2018 ASLA Conference – Galveston, TX</td>
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<td>03</td>
<td>Risk Management Review</td>
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<td>Personal Financial Statement Filing Deadline</td>
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## May 2018

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<tr>
<td>01</td>
<td>2018 AIA Students’ Forum, Austin</td>
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<td>02</td>
<td>Board Meeting – Rm III-102</td>
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<td>03</td>
<td>Memorial Day (Closed)</td>
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<td>04</td>
<td>Lampasas ISD Last Day of School</td>
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<td>Austin ISD Last Day of School</td>
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## June 2018

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<tr>
<td>01</td>
<td>NCARB 2018 Annual Business Meeting – Detroit, MI</td>
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<tr>
<td>02</td>
<td>Emancipation Day (Skeleton)</td>
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<td>03</td>
<td>Christmas Eve (Closed)</td>
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<td>04</td>
<td>Christmas Day (Closed)</td>
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<td>Day after Christmas (Closed)</td>
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## July 2018

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<td>METROCONIB – Dallas Market Center</td>
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<td>Board Meeting – Rm III-102</td>
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## August 2018

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<td>Labor Day (Closed)</td>
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<td>2018 URGV-AIA Building Communities Conference &amp; Expo – South Padre Island</td>
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<td>03</td>
<td>2018 CLARB Annual Meeting, Toronto, Canada</td>
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## September 2018

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## October 2018

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<td>TxLA Design Expo – Ft. Worth, TX</td>
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<td>02</td>
<td>2018 CIDQ Council of Delegates Meeting (Nashville, TN)</td>
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<td>Veterans’ Day</td>
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<td>Board Meeting – Rm III-102</td>
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<td>TBAE Holiday (Skeleton)</td>
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<td>06</td>
<td>Thanksgiving (Closed)</td>
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## November 2018

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<td>01</td>
<td>TBAE Holiday (Skeleton)</td>
</tr>
</tbody>
</table>

## December 2018

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
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