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 August 16, 2017 Board Meeting Minutes (Action)

3. Consideration of Proposal for Decision in SOAH Docket
   No. 459-17-3036, Matthew Waters Oualline, Jr. (TBAE Case No. 115-16A)

4. Executive Director Report (Information)
   A. Summary of Executive Accomplishments (Information)
   B. Operating Budget/Scholarship Fund: Presentation on 4th Quarter 2017 Expenditures/Revenues
   C. Report on Conferences and Meetings (Information)
      I. 2017 CLARB Annual Meeting – Sep 14-16
      II. 2017 LRGV-AIA BCC Conference – Sep 28-30
      III. NCARB Experience Committee Meeting #1 – Oct 6-7
      IV. 2017 CIDQ Council of Delegates Meeting – Nov 10-11
   D. Report on Upcoming Conferences and Meetings (Information)
      I. TxA Conference – Nov 9-11
      II. NCARB Experience Committee Meeting #2 – Dec 1-2
      III. NCARB AIA Students’ Forum, Austin – Jan 1

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

6. General Counsel Report (Action)
   A. Proposed Rules for Adoption relating to Registration as Registered Interior Designer by Examination – Implementation of Senate Bill 1932, 85th Regular Session (2017)
      I. Amendment of Rule 5.5 relating to Definitions
      II. Amendment of Rule 5.31 relating to Registration by Examination
      III. Amendment of Rule 5.32 relating to Registration by Reciprocal Transfer
IV. Amendment of Rule 5.33 relating to Application Process
V. Amendment of Rule 5.35 relating to Pending Applications
VI. Amendment of Rule 5.36 relating to Preliminary Evaluation of Criminal History
VII. Amendment of Rule 5.37 relating to Provisional Licensure
VIII. Amendment of Rule 5.51 relating to Requirements
IX. Amendment of Rule 5.52 relating to Examination Administration and Scoring
X. Amendment of Rule 5.53 relating to Scheduling of Examinations
XI. Repeal of Rule 5.54 relating to Transfer of Passing Scores
XII. Amendment of Rule 5.55 relating to Special Accommodations
XIII. Repeal of Rule 5.201 relating to Description of Approved Education for Registration by Examination
XIV. Repeal of Rule 5.202 relating to Description of Approved Experience for Registration by Examination
XV. Repeal of Rule 5.203 relating to Other Experience and Education

B. Review of Informal Settlement Conference Procedures (Action)
C. Review of New Board Member Training Manual (Information)

7. Enforcement Cases (Action)
   Review and possibly adopt ED’s recommendation in the following enforcement cases:
   A. Registrant/Non-Registrant Cases:
      Ahearne, Patrick M. (#341-17A)
      Chu, Pui-Lam (#224-17A)
      Grauke, Olie Chadwick (#215-17N)
      Greico, Tom (#024-17N)
   B. CE Cases:
      Banwo, Olamide A. (#255-17A)
      Fleming, Christine (#292-17I)
      Hines, Mary-Katherine (#377-17A)
      Liles, Scott C. (#376-17A)
      Plattner, Donald E. (#297-17A)

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

9. **Board Acceptance of NCARB’s Tri-National Mutual Recognition Agreement for International Practice (known as “the Agreement”) (Action)**

   Debra Dockery

10. **Upcoming Board Meeting (Information)**
    
    February 1, 2018
    May 22, 2018
    August 21, 2018
    November 15, 2018

   Debra Dockery

11. **Chair’s Closing Remarks**

    Debra Dockery

12. **Adjournment**

    Debra Dockery

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**NOTE:**

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

**NOTICE OF ASSISTANCE AT PUBLIC MEETINGS**

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services are required to call (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made.
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<th>Acronym</th>
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<td>ACSA</td>
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<td>Architect Registration Examination</td>
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<td>Building Officials Association of Texas</td>
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TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of August 16, 2017 Board Meeting
William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Room 102
Austin, TX 78701
11:00 a.m. until completion of business

AGENDA ITEMS	DESCRIPTIONS

1A. Call to Order	Ms. Dockery called the meeting to order at 11:00 a.m.

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

Present Board Members
Debra Dockery	Chair, Architect FAIA
Michael (Chad) Davis	Vice-Chair, Landscape Architect
Jennifer Walker	Architect, Secretary/Treasurer
Charles (Chuck) Anastos	Architect
Chase Bearden	Public Member
Sonya Odell	Registered Interior Designer

1C. Excused and unexcused absences	Paula Ann Miller	Public Member
Robert (Bob) Wetmore	Architect

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO APPROVE THE EXCUSED ABSENCE OF PAULA ANN MILLER AND ROBERT (BOB) WETMORE. THE MOTION PASSED UNANIMOUSLY.

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

1E. Recognition of Guests	Ms. Dockery acknowledged the following guests and members of TBAE staff: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Kenneth Liles, Finance Manager; Glenn Garry, Communications Manager, Mike Alvarado, Registration Manager; Jack Stamps, Managing Investigator; Dale Dornfeld, IT Manager; Glenda Best, Operations Manager; Christine Brister, HR Program Specialist; Katherine Crain, Legal Assistant; Julio Martinez, Systems Analyst; Donna Vining, Texas Association for Interior Design.

1F. Chair’s Opening Remarks	Ms. Dockery welcomed the audience and thanked them for coming to the meeting. She stated that each year she has attended the NCARB Annual Meeting they have had some really interesting keynote speakers which are usually educational and inspirational. This year the keynote speakers were very much on topic for what the regulatory agencies in the U.S. currently face today. The two keynote speakers were Malcolm Sparrow and David C. King. Mr. Sparrow is a Professor of the Practice of Public Management at Harvard’s John F. Kennedy School of Government and the Faculty Chair
of the school’s executive program “Strategic Management of Regulatory and Enforcement Agencies.” Mr. King is a Senior Lecturer in Public Policy at Harvard’s John F. Kennedy School of Government and directs a program for the senior executives of sustainable government. Ms. Dockery stated that Professor Sparrow shared some thoughts that really resonated with her. He presented a graphic in which one side of the picture is a circle labeled “illegal” and the other side is one labeled “harmful.” The outer edges of illegal are nitpicky, overreach, capricious and the outer edges of harmful are grabbing turf. But where the two circles of illegal and harmful intersect is the place where regulators should be focusing their attention. One thing that made an impression on her is that regulators should be framing their message on what is harmful and not just illegal. On the other hand, Professor Sparrow noted that if harm cannot be identified, the regulatory agency should reconsider whether it is time to retire that regulation. Ms. Dockery encouraged the Board to consider the Board’s activities and message with this perspective in mind.

1G. Public Comments

None.

2. Approval of June 8, 2017 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE THE JUNE 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:

A. Summary of Executive Accomplishments

Ms. Hildebrand presented and discussed the summaries of executive, registration, and enforcement accomplishments as described on pages 14-16 of the Board materials. Ms. Hildebrand also discussed the upcoming audit by the State Auditor’s office.

Mr. Dockery asked Ms. Hildebrand whether the conference that she attended on building codes was useful. Ms. Hildebrand stated that she did the course online and it was taught by a landscape architect. She stated that it was very helpful to learn more about the structure of the code, and how the thresholds differ with the Architects’ Practice Act.

Mr. Davis noted that the agency had recently been audited, and shared his concerns about the expenses of redundant work. Ms. Hildebrand stated that the agency had recently gone through a post-payment audit by the Comptroller’s office, which looks at expenditures. This audit will look at expenditures and revenues, as well as other issues, such as performance measures and enforcement cases.

Mr. Anastos expressed his concerns about the $50,000 cost of the audit, as well as the amount of staff time that would be consumed. Mr. Davis shared this concern, as well as Ms. Dockery, who noted that this cost could
be enough to accelerate the need to increase fees by a year earlier than what would otherwise be necessary.

B. Operating Budget/Scholarship Fund: Presentation on 3rd Quarter 2017 Expenditures/Revenues

Ms. Hildebrand directed the Board to pages 17 and 18 for updates on the FY2017 operating budget and FY2017 Scholarship Fund. She stated that these figures are updated through July 31, 2017. At the next Board meeting she will be presenting the full budget.

C. Discussion of Office Rental/SWCAP

Ms. Hildebrand directed the Board to page 19 of the notebook regarding the allocation of SWCAP and office rental. The SWCAP payment includes reimbursement of costs for support the agency receives from other agencies, including accounting and payroll. The agencies that provide these services report to the Governor’s ofice directly, and then the total amount of these costs are allocated to agencies for payment under SWCAP. She said that TBAE pays SWCAP and rent together as one payment. She stated that the amount attributed to rent and SWCAP fluctuates considerably, but that the overall amount of the two is relatively stable. In the future, these items will be reported together as one line-item on the budget.

D. Report on Conferences and Meetings

I. NCARB Annual Business Meeting – June 22-24

She and Chase Bearden attended the annual NCARB Meeting and the members were pleased that a public member from our board attended the conference. The board members asked Mr. Bearden to become a member of the Credentials Committee, which he accepted. Ms. Hildebrand congratulated Mr. Bearden on this appointment. She added that the meeting was relatively quiet as there were no contested elections or resolutions.

II. NCARB Licensing Advisors Summit – Jul 27-29

Mike Alvarado and Jackie Blackmore attended the Licensing Advisors Summit in Chicago this summer. Ms. Hildebrand stated that this meeting is a good opportunity for board representatives and school representatives to get together.

III. METROCON17 – Aug 10-11

Ms. Hildebrand stated that METROCON was last week and Glenn Garry did a great presentation for the Board. In addition, Sonya Odell and Donna Vining made presentations at the conference. Board staff members Jessica Ramirez and Jackie Blackmore also attended the conference.

E. Report on upcoming conferences and meetings

Ms. Hildebrand presented information on upcoming conferences and meetings as follows:
I. 2017 CLARB Annual Meeting – Sep 14-16
Ms. Hildebrand stated that Chad Davis and she will be attending the CLARB Annual Meeting in September.

II. 2017 LRGV-AIA BCC Conference – Sep 28-30
Ms. Hildebrand stated that Jack Stamps will be attending the Lower Rio Grande Valley Conference and he will have a booth representing the agency. Additionally, he will make a presentation at the conference.

III. TxA Conference – November 9-11
Ms. Hildebrand stated that the TxA Conference will be held in Austin on November 9-11 and Jack Stamps will be making two presentations and Glenn Garry will be making one presentation. Additionally, most of the registration staff will attend.

IV. 2017 CIDQ Council of Delegates Meeting – Nov 10-11
Ms. Hildebrand stated that she will be attending the CIDQ Meeting this year and will therefore be unable to attend the new licensee ceremony at the TxA Conference.

4. Approval of the Fiscal Year 2018 Budget
Ms. Hildebrand presented information regarding the proposed operating budget for FY2018, as described on page 20 of the Board materials. She stated that the first draft was presented at the last Board meeting and at a Budget Committee meeting. However, a few items have changed since that meeting. For instance, the professional fees and services were increased from $25,000 to $75,000 due to the upcoming audit. In turn, the projected draw on the reserve balance has been increased by $50,000 to $140,000. Also, the projected budget for IT upgrades has been increased from $40,000 to $45,000 because of issues with the server room. To address this increase, other budget items have been decreased, including printing, postage, and microfilming.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO APPROVE THE PROPOSED BUDGET FOR FY2018. THE MOTION PASSED UNANIMously.

The Board took a break at 12:07 p.m. and reconvened at 12:33 p.m.

5. General Counsel Report
Mr. Brenton provided the General Counsel’s report to the Board, as follows:

A. Draft Rules for Proposal relating to Registration as Registered Interior Designer by Examination – Implementation of Senate Bill 1932, 85th Regular Session (2017)
Mr. Brenton presented information on the draft rules for proposal as described on pages 21 through pages 24 of the Board materials. Mr. Brenton noted that the Rules Committee had addressed this issue at the morning meeting, and had recommended that the Board propose the draft rules, with changes to draft rule 5.33. The recommendation is as follows:

Rule 5.33(c) at line 19, line 19 is amended to read: “an application for (insert “TBAE”) registration by examination must include.” Additionally, on page 33, line 22: strike “acceptance” and insert “approval.”
Therefore, any discussion on Rule 5.33(c) or motion to adopt this particular rule would be made with those changes included.

Mr. Brenton continued his discussion by providing a summary of each draft rule change.

**Amendments to Rules**
5.5, 5.31, 5.32, 5.33, 5.35, 5.36, 5.37, 5.51, 5.52, 5.53, and 5.55,
and Repeal of Rules 5.54, 5.201, 5.202, and 5.203 Relating to
Eligibility Requirements for Registration as an Interior Designer

**B. Discussion of Agency Informal Conference Procedures**

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO APPROVE THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE §§ 5.5, 5.31, 5.32, 5.33, 5.35, 5.36, 5.37, 5.51, 5.52, 5.53, AND 5.55 AND REPEAL OF §§ 5.54, 5.201, 5.202, AND 5.203 FOR PUBLICATION AND PROPOSAL IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTENT AND TO COMPLY WITH THE FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. (CORRECTION NOTED ON 5.33). THE MOTION PASSED UNANIMOUSLY.

Mr. Brenton stated that this will be a discussion and opportunity for the Board to provide staff with guidance to determine which procedures to use in conducting Informal Conferences in the future. Mr. Brenton provided information to the Board as summarized on page 47 of the Board materials.

Ms. Dockery opened up the topic for discussion among the Board members.

Ms. Odell stated that she thought it was very important to have someone with expertise at informal conferences along with staff. She stated that it is good to have that expertise provided by Board members, because Board members come from a unique perspective of protecting the health and safety of the public, and not the professions. She also noted the cost savings to the agency by having a Board member present as opposed to a paid expert, provided that the Board member feels competent in the particular subject area.

Mr. Anastos stated that he is opposed to staff selecting a single Board member to participate in informal conferences. Mr. Anastos noted that the Board rules dealing with informal conferences state that the Executive Director can designate attendees, but there was no mention of the Board or Board members. This is notable because the Board or members of the Board are mentioned throughout the Board rules, but not in the informal conference rule. Mr. Anastos noted that the board training manual, which does address Board member attendance at informal conferences, has not been reviewed or approved by the Board. Mr. Anastos stated that materials need to be approved by the Board before being presented to new Board members. With respect to the two most recent informal conferences, Mr. Anastos felt that the first one was acceptable because
the Chair was involved in selecting the Board member for participation. However, with respect to the second informal conference, Mr. Anastos felt it was problematic for staff to contact a Board member directly without going through the Chair. He noted that he has been a Board member for 9 years and had never seen that happen before. Rather, in previous cases the Chair selected members for participation in informal conferences and the Board approved them. Mr. Anastos also noted that, as shown on page 62 of the Board materials, many informal conferences had been held without any Board member present. Mr. Anastos also expressed concern that if a Board member participated in an informal conference, the Board could be left without the input of the Board member when the settlement is considered at Board meeting. For landscape architects and registered interior designers, this is particularly concerning because we only have one Board member each to represent these professions, and the Board needs to be able to rely upon these Board members to answer questions. Mr. Anastos also expressed concern that participation in an informal conference could give an appearance of ex-parte communications. Mr. Anastos also expressed concern about only a single Board member participating in an informal conference, which could be fraught with problems. He noted that informal conferences could be stressful and difficult situations with pushback from Respondents and opposing counsel, and that it could be helpful to have more than one Board member present. Finally, Mr. Anastos referenced the Board’s penalty matrix, which provides a guide for penalty assessment. He shared his faith in staff’s ability to use the matrix to settle cases appropriately, and therefore does not see the need for a single Board member to attend informal conferences.

Ms. Dockery thanked Mr. Anastos and asked the Board if they had further comments. Ms. Odell stated that if she were the person with a case before the Board, she would want someone who could understand the profession. She noted that this could be one or more Board members. As a service to our registrants, we should allow them that opportunity so that they feel heard if nothing else. As far as who selects the Board member to participate, she would suggest that the Chair be copied on the decision, and if the Chair wants to weigh in, she can. She stated that the Board had hired a competent staff and Executive Director and in her opinion the Board needs to rely upon their employees to exercise delegated authority.

Mr. Bearden asked whether a Respondent would have already turned down the first round of settlement negotiations if an informal conference was being requested. Mr. Brenton answered in the affirmative. Mr. Bearden noted that the goal of an informal conference is to reach an agreement that can then be presented to the Board to decide whether to accept it or not. He stated that he agreed that Board member participation constitutes a service for those sitting at the table to see that the Board cares enough to consider the case and explain the position of
the agency. He was also in favor of Board members providing expertise at the informal conferences. However, he shared Mr. Anastos’ concern about the possibility of losing the participation of the landscape architect or registered interior designer at the Board meeting if that Board member had participated in an informal conference, and suggested that the Board could hire an expert in these situations. He agreed with Ms. Odell regarding the possibility that the Chair should be copied on a request for Board member participation in an informal conference.

Mr. Davis stated that he had a few things to mention. He shared the concern about the loss of participation in the Board decision by an informal conference participant. He also stated that it was important to remember that the informal conference is not the final negotiation; it is an opportunity to settle the case subject to Board approval. Mr. Davis stated that he was in favor of whatever mechanisms and tools that will help to settle cases and prevent this agency from going to SOAH. He was also in favor of having the Board Chair involved in the selection of Board members to participate in informal conferences, and wanted Ms. Dockery’s opinion on that.

Ms. Dockery shared her observations. For many years, she stated that the Executive Director came from a design background so there was already an understanding of the cases the Board hears. Secondly, she shared her awareness that the Board members already donate a lot of time to serving on this board, so she wants to be very careful about requesting additional time from Board members. She also wants to avoid an expectation that a Respondent can force the presence of a Board member at an informal conference. Ms. Dockery acknowledged there are cases which are significant that could be headed to SOAH which might benefit from some expertise on the front end. She stated her preference for staff to consider this issue in the future and asked how a Board member might really help to avoid a SOAH case or a mediation. Ms. Dockery stated that the Board Chair should be involved in selecting Board members for participation in informal conferences. Ms. Dockery encouraged staff to consider the Board’s comments and draft guidelines to govern future informal conferences. Ms. Dockery also recommended that the board training manual be presented to current Board members.

Mr. Anastos stated that he was not trying to eliminate informal conferences, and recognized the potential value of these processes to settle cases before they get to SOAH. His concern is not Board participation in informal conferences, but staff not going through the Board Chair to get authority to contact a Board member for participation. Mr. Anastos reiterated his concern that the Board would miss out on the benefit of a Board member’s participation in the approval of a settlement if the Board member was required to recuse following participation in an informal conference.
Mr. Bearden suggested that a participant in an informal conference be asked to sign an agreement that would waive any objection to a Board member participating in the approval of a settlement if the Board member had previously participated in an informal conference.

Mr. Brenton said that he had contacted the Office of the Attorney General (hereafter “OAG”) to get advice on this matter. Our OAG representative recommended recusal, but also suggested that it would be acceptable for the Board member to give the reasons why they support the settlement, and to answer any questions regarding their expertise.

Ms. Odell supported this solution, and suggested it could be the best of both worlds. Mr. Anastos voiced support for Mr. Bearden’s proposal that the Respondent be asked to sign a waiver which would allow the participating Board member to give input and vote on the settlement at the Board meeting. Mr. Anastos asked staff to inquire about this solution with the OAG.

The Chair asked staff to consider the Board’s comments and draft a policy regarding informal conferences. Mr. Brenton provided a summation of his understanding of the Board’s discussion, which indicated that some participation by Board members at informal conferences could bring value to the process, and the Chair should be involved in the selection of Board members for participation in informal conferences. Mr. Brenton stated that he would follow up with OAG for additional guidance regarding Board member participation in the approval of a settlement agreement following an informal conference. Mr. Anastos asked staff to address Ms. Odell’s proposed solution, which would allow a Board member to answer questions for other Board members at the meeting, but not vote. Mr. Anastos suggested that if this was possible, it might be a good way to do it. Mr. Brenton asked whether there was consensus about multiple Board members versus a single Board member attending an informal conference. Ms. Hildebrand suggested to the Board that this determination could be left to the discretion of the Board Chair at the time the informal conference is being set up: who it should be, how many it should be, etc.

Ms. Dockery suggested that Mr. Brenton contact the OAG for further clarification and stated that the Board would look forward to addressing the matter in the future.

C. Update on Attorney General Collections in Case No. 144-14N

Mr. Brenton presented an update of a previous disciplinary action taken by the Board, as discussed on page 69 of the board materials. The case had been heard at the State Office of Administrative Hearings and the ALJ had entered a default against the Respondent for the unauthorized practice of architecture due to his failure to appear at the hearing. At the hearing, the agency requested that the ALJ award an administrative
penalty against Respondent in the amount of $26,000, which was recommended by the ALJ and accepted by this Board. An Order of the Board was entered and sent to Respondent; however, Respondent failed to pay the administrative penalty. Therefore, the agency referred the case to the Office of the Attorney General (hereafter “OAG”) for collection. The OAG took a default judgment in District Court and the judgment will be in effect for twenty (20) years. Mr. Brenton explained the procedures that are used by the OAG to collect these debts.

The Board took a break at 2:04 p.m. and reconvened at 2:20 p.m.

6. Enforcement Cases

The Board considered the following enforcement cases:

A. Registrant/Non-Registrant Cases

Freeman, Charles E. (#244-17A)
Mr. Brenton presented a summary of this matter as described on page 80 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Davis) TO ACCEPT STAFF’S RECOMMENDATION OF A $1,000 ADMINISTRATIVE PENALTY IN THE CASE AGAINST CHARLES E. FREEMAN (#244-17A). THE MOTION PASSED UNANIMOUSLY.

Lobb, Chuck (#166-17N)
Mr. Brenton presented a summary as described on page 81 of the Board materials.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ACCEPT STAFF’S RECOMMENDATION OF A $1,000 ADMINISTRATIVE PENALTY IN THE CASE AGAINST CHUCK LOBB (#166-17N). THE MOTION PASSED UNANIMOUSLY.

Steinberg, Sanford P. (#209-17A)
Mr. Brenton presented a summary of this matter as described on page 82 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Odell) TO ACCEPT STAFF’S RECOMMENDATION OF A $2,000 ADMINISTRATIVE PENALTY IN THE CASE AGAINST SANFORD P. STEINBERG (#209-17A). THE MOTION PASSED UNANIMOUSLY.

B. CE Cases

Mr. Brenton stated that the Board would hear the following cases with the exception of the case involving Peggy J. Zadina regarding continuing education violations and vote on them together.

Bailey, Amy S. (#259-17I)
Hunter, Zachry M. (#256-17L)
Krupa, Laurence (#257-17A)
A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE STAFF’S RECOMMENDATION AND PENALTIES FOR THE FOLLOWING CASE NUMBERS: (#259-17I), (#256-17L), (#257-17A), (#291-17I), (#262-17I), (#290-17A), (#208-17A), (206-17A), (#293-17A), AND (#173-17I). THE MOTION PASSED UNANIMOUSLY.

Ms. Odell recused herself from consideration of the following matter:

Zadina, Peggy J. (#258-17I)

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO APPROVE STAFF’S RECOMMENDATION AND PENALTY FOR THE CASE INVOLVING PEGGY J. ZADINA (#258-17I). THE MOTION PASSED UNANIMOUSLY, WITH MS. ODELL IN RECUSAL.

7. Board’s Review and Consideration of CLARB’s Revised Draft Model Law and Regulations

Ms. Hildebrand presented information regarding CLARB’s revised draft model law and regulations as summarized on page 94 of the Board materials. Ms. Hildebrand explained that the Board would make a motion to give Chad Davis authority to vote on the resolutions and give him discretion in case there are changes to the amendments.

Ms. Dockery asked Mr. Davis if he had anything to add. Mr. Davis stated that this is a model law, and that it doesn’t affect Texas unless the legislature adopts the model law.

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO APPOINT CHAD DAVIS AS THE DELEGATE TO VOTE AT THE ANNUAL CLARB MEETING ON BEHALF OF THE TBAE BOARD. THE MOTION PASSED UNANIMOUSLY.

8. Approval of the Proposed 2018 Board Meeting Dates

Due to scheduling conflicts, Ms. Dockery proposed the following Board meeting dates for 2018: February 1, 2018, May 22, 2018, August 21, 2018 and November 15, 2018.

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO APPROVE THE MEETING DATES AS PROPOSED BY MS. DOCKERY. THE MOTION PASSED UNANIMOUSLY.
9. Executive Director Performance Evaluation

Ms. Dockery stated that she would like to move the Board into executive session to discuss personnel matters. The Board entered into executive session at 2:41 p.m.

I. Report on findings based upon performance evaluation

The Board reconvened at 3:42 p.m.

Ms. Dockery stated that the Board had been very pleased with the Executive Director’s performance. The strengths have been communication formats with the Board, financial planning and her participation on national boards. Ms. Dockery identified three performance goals for next year. First, an internal focus in understanding where the harm exists in matters under the regulation of the Board. Second, an external focus on the Executive Director’s role in defending the regulatory role of the Board – why do we license and what is the harm? Third, a future focus to conduct stakeholder meetings or other efforts to look at how the profession and environment will be impacted by technology, and regulatory changes.

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO APPROVE A THREE PERCENT (3%) RAISE FOR THE EXECUTIVE DIRECTOR BASED UPON HER PERFORMANCE EVALUATION. THE MOTION PASSED UNANIMOUSLY.

10. Upcoming Board Meeting - Wednesday, November 8, 2017

Ms. Dockery stated that the next Board meeting will be on November 8, 2017 and it will be a one day meeting.

11. Chair’s Closing Remarks

The Chair thanked the Board and staff for their time.

12. Adjournment

A MOTION WAS MADE AND SECONDED (Davis/Anastos) TO ADJOURN THE MEETING AT 3:50 P.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

________________________________________
DEBRA J. DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Case Number: 115-16A
SOAH Docket Number: 459-17-3036
Respondent: Matthew Waters Oualline, Jr.
Location of Respondent: Emory, Texas
Date of Complaint Received: August 24, 2016
Instrument: Order of the Board

Action Recommended by Executive Director:

- The Executive Director recommends that the Board move to accept the attached Order of the Board, which incorporates the Proposal for Decision entered by ALJ Laura M. Valdez on July 26, 2017, and imposes an administrative penalty in the sum of $950.
At the regularly scheduled public meeting on November 8, 2017, the Texas Board of Architectural Examiners (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff’s recommendation that the Board adopt the PFD, and (3) Respondent’s recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ’s findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff’s recommendations, and Respondent’s presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein.
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

WHEREFORE, Respondent is ORDERED to pay an administrative penalty in the amount of $950. Not later than the 30th day after the date this ORDER becomes final Respondent shall pay the administrative penalty.

If Respondent fails to perfect an appeal or to pay the administrative penalty as required by law, Staff is directed to henceforth refer this matter to the Office of the Texas Attorney General for immediate commencement of collection and other enforcement activity.

Entered this the 8th day of November, 2017.

T E X A S  B O A R D  O F  A R C H I T E C T U R A L  E X A M I N E R S

_______________________________________________
J U L I E  H I L D E B R A N D
E X E C U T I V E  D I R E C T O R  F O R  T H E  B O A R D

APPROVED:

____________________________________
DEBRA J. DOCKERY, AIA
CHAIR
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

ATTACHMENT: PROPOSAL FOR DECISION; DOCKET NO. 459-17-3036
State Office of Administrative Hearings

Lesli G. Ginn
Chief Administrative Law Judge

July 26, 2017

Cathy L. Hendricks, RID/ASID, IIDA
Executive Director
Texas Board of Architectural Examiners
333 Guadalupe, II-350
Austin, Texas 78701

RE: Docket No. 459-17-3036; Texas Board of Architectural Examiners vs. Matthew Waters Oualline, Jr.

Dear Ms. Hendricks:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507(c), a SOAH rule which may be found at www.sovah.state.tx.us.

Sincerely,

Laura M. Valdez
Administrative Law Judge
State Office of Administrative Hearings

Enclosure

xc:
Lance Brenton, Staff Attorney, Texas Board of Architectural Examiners, 333 Guadalupe, II-350, Austin, TX 78701, - VIA INTERAGENCY
Katherine Crain, Legal Assistant, Texas Board of Architectural Examiners, 333 Guadalupe, II-350, Austin, TX 78701 (with 1 CD; Certified Evidentiary Record) - VIA INTERAGENCY
Matthew Waters Oualline Jr., 211 Forbis Road, Emory, TX 75440 - VIA REGULAR MAIL.
SOAH DOCKET NO. 459-17-3036

TEXAS BOARD OF
ARCHITECTURAL EXAMINERS, §
Petitioner §

v. §

MATTHEW WATERS OUALLINE, JR., §
Respondent §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Petitioner, the Staff of the Texas Board of Architectural Examiners (Staff/Board) seeks imposition of an administrative penalty of $950 against Matthew Waters Oualline, Jr. (Respondent) for alleged violations of the Texas Architects’ Practice Act and the Board’s rules. The Administrative Law Judge (ALJ) concludes Mr. Oualline violated the Board’s rules by failing to timely respond to a random audit of the Board, which sought copies of his Continuing Education Program Hour (CEPH) log along with supporting documentation. Further, Respondent failed to maintain, and was unable to provide, a detailed record of his CEPH activities. After considering the evidence and arguments presented, the Administrative Law Judge (ALJ) finds that Staff proved the violations as alleged and recommends that Respondent be assessed an administrative penalty in the amount of $950.

I. PROCEDURAL HISTORY, JURISDICTION, AND NOTICE

The hearing on the merits was conducted on June 1, 2017, before ALJ Laura M. Valdez at the offices of the State Office of Administrative Hearings (SOAH), 300 West 15th Street, Austin, Texas. Staff appeared through its attorney, Lance Breton. Respondent appeared and represented himself. The hearing concluded and the record closed on the same date. Because there were no contested issues of notice or jurisdiction, those matters are addressed only in the findings of fact and conclusions of law.
Staff filed its formal charges with SOAH on March 9, 2017. Notice of the hearing on the merits was sent to Respondent on April 12, 2017. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted, as required by Texas Government Code § 2001.052.

II. APPLICABLE LAW

The Board regulates the profession of architecture.\textsuperscript{1} In general, architects practicing in Texas are required to register with the Board and are required to comply with annual continuing education requirements. Specifically, all active architects registered with the Board must complete at least twelve CEPHs per calendar year.\textsuperscript{2} All twelve CEPHs must include the study of subjects related to architecture and be pertinent to the health, safety, and welfare of the public.\textsuperscript{3} Further, all architects are required to maintain a detailed record of their CEPHs, retain proof of fulfillment of the mandatory CEPH requirements, and retain the annual record of CEPH activities for a period of five years after the end of the registration period for which credit is claimed.\textsuperscript{4}

To assure compliance with the CEPH requirement, the Board conducts random audits of an architect’s compliance.\textsuperscript{5} An architect is required to respond to an inquiry or produce requested documents to the Board concerning any matter under the jurisdiction of the Board within thirty days after the date the person receives the inquiry.\textsuperscript{6} Failure to respond within thirty days results in a finding that the architect failed to comply with the required CEPHs.

\textsuperscript{1} Tex. Occ. Code (Code) ch. 1051.
\textsuperscript{2} 22 Tex. Admin. Code § 1.69(a).
\textsuperscript{3} 22 Tex. Admin. Code § 1.69(a).
\textsuperscript{4} 22 Tex. Admin. Code § 1.69(g)(1).
\textsuperscript{5} 22 Tex. Admin. Code § 1.69(g)(h).
\textsuperscript{6} 22 Tex. Admin. Code § 1.171.
days may constitute a separate violation subject to disciplinary action by the Board up to and including suspension or revocation of a registration.\textsuperscript{7} Specifically, Board rule 1.177\textsuperscript{8} states:

An architect... who fails, without good cause, to provide information to the Board under provision of § 1.171 of this subchapter (relating to Responding to Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its responsibilities. A violation of § 1.171 of this subchapter shall be considered a minor violation if a complete response is not received within thirty days after receipt of the Board’s written inquiry. An additional fifteen-day delay constitutes a moderate violation, and each fifteen-day delay thereafter shall be considered a separate major violation of these rules.\textsuperscript{9}

Once a violation of a Board rule is found the Board is authorized to assess a penalty and/or sanction.\textsuperscript{10} In general, the Board’s Administrative Penalty Schedule\textsuperscript{11} and the Board’s Guidelines (Guidelines)\textsuperscript{12} govern the assessment of the appropriate sanction.\textsuperscript{13} Specifically, under the Administrative Penalty Schedule an architect’s failure to respond to the random audit inquiry constitutes a minor violation requiring an administrative penalty of not more than $1,000 be imposed and may include suspension or revocation.\textsuperscript{14} Under the Guidelines, an administrative penalty of $700 is recommended for a first-time violation of the requirement to maintain a detailed record of CEPHs.\textsuperscript{15}

\textsuperscript{7} 22 Tex. Admin. Code § 1.171.
\textsuperscript{8} “Board rule” refers to a section of title 22 of the Texas Administrative Code.
\textsuperscript{9} 22 Tex. Admin. Code § 1.177(9).
\textsuperscript{10} See 22 Tex. Admin. Code §§ 1.232(j) (Guidelines) and 1.177(1) (which sets out in the Board’s Administrative Penalty Schedule).
\textsuperscript{11} 22 Tex. Admin. Code § 1.177 (setting out the Board’s Administrative Penalty Schedule to follow in certain disciplinary actions when assessing the appropriate sanction and/or administrative penalty).
\textsuperscript{12} 22 Tex. Admin. Code § 1.232(j) (setting out the Board Guidelines to follow in a contested case when assessing the appropriate sanction and/or administrative penalty).
\textsuperscript{13} 22 Tex. Admin. Code § 1.177.
\textsuperscript{14} 22 Tex. Admin. Code §§ 1.171, 1.177(1), (2)(A).
\textsuperscript{15} 22 Tex. Admin. Code §§ 1.69(g)(1), 1.232(j).
III. DISCUSSION

A. Factual Background

Mr. Oualline is an architect who has been registered with the Board since February 1975. On May 16, 2016, the Board notified Respondent that he had been randomly selected for an audit of his continuing education/CEPH activities for the period of January 1, 2015, through December 31, 2015 (Audit Period). The Board requested that within thirty days Respondent provide to the Board his CEPH log along with supporting documentation for all activities for the Audit Period. Respondent failed to timely respond to the Board’s request. On August 19, 2016, in response to the Board’s audit, Respondent contacted the Board and indicated that he failed to maintain, and was unable to provide, a detailed record of his CEPH activities for the Audit Period.

B. Staff’s Evidence

There are few facts in dispute. Mr. Jack Stamps, the Board’s managing investigator, was the sole witness who testified on behalf of the Board. Mr. Stamps has been with the Board for fifteen years and was in charge of the investigation into Respondent’s alleged violations of Board rules. In May of 2016, the Board selected Respondent for a random audit of his CEPH, for the Audit Period. On May 16, 2016, the Board sent Respondent a letter requesting he submit proof of his CEPH along with supporting documentation, for the stated Audit Period no later than June 16, 2016. The letter also informed Respondent that failure to timely respond to the letter could result in the Board’s taking formal action against him. Respondent did not respond to the Board’s audit within the requisite thirty days. When Respondent did respond to the Board’s inquiry, on August 19, 2016, he indicated that he was very busy, and that due to a computer issue, he lost his CEPH documentation. Respondent also asserted that due to the type of work he was currently engaged in, he was receiving “continuing education every day from running these
unique projects." Mr. Stamps likened Respondent’s response to “the dog ate my paperwork.” Mr. Stamps also noted that while Respondent’s August 2016 email indicated he needed additional time to respond to the audit, to date he has not provided the requisite documentation to the Board.

In explaining how other architects have responded to a Board audit, Mr. Stamps stated that because many CEPH courses are taken through the American Institute of Architects (AIA), architects often contact the AIA to obtain copies of their past CEPH course completion records. Further, in addressing Respondent’s contention that his current work fulfilled the CEPH, Mr. Stamps explained while an architect can receive up to four hours a year for time spent preparing for a project, including studying local codes, all architects are required to complete eight hours of structured coursework. Mr. Stamps concluded that Respondent violated Board rules 1.69(g)(1), (g)(2) and 1.171, by failing to present the required requested CEPH documentation and failing to timely respond to the random audit demonstrating his compliance with the CEPH requirement.

Mr. Stamps then explained the Board’s investigation and procedure once a violation was found. He testified that the Board has four violations that warrant a specific administrative penalty amount to be imposed under Board rule 1.232, instead of a range of penalty (under Board rule 1.177). Mr. Stamps testified that both of Respondent’s alleged violations are what he refers to as “specific dollar amount administrative penalties.” Generally, for failing to respond to the Board’s random audit (violation of Board rule 1.171) the Board assesses a $250 administrative penalty; and for failing to maintain documentation (violation of Board rule 1.69(g)(1)), the Board assesses a $700 administrative penalty. He opined that assessing a specific dollar amount administrative penalty allows for an efficient way of resolving such violations, which constitute a high percentage of violations.

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16 Staff Exh. 1 at 16.

17 Respondent was not audited for compliance with CEPH for the year 2016. The Audit Period stated in the Board’s May 16, 2016 letter was from January 1, 2015 to December 31, 2015. Thus, Respondent’s CEPH compliance at the time of the 2016 request was irrelevant.
C. Mr. Oualline’s Evidence

Mr. Oualline has practiced architecture for over forty-five years and has owned his own firm for over thirty years. Respondent acknowledged he received the Board’s May 16, 2016 letter notifying him he had been selected for a random audit of his compliance with the Board’s CEPH requirements. When he received the letter he was busy with two large projects out of state and was working fifty to sixty hours a week. He testified that he “just put it on the back burner” because he felt that the Board’s letter “was more of a nuisance.” Respondent responded to the audit on August 19, 2016, sixty-four days after his response to the May 16, 2016 letter was due. In his response he stated that due to a computer issue he lost his CEPH records for the relevant time period. Respondent’s employer, Kirk Krueger, also emailed the Board about the random audit and indicated that Respondent’s computer had lost some of his electronic files. Mr. Krueger’s email indicated that he was working with Respondent to contact the “various providers of the AIA certified programs that [Respondent] attend[ed] and/or participated in.”16 Respondent testified that he was in compliance with the CPEH requirements for the relevant audit time period, January 1, 2015 to December 31, 2015.

Respondent acknowledged he did not timely respond to the Board’s audit and that he did not maintain the requisite copies of his CEPH. He contends he’s “not guilty” of failing to fulfill the Board’s requisite CEPH, because he completed his CEPH requirements for the relevant audit time period. Respondent noted that he was irked most by the fact that “none of the Staff ever asked [him] if [he] completed the continuing education.” Respondent concluded that while the assessment of an administrative penalty is “insignificant,” it will brand him a cheater and damage his reputation.

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16 Staff Exh. 1 at 16.
IV. ANALYSIS

The only two issues in the case are whether Respondent timely responded to the Board’s audit request and whether Respondent maintained, and was able to provide, a detailed record of his CEPH compliance for the time period of January 1, 2015 to December 31, 2015. There is no dispute that Respondent failed do both. Respondent instead argues that he is not guilty of failing to meet his CEPH requirement. Yet, that is not at issue here because the Board has not alleged that Respondent failed to meet the CEPH requirements for the relevant time period or for any time period.

The ALJ finds that Staff met its burden and proved Respondent failed to timely respond to a Board audit and failed to present proof that he maintained documentation of his CEPH compliance for the relevant audit time period of January 1, 2015 to December 31, 2015. Therefore, the ALJ concludes that Respondent violated 22 Texas Administrative Code (TAC) §§ 1.171 and 1.69(g)(1), and under 22 TAC §§ 1.177 and 1.232, Respondent should be assessed an administrative penalty.

Staff recommends an administrative penalty of $250 for Respondent’s failure to timely respond to the Board’s audit.\textsuperscript{19} Under 22 TAC § 1.177(1), Respondent’s failure to timely respond to the Board’s audit constitutes a minor violation, for which an administrative penalty of no more than $1,000 be imposed.\textsuperscript{20} Further, Mr. Stamps testified that the Board typically assesses a specific dollar amount of $250 in administrative penalty for a violation of Board

\textsuperscript{19} While Mr. Stamp testified that under Board rule 1.232 a violation of Board rule 1.171 should be assessed a specific penalty amount of $250, a review of Board rule 1.232(g) merely states that such a violation should be assessed “Administrative Penalty” with no reference to the specific amount of administrative penalty to be assessed. Therefore, the ALJ will look to the Board’s Administrative Penalty Schedule set out in Board rule 1.177, for Respondent’s violation of Board rule 1.171.

\textsuperscript{20} Under 22 Tex. Admin. Code § 1.77(9), an architect’s failure to respond to a request for information by the Board, for more than sixty-four days, constitutes a moderate violation under 22 Tex. Admin Code § 1.177(2)(B), which allows for an administrative penalty of not more than $3,000 be imposed. However, the Board did not allege a violation of 22 Tex. Admin. Code § 1.77(9), and therefore, the ALJ determines that there is no need to look to imposition of such a penalty under 22 Tex. Admin. Code § 1.77(9).
rule 1.171. Moreover, the nature, circumstances, extent, and gravity of Respondent’s failure to timely respond to the Board audit is relatively minor. There was no evidence of the hazard or potential hazard to the health, safety or welfare of the public; nor was there evidence of economic harm resulting from the conduct. There was no evidence of Respondent’s history concerning any previous ground for sanction. Although Respondent made little effort to respond promptly, he did respond to the Board’s request for his CEPH records sixty-four days after the deadline. There is no evidence of any economic benefit gained by the Respondent as a result of the conduct. In considering the evidence and testimony provided, the ALJ agrees with Staff’s recommendation and determines that a $250 administrative penalty is warranted.

For Respondent’s violation of Board rule 1.69(g)(1), Staff seeks a specific a dollar amount administrative penalty of $700 under Board rule 1.232 (j). Based on the evidence presented, the ALJ agrees with Staff and recommends a $700 administrative penalty be imposed against Respondent for his failure to provide the Board with the requisite documentation demonstrating that he maintained his CEPH documentation for January 1, 2015 to December 31, 2015. Therefore, the ALJ concludes Respondent committed violations of 22 TAC §§1.69(g)(1) and 1.71, and recommends Respondent be assessed an administrative penalty of $950.

V. FINDINGS OF FACT

1. Matthew Waters Oualline, Jr., (Respondent) is an architect registered with the Texas Board of Architectural Examiners (Board) since February 11, 1975.

2. On May 16, 2016, the Board sent Respondent a letter requesting he submit proof of his Continuing Education Program Hours (CEPH), along with supporting documentation, for the Audit Period of January 1, 2015 through December 31, 2015, to the Board no later than June 16, 2016. The May 16, 2016 letter informed Respondent that failure to timely respond to the letter could result in the Board’s taking formal action against him.

3. Respondent did not respond to the Board’s audit within thirty days (i.e., by June 16, 2016).
4. On August 19, 2016, Respondent responded to the Board’s inquiry, sixty-four days after the June 16, 2016 deadline. In his response, he indicated that some of his personal electronic files, including his CEPH documentation, had been lost due to a computer issue.

5. On August 19, 2016, Respondent’s employer, Mr. Kirk Krueger, emailed the Board and stated that due to a computer issue some of Respondent’s personal electronic files had been lost.

6. Respondent did not provide the Board with documentation demonstrating that he maintained his CEPH documentation for the time period of January 1, 2015 to December 31, 2015, as requested.

7. On March 9, 2017, the Staff of the Board (Staff) filed its original complaint against Respondent with the State Office of Administrative Hearings (SOAH).

8. On April 12, 2017, Notice of the Hearing on the merits was sent to Respondent, which was more than ten days before the originally-scheduled hearing date. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted.

9. On June 1, 2017, the hearing on the merits was conducted, before Administrative Law Judge (ALJ) Laura M. Valdez at the offices of the SOAH, 300 West 15th Street, Austin, Texas. Staff appeared through its attorney, Lance Breton. Respondent appeared and represented himself. The hearing concluded and the record closed the same date.

VI. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter under Texas Occupations Code (Code) §§ 1051.001-1051.801.

2. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to Texas Government Code ch. 2003.

3. The Board may take disciplinary action against an architect who has violated Code § 1051.752(1). 22 Texas Administrative Code (TAC) ch. 1 (regulating the practice of architecture).

5. Respondent violated 22 TAC § 1.171, by failing to timely respond to the Board’s audit request that he submit proof of his CEPH along with supporting documentation, for the Audit Period of January 1, 2015 through December 31, 2015, no later than June 16, 2016.

6. Respondent’s violation of 22 TAC § 1.171 was a minor violation under the guidelines adopted in 22 TAC § 1.177(1).

7. Under 22 TAC § 1.177(2)(A) the penalty for a minor violation is an administrative penalty of no more than $1,000.

8. An administrative penalty of $250 is warranted for Respondent’s minor violation of 22 TAC § 1.171.

9. Respondent violated 22 TAC § 1.69(g)(1), by failing to provide the Board with the requisite documentation demonstrating that he maintained his CEPH documentation for January 1, 2015 to December 31, 2015.

10. Under 22 TAC § 1.232(j), Respondent’s violation of 22 TAC § 1.69(g)(1) warrants an administrative penalty of $700.

11. An administrative penalty should be assessed against Respondent in the amount of $950 in accord with the Board’s rules and regulations.

VII. RECOMMENDATION

Based on the above Findings of Fact and Conclusions of Law, the ALJ recommends that Respondent be assessed an administrative penalty in the amount of $950.

SIGNED July 26, 2017.

[Signature]

LAURA M. VALDEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS
Summary of Executive Accomplishments
November 8, 2017

Executive
1. All recommendations from the Post-Payment Audit have been implemented.
2. The SAO audit is now in the Fieldwork Testing stage. The SAO staff was in our office for an entire week requesting files to review, which involves a great deal of time from relevant staff.
3. In addition to the SAO audit, we are currently undergoing a Personnel Policies and Procedures Review by the Texas Workforce Commission. This review is conducted on a biennial basis. We have provided requested documentation and will be meeting with the TWC in January.
4. I attended a meeting of the Harvey Occupational and Professional Emergency (HOPE) Workgroup, created to:
   a. share best practices, resources, and analytics in the face of this disaster;
   b. develop plans for how we can work together to prepare for future disasters; and,
   c. create an inter-agency email distribution list for communicating before, during, and after disasters.
5. The FY18 Goals and Objectives have been distributed to management staff.
6. The Annual Financial Report has been completed and submitted.
7. The Record Retention Policy has been updated and submitted for recertification.
8. Staff is investing large amounts of time to the CAPPS transition for HR and payroll, including attending meetings and provided requested information and documentation. Survey responses on change readiness were also required of the staff.

NCARB
1. I attended the first of two live meetings for the Experience Committee where we discussed the value of licensure; the role of education, experience and examination to determine competency; and HSW categories for continuing education.
2. The retirement for ARE 4.0 is June 30, 2018. NCARB has been working to communicate relevant information to exam candidates.

CLARB
I gave two presentations at the CLARB Annual Meeting related to communicating with legislators. Both were well received. I subsequently shared samples and other information with ASLA and other states. I was also recognized for reaching out to New Jersey, New York, Mississippi and Louisiana to discuss needed preparations for our response to Hurricane Harvey.
### Summary of Registration Department Accomplishments FY17

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## Summary of Registration Department Accomplishments FY18

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32
# Summary of Enforcement Accomplishments FY17

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* Voluntary Compliance – Non-registered business removed the word architect from their webpage.
** CE – Registrant furnished CE documentation after case file opened.
*** No evidence of any violation.
## Summary of Enforcement Accomplishments FY18

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<tr>
<td>Postage</td>
<td>13,000</td>
<td>10,656</td>
<td>81.97%</td>
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<tr>
<td>Communication and Utilities</td>
<td>13,000</td>
<td>13,641</td>
<td>104.93%</td>
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<tr>
<td>Repairs and Maintenance</td>
<td>1,000</td>
<td>379</td>
<td>37.85%</td>
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<td>SWCAP Payment with Office Rental</td>
<td>116,142</td>
<td>113,014</td>
<td>97.31%</td>
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<td>Equipment Leases--Copiers</td>
<td>8,500</td>
<td>8,153</td>
<td>95.92%</td>
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<tr>
<td>Printing</td>
<td>15,000</td>
<td>8,902</td>
<td>59.35%</td>
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<tr>
<td>Operating Expenditures</td>
<td>30,000</td>
<td>25,197</td>
<td>83.99%</td>
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<tr>
<td>Registration Fees--Employee Training</td>
<td>11,000</td>
<td>9,843</td>
<td>89.48%</td>
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<td>Membership Dues</td>
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<td>95.00%</td>
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<tr>
<td>Payment to GR</td>
<td>510,000</td>
<td>510,000</td>
<td>100.00%</td>
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<td>IT Upgrades</td>
<td>40,000</td>
<td>42,402</td>
<td>106.01%</td>
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<td><strong>Total Expenditures</strong></td>
<td>2,915,962</td>
<td>2,849,378</td>
<td>97.72%</td>
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<td><strong>Excess (Deficiency) of Rev over Exp.</strong></td>
<td>-</td>
<td>75,813</td>
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<tr>
<td><strong>Funding for 8 months</strong></td>
<td>1,943,780</td>
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<td><strong>Excess Fund Balance</strong></td>
<td>660,189</td>
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<tr>
<td><strong>Total Fund Balance</strong></td>
<td>2,603,969</td>
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Administrative Penalties Collected $ 85,162
General Revenue Collected $ 8,200
Texas Board of Architectural Examiners  
Fiscal Year 2017 Budget  
Scholarship Fund

<table>
<thead>
<tr>
<th></th>
<th>FY 2017 Budget</th>
<th>FY 2017 Actual Sept. 1, 2016--August 31, 2017</th>
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<tr>
<td>Operating Fund Beginning Fund Balance:</td>
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<td>Adjusted Beginning Balance</td>
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<td>Scholarship Fund Beginning Balance</td>
<td>68,455.86</td>
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<td>Total Beginning Scholarship Fund Balance</td>
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<td>68,455.86</td>
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<td>Revenues:</td>
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<tr>
<td>Scholarship Fees</td>
<td>-</td>
<td>15,258.10</td>
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<tr>
<td>Total Revenues</td>
<td>-</td>
<td>15,258.10</td>
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<td>Expenditures:</td>
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<td></td>
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<tr>
<td>Operating Expenditures-Scholarship Payments</td>
<td>23,469.26</td>
<td>23,469.26</td>
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<tr>
<td>Total Expenditures</td>
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<td>23,469.26</td>
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<tr>
<td>Excess/(Deficiency) of Rev. over Exp.</td>
<td>68,455.86</td>
<td>60,244.70</td>
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<tr>
<td>Fund Balance</td>
<td>68,455.86</td>
<td>60,244.70</td>
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</tbody>
</table>

Number of Scholarships Awarded: 47  
Frequency per Fiscal Year----September 30, January 31, and May 31
For the past few years, TBAE staff have compiled and presented annual trends and statistics to the Board during its autumn meeting. We are pleased this year to do the same, with an eye toward succinctness and ease of understanding. And as always, it is the agency’s intention to provide this report not only to the Board, but to the agency’s stakeholders, interested parties, and to the people who live, work, and play in the built environment of Texas.

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

The graphical representations in this report are crafted to illuminate agency trends concisely and simply. We hope you find this report enlightening and useful, and as always, we’re available to answer questions.
- At least eight consecutive years of growth in the profession overall
- 2.9 percent overall growth is the sharpest uptick in architects during the charted timeframe

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
• The recent downward trend appears to be slowing
• Note the first net increase in Active RIDs during the charted timeframe

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
• Another example of strong year-to-year growth overall
• 18.9 percent increase in all Landscape Architects since 2009

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

- The first drop in overall candidate numbers since 2012, though at 19 the net loss is modest.

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
- Steepest increase in total registrants since at least 2009
- Continued increase in firm registrations since the process went online in 2013

Data for the graphs on this page come from various agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
The gap between Revenues and Expenditures is narrowing.
Salaries increased with the addition of one FTE (Investigator).

Revenues and expenditures by FY

Fund balance by Fiscal Year

Salaries and per diem by FY

Full-time employees by FY

Communications impressions by FY

Data for the graphs on this page come from multiple agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
TBAE Trends, 2017

Investigations and Enforcement

- Large uptick in complaints received due to TDLR referrals; most are first offenses, resolved with a Warning Letter
- Impressive reduction in time needed to resolve cases, due to new Investigations staff and TDLR cases noted above

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
• Administrative penalty assessments above $100,000 for the seventh time in 9 years
• Beginning in FY 2014, all administrative penalties go to the State’s general revenue fund

Data for the graphs above come from the agency’s in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.
November 1, 2017

The Honorable Greg Abbott, Governor
The Honorable Jane Nelson, Chair, Senate Finance Committee
The Honorable John Zerwas, Chair, House Appropriations Committee
Ms. Ursula Parks, Director, Legislative Budget Board

Dear Sir or Madam:

We are pleased to submit the Texas Board of Architectural Examiners’ (TBAE) report as required by Section 472.104(a) and (b), Texas Government Code, as amended by HB 1685 of the 83rd Regular Session.

In preparing this year’s report, the agency has made several improvements to its performance measure definitions and the queries that produce the data, all of which will be reflected in next year’s strategic plan. Additionally, future quarterly reports will use precisely the same performance measure definitions and queries as those used to create this report.

Should you have any questions, please do not hesitate to call me at 512-305-9000.

Sincerely,

Julie Hildebrand
Executive Director

Enclosure

cc: Board Members, Texas Board of Architectural Examiners
Mr. Lance Kinney, P.E., Executive Director, Texas Board of Professional Engineers
Mr. Bill Treacy, Executive Director, Texas State Board of Public Accountancy
Introduction to this report

Welcome

Thank you for reading the 2017 Annual Report of the Texas Board of Architectural Examiners (TBAE). It is my hope that the information presented here will give readers like you a good sense of who we are here at TBAE, what we do, and how we do it.

How to read this report

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

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

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

Contact us

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

Julie Hildebrand
Executive Director
November 1, 2017

This report is produced for the Governor, the legislature, the Legislative Budget Board, our registrants and stakeholders, and the people of Texas.
Finance/Admin: Staff salaries and travel expenses

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

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<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
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<tbody>
<tr>
<td>Salary</td>
<td>$1,330,597</td>
<td>$1,304,771</td>
<td>$1,309,679</td>
<td>$1,417,055</td>
<td>$1,507,503</td>
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<tr>
<td>Per Diem and Travel</td>
<td>$49,800</td>
<td>$31,275</td>
<td>$41,352</td>
<td>$41,793</td>
<td>$27,757</td>
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</table>

Finance/Admin: Board travel and per diem expenses

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

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<tr>
<th>Name</th>
<th>2013 Per Diem ($)</th>
<th>2013 Travel ($)</th>
<th>2014 Per Diem ($)</th>
<th>2014 Travel ($)</th>
<th>2015 Per Diem ($)</th>
<th>2015 Travel ($)</th>
<th>2016 Per Diem ($)</th>
<th>2016 Travel ($)</th>
<th>2017 Per Diem ($)</th>
<th>2017 Travel ($)</th>
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<td>4268</td>
<td>270</td>
<td>3174</td>
<td>240</td>
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<td>60</td>
<td>0</td>
<td>150</td>
<td>0</td>
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<td>4515</td>
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<td>5653</td>
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<td>6399</td>
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<td>Brandon Pinson</td>
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<td>Austin</td>
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</table>
Finance/Admin: Agency operating plan

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


Finance/Admin: Agency operating budget

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

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<td><strong>Revenues:</strong></td>
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<td>Licenses and Fees</td>
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<td>$2,916,660</td>
<td>$2,882,388</td>
<td>$3,014,263</td>
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<td>Interest</td>
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<td>$1,538</td>
<td>$571</td>
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<td>Sale of Goods &amp; Services/Miscellaneous</td>
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<td>$2,086</td>
<td>$3,045</td>
<td>$578</td>
<td>$4,260</td>
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<td><strong>Total Revenues</strong></td>
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<td><strong>Expenditures:</strong></td>
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<tr>
<td>Salaries and Wages</td>
<td>$1,130,597</td>
<td>$1,304,771</td>
<td>$1,309,679</td>
<td>$1,447,055</td>
<td>$1,507,503</td>
<td>$1,572,215</td>
<td>$1,572,215</td>
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<td>Payroll Related Costs</td>
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</tr>
<tr>
<td>Professional Fees and Services</td>
<td>$65,836</td>
<td>$17,648</td>
<td>$28,894</td>
<td>$25,135</td>
<td>$15,178</td>
<td>$75,000</td>
<td>$75,000</td>
</tr>
<tr>
<td>Travel</td>
<td>$49,800</td>
<td>$31,275</td>
<td>$41,352</td>
<td>$41,793</td>
<td>$27,757</td>
<td>$45,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>Materials and Supplies</td>
<td>$59,500</td>
<td>$44,887</td>
<td>$59,203</td>
<td>$49,359</td>
<td>$47,624</td>
<td>$19,000</td>
<td>$19,000</td>
</tr>
<tr>
<td>Communication and Utilities</td>
<td>$8,106</td>
<td>$14,101</td>
<td>$13,021</td>
<td>$13,374</td>
<td>$14,157</td>
<td>$14,000</td>
<td>$14,000</td>
</tr>
<tr>
<td>Repairs and Maintenance</td>
<td>$911</td>
<td>$678</td>
<td>$1,148</td>
<td>$1,049</td>
<td>$2,242</td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>Rentals and Leases</td>
<td>$68,648</td>
<td>$64,166</td>
<td>$58,209</td>
<td>$52,856</td>
<td>$71,070</td>
<td>$59,500</td>
<td>$59,500</td>
</tr>
<tr>
<td>Printing and Reproduction</td>
<td>$10,977</td>
<td>$12,377</td>
<td>$19,867</td>
<td>$14,886</td>
<td>$8,911</td>
<td>$15,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>Other Operating Expenditures</td>
<td>$238,970</td>
<td>$237,940</td>
<td>$236,218</td>
<td>$221,709</td>
<td>$247,313</td>
<td>$162,500</td>
<td>$162,500</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>$0</td>
<td>$18,451</td>
<td>$9,971</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

Program Areas:

- Registration: $964,836, $963,872, $975,734, $965,899, $1,102,156, $1,117,677, $1,117,677
- Indirect Administration: $888,762, $853,924, $844,187, $912,751, $955,865, $966,994, $966,994

Finance/Admin: Audit


The agency was last audited in 2011 by the State Auditor's Office. A copy of the audit is available upon request.
## Finance/Admin: Employee counts

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTEs</td>
<td>20</td>
<td>19</td>
<td>19</td>
<td>19</td>
<td>21*</td>
</tr>
</tbody>
</table>

*Data sent to State Auditor's Office, but not yet published as of report date.

## Enforcement: Complaints by source

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints from public</td>
<td>83</td>
<td>81</td>
<td>85</td>
<td>66</td>
<td>344</td>
</tr>
<tr>
<td>Staff complaints</td>
<td>129</td>
<td>72</td>
<td>58</td>
<td>65</td>
<td>73</td>
</tr>
<tr>
<td>TOTAL</td>
<td>212</td>
<td>153</td>
<td>143</td>
<td>131</td>
<td>417</td>
</tr>
</tbody>
</table>

## Enforcement: Complaints dismissed and resolved by enforcement

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints dismissed</td>
<td>130</td>
<td>104</td>
<td>86</td>
<td>65</td>
<td>320</td>
</tr>
<tr>
<td>Complaints resolved by enforcement</td>
<td>77</td>
<td>71</td>
<td>36</td>
<td>70</td>
<td>60</td>
</tr>
<tr>
<td>TOTAL</td>
<td>207</td>
<td>175</td>
<td>122</td>
<td>135</td>
<td>380</td>
</tr>
</tbody>
</table>
### Enforcement: Actions by sanction type

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revocation/Voluntary Surrender</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Suspension</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Admin. penalty</td>
<td>76</td>
<td>71</td>
<td>34</td>
<td>68</td>
<td>60</td>
</tr>
<tr>
<td>Cease/desist order</td>
<td>10</td>
<td>9</td>
<td>9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>87</td>
<td>80</td>
<td>45</td>
<td>69</td>
<td>60</td>
</tr>
</tbody>
</table>

### Enforcement: Voluntary compliance

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases closed through voluntary compliance</td>
<td>17</td>
<td>32</td>
<td>33</td>
<td>34</td>
<td>80</td>
</tr>
</tbody>
</table>

### Enforcement: Administrative penalties assessed/collected

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessed ($)</td>
<td>70,750</td>
<td>153,300</td>
<td>146,300</td>
<td>124,450</td>
<td>104,600</td>
</tr>
<tr>
<td>Collected ($)</td>
<td>68,265</td>
<td>140,650</td>
<td>46,264</td>
<td>132,564</td>
<td>85,162</td>
</tr>
<tr>
<td>Rate of collection</td>
<td>96%</td>
<td>92%</td>
<td>32%</td>
<td>107%</td>
<td>81%</td>
</tr>
</tbody>
</table>
**Enforcement: Health/safety/welfare enforcement cases**

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revocation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Suspension</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Admin. penalty</td>
<td>20</td>
<td>25</td>
<td>10</td>
<td>23</td>
<td>16</td>
</tr>
<tr>
<td>Cease/desist order</td>
<td>6</td>
<td>5</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>26</td>
<td>30</td>
<td>19</td>
<td>24</td>
<td>16</td>
</tr>
</tbody>
</table>

**Enforcement: Complaint resolution time**

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days to case resolution</td>
<td>191</td>
<td>171</td>
<td>125</td>
<td>148</td>
<td>72</td>
</tr>
</tbody>
</table>
## Licensing: Registrant counts

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Architects</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active</td>
<td>11539</td>
<td>11443</td>
<td>11666</td>
<td>12011</td>
<td>12433</td>
</tr>
<tr>
<td>Inactive</td>
<td>481</td>
<td>573</td>
<td>542</td>
<td>489</td>
<td>415</td>
</tr>
<tr>
<td>Emeritus/Retired</td>
<td>805</td>
<td>928</td>
<td>1017</td>
<td>1051</td>
<td>1099</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12825</td>
<td>12944</td>
<td>13225</td>
<td>13551</td>
<td>13947</td>
</tr>
<tr>
<td><strong>RIDs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active</td>
<td>4247</td>
<td>3972</td>
<td>3770</td>
<td>3594</td>
<td>3597</td>
</tr>
<tr>
<td>Inactive</td>
<td>508</td>
<td>489</td>
<td>437</td>
<td>360</td>
<td>313</td>
</tr>
<tr>
<td>Emeritus/Retired</td>
<td>78</td>
<td>163</td>
<td>216</td>
<td>230</td>
<td>244</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4833</td>
<td>4642</td>
<td>4423</td>
<td>4184</td>
<td>4154</td>
</tr>
<tr>
<td><strong>Lndscp. Arch.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Active</td>
<td>1380</td>
<td>1405</td>
<td>1454</td>
<td>1505</td>
<td>1562</td>
</tr>
<tr>
<td>Inactive</td>
<td>100</td>
<td>107</td>
<td>108</td>
<td>92</td>
<td>87</td>
</tr>
<tr>
<td>Emeritus/Retired</td>
<td>59</td>
<td>72</td>
<td>80</td>
<td>79</td>
<td>80</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1539</td>
<td>1584</td>
<td>1642</td>
<td>1676</td>
<td>1729</td>
</tr>
<tr>
<td><strong>Firms</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1557</td>
<td>1710</td>
<td>1852</td>
<td>2254</td>
<td>2474</td>
</tr>
</tbody>
</table>
Licensing: Fee schedule

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

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

<table>
<thead>
<tr>
<th>Fee Category</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active resident renewal ($)</td>
<td>305</td>
<td>305</td>
<td>305</td>
<td>105</td>
<td>*105</td>
</tr>
<tr>
<td>&quot; 1-90 days late</td>
<td>457.50</td>
<td>357.50</td>
<td>357.50</td>
<td>157.50</td>
<td>*157.50</td>
</tr>
<tr>
<td>&quot; 91+ days late</td>
<td>610</td>
<td>410</td>
<td>410</td>
<td>210</td>
<td>*210</td>
</tr>
<tr>
<td>Inactive resident renewal</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>*25</td>
</tr>
<tr>
<td>&quot; 1-90 days late</td>
<td>37.50</td>
<td>37.50</td>
<td>37.50</td>
<td>37.50</td>
<td>*37.50</td>
</tr>
<tr>
<td>&quot; 91+ days late</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>*50</td>
</tr>
<tr>
<td>Emeritus resident renewal</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>&quot; 1-90 days late</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>&quot; 91+ days late</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Active nonresident renewal</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>&quot; 1-90 days late</td>
<td>600</td>
<td>500</td>
<td>500</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>&quot; 91+ days late</td>
<td>800</td>
<td>600</td>
<td>600</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Inactive nonresident renewal</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
<td>125</td>
</tr>
<tr>
<td>&quot; 1-90 days late</td>
<td>187.50</td>
<td>187.50</td>
<td>187.50</td>
<td>187.50</td>
<td>187.50</td>
</tr>
<tr>
<td>&quot; 91+ days late</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>Emeritus nonresident renewal</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>&quot; 1-90 days late</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>&quot; 91+ days late</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Initial registration, by examination, resident, Architect</td>
<td>155</td>
<td>355</td>
<td>355</td>
<td>155</td>
<td>155</td>
</tr>
<tr>
<td>Initial registration, by examination, resident, RID or Landscape Architect</td>
<td>355</td>
<td>355</td>
<td>355</td>
<td>155</td>
<td>155</td>
</tr>
<tr>
<td>Initial registration, by examination, nonresident, Architect</td>
<td>180</td>
<td>380</td>
<td>380</td>
<td>180</td>
<td>180</td>
</tr>
<tr>
<td>Initial registration, by examination, nonresident, RID or Landscape Architect</td>
<td>380</td>
<td>380</td>
<td>380</td>
<td>180</td>
<td>180</td>
</tr>
<tr>
<td>Initial registration, by reciprocity</td>
<td>400</td>
<td>400</td>
<td>400</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Annual Business Registration/Renewal</td>
<td>45</td>
<td>45</td>
<td>45</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>&quot; 1-90 days late renewal</td>
<td>67.50</td>
<td>67.50</td>
<td>67.50</td>
<td>67.50</td>
<td>67.50</td>
</tr>
<tr>
<td>&quot; 91+ days late renewal</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>90</td>
<td>90</td>
</tr>
</tbody>
</table>
Licensing: Candidates for registration


<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architects</td>
<td>3133</td>
<td>3361</td>
<td>3399</td>
<td>3484</td>
<td>3513</td>
</tr>
<tr>
<td>RIDs</td>
<td>462</td>
<td>461</td>
<td>444</td>
<td>409</td>
<td>357</td>
</tr>
<tr>
<td>Landscape Architects</td>
<td>260</td>
<td>264</td>
<td>258</td>
<td>283</td>
<td>287</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3855</td>
<td>4086</td>
<td>4101</td>
<td>4176</td>
<td>4157</td>
</tr>
</tbody>
</table>

Licensing: License issuance time

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average time to issue a license (days)</td>
<td>6</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
</tbody>
</table>

Finance/Admin: Litigation expenses

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

<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Hearings</td>
<td>$22,685</td>
<td>$5,293</td>
<td>$8,092</td>
<td>$12,851</td>
<td>$7,195</td>
</tr>
<tr>
<td>Judicial Proceedings</td>
<td>$7,320</td>
<td>$3,799</td>
<td>$6,555</td>
<td>$425</td>
<td>$185</td>
</tr>
<tr>
<td>Outside Counsel</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td>$30,005</td>
<td>$9,092</td>
<td>$14,647</td>
<td>$13,277</td>
<td>$7,380</td>
</tr>
</tbody>
</table>
Finance/Admin: Fund balance


<table>
<thead>
<tr>
<th></th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance</td>
<td>$2,326,459</td>
<td>$2,343,062</td>
<td>$2,562,810</td>
<td>$2,575,890</td>
<td>$2,622,682</td>
</tr>
</tbody>
</table>

Finance/Admin: Rule changes


Fiscal Year 2017

Amendment to 22 Tex. Admin Code §§ 1.174, 1.177, 1.232, 3.174, 3.177, 3.232, 5.184, 5.187, and 5.242, relating to violations of the Board’s laws and rules relating to the practice of architecture (Chapter 1), landscape architecture (Chapter 3) and registered interior design (Chapter 5). Effective September 11, 2016 (Chapter 1) and September 14, 2016 (Chapters 3 and 5)

§§ 1.174, 3.174, and 5.184

- These rules govern the issuance of warnings by the Executive Director. The amendments provide greater clarity and guidance to the Executive Director in the issuance of warnings. Under the amendments, a warning may be issued only for violations that are specifically listed in subsection (j)(4) of the rules.

§§ 1.177, 3.177, and 5.187

- These rules contain the guidelines for issuing administrative penalties for violations of the Board’s laws and rules. Prior to the amendments, the criteria for identifying a violation as “minor,” “moderate,” or “major” were very subjective, relying heavily upon mental state in order to determine the severity of the violation. This process was not conducive to a predictable determination of the appropriate administrative penalty. Under the amendments, specific violations of the Board's laws and rules have been categorized as "minor," "moderate," or "major," subject to administrative penalties in the amount of not more than $1,000, $3,000, or $5,000 per violation, respectively.

§§ 1.232, 3.232, and 5.242

- These rules govern the Board’s responsibilities in contested cases, and include guidelines for the imposition of sanctions other than administrative penalties. The rules were amended to eliminate a “reprimand” as an available sanction, because reprimands are not issued under current Board practices. The amendments also deleted procedural language that was duplicative to the requirements of the Administrative Procedures Act, eliminated the issuance of a cease and desist letter as a form of discipline, and clarified the Board’s authority to issue administrative penalties in combination with other sanctions.

Amendment to 22 Tex. Admin Code §7.10 relating to General Fees. Effective January 1, 2017

Rule 7.10 includes the Board’s fee schedule. This rulemaking action implemented two changes:

- The fee schedule was modified to implement a $3 surcharge on resident architect registration renewals for the purpose of funding the Architect Registration Examination Financial Assistance Fund (AREFAF). The AREFAF is a scholarship fund for architect examination applicants that the Board is obligated to administer under Tex. Occ. Code §1051.653. The $3 surcharge is expected to fund scholarships at present usage rates for the foreseeable future.

- The fee schedule was modified to administer online payment services provided by Texas.gov, a third-party provider under contract with the Texas Department of Information Resources. Previously, the fee schedule included individually calculated amounts for the surcharges for each fee paid to the Board. However, in order to more quickly respond to changes in surcharges implemented by Texas.gov, the Board amended the rule to state that “applicants and registrants who submit payments online
through Texas.gov will be subject to convenience fees set by the Department of Information Resources, that are in addition to
the fees listed in subsection (b)."

Amendment to 22 Tex. Admin Code §§ 5.31 and 5.51 relating to Qualification for Interior Design Registration Through the Architect
Registration Examination

Effective January 11, 2017

 Rules 5.31 and 5.51 were amended to provide a sunset date of December 31, 2018 for eligibility to become registered as a registered
interior designer through passage of the Architect Registration Examination. After that date, an applicant for interior design registration
by examination will be required to pass the NCIDQ examination.

Amendment to 22 Tex. Admin Code §§1.5, 3.5, and 1.148, and Repeal of §1.24 and §3.24, Resulting from Mandatory Review of Agency

Effective January 11, 2017

All terms and definitions in §1.5 and §3.5 were reviewed to determine whether definitions had continued usefulness and were up to date. The
following amendments were made to §1.5 and §3.5:

 The definitions of “actual signature” were replaced with an identical definition of “signature.” The term “actual signature” does not
appear in the Board’s rules for any profession. “Signature” is the term that is used.
 The definitions for “authorship” were repealed. The terms “authorship” or “author” are not present in the Board’s rules. Therefore, a
definition was unnecessary.
 The definitions for “Architectural Barriers Act” were revised to correct outdated legal citations.
 The definitions for “E-mail Directory” were repealed. This term is not present in the Board’s rules for any profession. Therefore, a
definition was unnecessary.
 For § 1.5, a typographical error was corrected for the defined term “EPH.” The rule was amended to define the correct term,
which is “CEPH” (Continuing Education Program Hour).
 The definition for “Architect’s Registration Law” in §1.5 was amended to correct an outdated legal citation.
 The definition for “Landscape Architect’s Registration Law” in §3.5 was amended to correct an outdated legal citation.

Rules 1.24 and 3.24 were repealed due to obsolescence. The rules formerly required the Board to establish a schedule of fees, and provide
copies of the schedule at the Board’s office. These rules were adopted at a time, prior to 2005, when the Board did not adopt a fee schedule by
rule. Under the current practice, in which the fee schedule is adopted and published under Rule 7.10, these rules were inaccurate and
unnecessary.

Rule 1.148 was amended to correct an outdated legal citation.

Amendment to 22 Tex. Admin Code §5.5 and Repeal of §5.34, Resulting from Mandatory Review of Agency Rules under Texas Government
Code §2001.039

Effective March 23, 2017

All terms and definitions in §5.5 were reviewed to determine whether definitions had continued usefulness and were up to date. The following
amendments were made to §5.5:

 The definition of “actual signature” was replaced with an identical definition of “signature.” The term “actual signature” does not
appear in the Board’s rules for any profession. “Signature” is the term that is used.
 A definition was provided for the term “Architectural Barriers Act.”
 The definition for “authorship” was repealed. The terms “authorship” or “author” are not present in the Board’s rules. Therefore, a
definition was unnecessary.
The definition for “Consultant” was amended. Previously, the definition referred to “interior designer” rather than “registered interior designer,” which is the regulated term, and the term that is used elsewhere in the Board’s rules. Therefore, “registered interior designer” was inserted into the definition.

The definition for “E-mail Directory” was repealed. This term is not present in the Board’s rules for any profession. Therefore, a definition was unnecessary.

The definition for “Interior Designers’ Registration Law” was amended to correct an outdated legal citation.

The definition for “Registrant” was amended to refer to “registered interior designer,” rather than “interior designer.”

Rule 5.34 was repealed due to obsolescence. The rule formerly required the Board to establish a schedule of fees, and provide copies of the schedule at the Board’s office. This rule was adopted at a time, prior to 2005, when the Board did not adopt a fee schedule by rule. Under the current practice, in which the fee schedule is adopted and published under Rule 7.10, this rule was inaccurate and unnecessary.

Adoption of 22 Tex. Admin. Code §7.11, Relating to Enhanced Contract and Performance Monitoring

Effective July 2, 2017

This rule was adopted to meet the obligation under Texas Government Code §2261.253 that all state agencies adopt a rule which establishes a procedure to identify contracts that require enhanced contract monitoring and submit information on such contracts to the agency’s governing body. Under the adopted rule, the following requirements were implemented:

- The finance manager is required to complete a risk assessment for all contracts over $25,000, and is authorized to complete a risk assessment for contracts of a lesser value.
- The rule identifies a number of factors to be considered in the risk analysis performed by the finance manager.
- If the risk assessment results in a determination that enhanced contract monitoring is appropriate, the contract will be reported to the Board at the first meeting following execution of the contract. The report will include the basis for determining whether enhanced contract monitoring is appropriate, any serious risks or issues identified with the contract, and staff’s plan for carrying out enhanced contract monitoring. Additionally, the Board will be provided status reports on the contract, as directed by the Board.

Fiscal Year 2016

Amendment of Rule 7.10, effective September 21, 2015—Rule 7.10 contains the Board’s fee schedule. The amendments implemented a mandated change in the service charges to customers who pay fees through Texas.gov, the Board’s service provider for online payments. For most transactions, this resulted in a decrease of the service charge. Additionally, the fee schedule was amended to eliminate the $200 professional fee that was previously collected from Active-status Board registrants and placed into general revenue. This fee was repealed by House Bill 7, 84th Leg. R.S. (2015).

Amendment of Rules 1.22, 3.22, 5.32, 1.29, 3.29, 5.39, 1.69, 3.69, 5.79, and 7.10, effective March 22, 2016—These amendments implemented Senate Bills 807 and 1307, 84th Leg. R.S. (2015), relating to registration of military service members, military veterans, and military spouses.

- Rules 1.22, 3.22, and 5.32
- Moved the provision for expedited consideration of military spouse application for registration to Rules 1.29, 3.29, and 5.39
- Rules 1.29, 3.29, and 5.39
- Modified rule title from “Credit for Military Service” to “Registration of a Military Service Member, Military Veteran, or Military Spouse”
- Modified definitions of “active duty,” “armed forces of the United States,” “military service member,” “military spouse,” and “military veteran” in accordance with SB 1307
- Incorporated previously existing Chapter 55 provisions as follows:
  - Grants licensure eligibility to a military service member, veteran, or spouse if:
    - the applicant holds an active registration issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state; or
• the applicant held an active registration in this state within the five years preceding the application
  - Provides for expedited consideration of applications filed by military service members, veterans, and spouses
  - Rules 1.69, 3.69, and 5.79
  - Incorporated previously existing Chapter 55 provision that allows military service members an additional two years to complete continuing education requirements
  - Rule 7.10
  - Adopted waiver of application and examination fees paid to the state:
    - For a veteran if the veteran's military service, training, or education substantially meets all requirements of a registration; and
    - For a military veteran or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for registration in this state

Amendment of Rules 5.31 and 5.202, effective March 22, 2016—The Council for Interior Design Qualification has eliminated the Intern Development Experience Program, which was one of two options for interior design candidates to earn the required experience for registration by examination. Therefore, Rules 5.31 and 5.202 were amended to delete references to this obsolete program. Candidates will continue to be eligible by completing two or more years of experience under the table of equivalents in Rule 5.202.

Amendment of Rule 7.7, effective March 22, 2016—This amendment implemented HB 763, 84th Leg. R.S. (2015) by restricting the eligibility to petition the Board for rulemaking to residents, business entities, governmental subdivisions, and other public or private organizations located in Texas.

Amendment of Rule 7.15, effective March 22, 2016—Rule 7.15 was adopted to implement HB 3337, 84th Leg. R.S. (2015), relating to employee training. The rule requires the Board to adopt procedures that address the eligibility of employees for training and education supported by the agency and identify the obligations assumed by the employees on receiving the training and education. The rule conditions reimbursement of an employee’s tuition expenses on the following conditions: satisfaction of the eligibility requirements contained in the Board’s procedures; successful completion of a program course at an accredited institution of higher education; and approval by the Executive Director.

Amendment of Rules 3.21 and 3.191, effective March 22, 2016—Rules 3.21 and 3.191 were amended to provide a path to landscape architecture registration for graduates of foreign landscape architecture programs. Under the amendments, an individual would meet educational requirements for registration as a landscape architect by obtaining a professional degree from a foreign landscape architectural education program that is substantially equivalent to a doctorate, master’s degree, or baccalaureate degree in landscape architecture from a program in the United States, as determined by Education Credential Evaluators or another acceptable organization. Additionally, graduates of qualifying foreign landscape architectural programs are required to complete three years of experience in landscape architecture, compared to the two-year requirement for graduates of accredited programs.

Amendment of Rules 1.65, 3.65, and 5.75, effective March 22, 2016—Amendments were made to eliminate references to the repealed $200 professional fee.

Amendment of Rule 1.5, Repeal of Rules 1.191, and 1.192, effective June 21, 2016—These amendments implemented the overhaul of the Intern Development Program (IDP) administered by the National Council of Architectural Registration Boards (NCARB), which is required of applicants to demonstrate sufficient experience in architecture. Pursuant to the program overhaul, NCARB reduced the number of experience areas from 17 to six. Therefore, Rule 1.191 became obsolete, because it listed requirements in 17 experience areas. Additionally, Rules 1.5 and 1.192 included IDP program information that was not required to be promulgated as a rule. Therefore, these provisions were repealed, and the Board relies instead upon
Rules 1.21 and 1.22, which simply require applicants to “successfully demonstrate completion of the Intern Development Program.” “Intern development program” is defined as “A comprehensive internship program established, interpreted, and enforced by NCARB.”
Adoption of Proposed Amendments to Rules 5.5, 5.31, 5.32, 5.33, 5.35, 5.36, 5.37, 5.51, 5.52, 5.53, and 5.55, and Repeal of Rules 5.54, 5.201, 5.202, and 5.203

Relating to Eligibility Requirements for Registration as an Interior Designer

Background

Recently, the legislature passed SB 1932, which amends Tex. Occ. Code 1053.155(b) and changes the educational and experience requirements to become registered as an interior designer by examination. Under the previous law, an applicant for RID registration was required to have graduated from an interior design educational program recognized and approved by the Board, and have professional experience in interior design, as established by the Board. The Board implemented this law by adopting rules under Chapter 5, Subchapters B, C, and J, which specifically identified the educational programs and professional experience that would qualify an applicant for registration by examination.

However, under SB 1932, which became effective on September 1, 2017, an applicant is required to satisfy the educational and professional experience requirements for the examination adopted by the Board under Tex. Occ. Code 1053.154. In other words, in order to qualify for registration, an applicant must meet the educational and experience requirements of CIDQ to sit for the CIDQ examination. Since CIDQ’s requirements differ from the requirements that had previously been implemented by the Board, it is necessary to revise the Board’s rules.

At the August 2017 meeting, the Board proposed the adoption of amendments to 5.5, 5.31, 5.32, 5.33, 5.35, 5.36, 5.37, 5.51, 5.52, 5.53, and 5.55, and the repeal of Rules 5.54, 5.201, 5.202, and 5.203, as described below. The proposed rules were published in the October 6, 2017 edition of the Texas Register (42 TexReg 5333). No comments were received on the proposed rules.

Proposed Amendments

The processes used to grant registrations are shaped by the registration requirements they implement. In light of the major change in registration requirements, Staff has reexamined all of the Board’s rules relating to application, examination, and registration. The proposed rules not only implement the revised registration requirements, but also amend TBAE processes to ensure
a good fit between process and end result. Most notably, the proposed amendments include the following changes:

- The rules in Subchapter J, which outlined the Board’s eligibility requirements for education and experience, are proposed for repeal. Instead, under proposed Rule 5.31, an applicant would be required to “demonstrate that the Applicant has satisfied the education and professional experience eligibility requirements adopted by CIDQ to sit for its examination.” Reference to the CIDQ requirements, as opposed to adopting the requirements within the Board’s rules, is preferable because it would not require the Board to engage in rulemaking if CIDQ changes its requirements. Proposed rules 5.33 and 5.51 also include reference to the CIDQ requirements.

- Since the Board would no longer have educational and experience requirements that differ from CIDQ, Proposed Rule 5.33 would require CIDQ approval of an applicant’s education and experience in accordance with CIDQ’s requirements prior to filing an application with the Board. Additionally, proposed Rule 5.51 would eliminate a provision relating to Board approval to take the examination. Individuals may apply for and complete the CIDQ examination independent of the approval of any state regulatory board. Under current practices, over half of new applicants for Texas RID registration by examination have already completed the NCIDQ, and thus the Board does not “approve” these applicants prior to examination. The proposed rule would reflect this procedure.

- Many of the former rules were drafted to be identical to rules that were adopted for architects, and don’t necessarily align with the procedures at CIDQ. In order to provide further simplification of the rules, proposed rule 5.53 states that, unless otherwise noted in the rules, the administration and scoring of the NCIDQ examination shall be governed by the procedures adopted CIDQ.

- Current Board rules allow an applicant to be approved for testing prior to the completion of experience requirements (at a different time than what is allowed under CIDQ’s procedures). However, under the revised statute, an application for admission to the registration examination must be accompanied by evidence that the applicant has completed the educational and professional experience requirements of CIDQ. Therefore, it would be inappropriate for the Board to receive an application from an applicant who
has not completed CIDQ experience requirements and “approve” that applicant to take the exam early.

- For this reason, it is staff’s recommendation that Rule 5.53 be simplified to require an applicant to schedule and pass all sections of the NCIDQ within the time period required by CIDQ.
- In other words, rolling clock requirements would be governed by CIDQ policies, and early testing would be governed by CIDQ requirements (which is allowed by CIDQ for certain degrees prior to completion of all experience).

- Rule 5.54, which describes an NCARB process for transferring scores between states, and does not have applicability for the NCIDQ exam, is proposed for repeal.
- Because some individuals will have pending applications for RID registration by examination at the time the Board adopts rule amendments, it is advisable to include grandfathering provisions. Under proposed amendments to Rules 5.31 and 5.53, those individuals may qualify for registration by either:
  - Meeting the educational and professional experience requirements of CIDQ and scheduling and passing all sections of the NCIDQ exam within the time period required by CIDQ; or
  - Meeting the educational and professional experience requirements and passing all sections of the NCIDQ exam within the time period adopted by the Board and in effect at the time the application was filed.

- Various housekeeping amendments have been included:
  - Previously, the organization that offers the NCIDQ examination changed its name to CIDQ – the Council for Interior Design Qualification. The proposed rules have been updated throughout to use the term “CIDQ” to refer to the organization, and “NCIDQ” to refer to the examination.
  - Rule 5.36, which previously referred to “accredited” educational programs, should refer to “qualifying” programs, since accreditation is not required under CIDQ’s requirements.
  - Definitions have been added, amended, or repealed, as necessary.
  - Greater consistency of language between rules that address the same topic.
  - References to “applicant,” “candidate,” and “examinee” have been amended as needed.
o Capitalization of defined terms

Attached you will find the following supporting documents:

- Copies of all rules proposed for amendment, with underline and strikethrough formatting indicating all changes
- Relevant statutory provisions, with strikethrough and underline formatting indicating amendments to Tex. Occ. Code 1053.155 under SB 1932
- CIDQ Exam Eligibility Requirements

Staff Recommendation

Staff recommends that the Board approve proposed 22 Tex. Admin. Code §§ 5.5, 5.31, 5.32, 5.33, 5.35, 5.36, 5.37, 5.51, 5.52, 5.53, and 5.55 and repeal of §§ 5.54, 5.201, 5.202, and 5.203 for final adoption.
RULE §5.5  Terms Defined Herein

(1) The Act—The Interior Designers' 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.


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

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

(8) Board—Texas Board of Architectural Examiners.

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

(10) Candidate—An individual who is seeking registration by examination but has not yet completed the examination or application process. Applicant approved by the Board to take the Interior Design registration examination.

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

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

(13) CIDA—The Council for Interior Design Accreditation.

(14) CIDQ—The Council for Interior Design Qualification.

(15) Consultant—An individual retained by a Registered Interior Designer who prepares or assists in the preparation of technical design documents issued by the Registered Interior Designer for use in connection with the Registered Interior Designer’s Construction Documents.

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

(17) Continuing Education Program Hour (CEPH)—At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.
Council for Interior Design Accreditation (CIDA)—An agency that sets standards for postsecondary Interior Design education and evaluates college and university Interior Design programs.

Council for Interior Design Qualification (CIDQ)—An organization comprised of regulatory boards from the United States and Canada which administers the NCIDQ examination.

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

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

(B) is no longer authorized to use the title "Registered Interior Designer" in Texas.

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

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

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

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

Good Standing—

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

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

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

Inactive—A registration status signifying that a Registered Interior Designer may not practice Interior Design in the State of Texas.

Interior Design—The identification, research, or development of creative solutions to problems relating to the function or quality of the interior environment; the performance of services relating to interior spaces, including programming, design analysis, space planning of non-load-bearing interior construction, and application of aesthetic principles, by using specialized knowledge of interior construction, building codes, equipment, materials, or furnishings; or the preparation of Interior Design plans, specifications, or related documents about the design of non-load-bearing interior spaces.
(278) Interior Designers' Registration Law—Chapter 1053, Texas Occupations Code.

(289) Interior Design Intern—An individual participating in an internship to complete the experiential requirements for Interior Design registration by examination in Texas.

(2930) Licensed—Registered.

(304) Member Board—An Interior Design registration board that is part of NCIDQ.

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

(314) NCIDQ—National The examination developed and administered by the Council for Interior Design Qualification, which is the adopted examination for registration as a Texas Registered Interior Designer.

(324) Nonregistrant—An individual who is not a Registered Interior Designer.

(335) Principal—A Registered Interior Designer who is responsible, either alone or with other Registered Interior Designers, for an organization's practice of Interior Design.

(346) Registered Interior Designer—An individual who holds a valid Texas Interior Design registration granted by the Board.

(357) Registrant—Registered Interior Designer.

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

(3739) Reinstatement—The procedure through which a Surrendered or Revoked Texas Interior Design registration certificate is restored.

(3840) Renewal—The procedure through which a Registered Interior Designer pays a periodic fee so that his or her registration certificate will continue to be effective.

(3941) Responsible Charge—That degree of control over and detailed knowledge of the content of technical submissions during their preparation as is ordinarily exercised by Registered Interior Designers applying the applicable Interior Design standard of care.

(402) Revocation or Revoked—The termination of a Texas Interior Design registration certificate by the Board.

(413) Rules and Regulations of the Board—22 Texas Administrative Code §§5.1 et seq.

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

(435) Secretary-Treasurer—The member of the Board responsible for signing the official copy of the minutes from each Board meeting and maintaining the record of Board members' attendance at Board meetings.
1. **Signature**—A personal signature of the individual whose name is signed or an authorized copy of such signature.

2. **SOAH**—State Office of Administrative Hearings.

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

4. **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.

5. **Supervision and Control**—The amount of oversight by a Registered Interior Designer overseeing the work of another whereby:
   
   (A) the Registered Interior Designer and the individual performing the work can document frequent and detailed communication with one another and the Registered Interior Designer has both control over and detailed professional knowledge of the work; or

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

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

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

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

9. **Table of Equivalents for Education and Experience in Interior Design**—22 Texas Administrative Code §§5.201 et. seq. (§§5.201 – 5.203 of this chapter).

10. **TBAE**—Texas Board of Architectural Examiners.

11. **TDLR**—Texas Department of Licensing and Regulation.

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

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

14. **TGSLC**—Texas Guaranteed Student Loan Corporation.
Vice-Chair—The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

**RULE §5.31  Registration by Examination**

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

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

(c) An Applicant for Interior Design registration by examination who, as of January 1, 2018, has been approved to take the examination by the Board and has paid all application maintenance fees associated with the application, may qualify for registration by successfully completing the NCIDQ or other qualifying examination and satisfying:

(1) the educational and professional experience required by CIDQ to sit for its examination; or

(2) the educational and professional experience requirements adopted by the Board and in effect at the time the application was filed.

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

(1) The Applicant graduated from:

— (A) a program that has been granted professional status by the Council for Interior Design Accreditation (CIDA) or the National Architectural Accreditation Board (NAAB);

— (B) a program that was granted professional status by CIDA or NAAB not later than two years after the Applicant's graduation;

— (C) a program that was granted candidacy status by CIDA or NAAB and became accredited by CIDA or NAAB not later than three years after the Applicant's graduation; or

— (D) an Interior Design education program outside the United States where an evaluation by World Education Services or another organization acceptable to the Board has concluded that the program is substantially equivalent to a CIDA or NAAB accredited professional program;

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

(A) A baccalaureate degree in a field other than Interior Design; and

(B) An associate's degree or a two- or three-year certificate from an Interior Design program at an institution accredited by an agency recognized by the Texas Higher Education Coordinating Board;

(4) The Applicant has:

(A) A baccalaureate degree in a field other than Interior Design; and

(B) An associate's degree or a two- or three-year certificate from a foreign Interior Design program approved or accredited by an agency acceptable to the Board.

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

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

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

(g) An Applicant for Interior Design registration by examination who enrolls in an Interior Design educational program after September 1, 2006, must graduate from a program described in subsection (c)(1) of this section.

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

RULE §5.32 Registration by Reciprocal Transfer

(a) A person may apply for Interior Design registration by reciprocal transfer if the person holds an Interior Design 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 Interior Design registration by reciprocal transfer, an Applicant must demonstrate that the Applicant has:
(1) successfully completed the NCIDQ examination or a predecessor or other examination deemed equivalent by the another Interior Design registration examination which the National Council for Interior Design Qualification (NCIDQ) has approved as conforming to NCIDQ's examination standards or as being acceptable in lieu of the NCIDQ examination; and

(2) acquired at least two years of acceptable Interior Design experience following registration in another jurisdiction.

(c) An Applicant for Interior Design 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 §5.33 Application Process

(a) An Applicant for Interior Design registration by examination or by reciprocal transfer must apply for registration by submitting to the Board's office a completed registration application and all required supporting documentation.

(b) Prior to filing an application for registration by examination, an Applicant must:

(1) satisfy the educational and professional experience eligibility requirements adopted by the Council for Interior Design Qualification (CIDQ) to sit for the NCIDQ examination; and

(2) be approved by CIDQ to sit for the examination.

(c) An application for TBAE registration by examination must include:

(1) a verified statement of the Applicant’s education, such as a transcript;

(2) a detailed summary of the Applicant’s interior design work experience; and

(3) proof of approval by CIDQ to sit for the examination.

(db) Upon receipt of the completed application and all required supporting documentation and receipt of the required application fee, the Board shall evaluate the Applicant's application materials. The Board may require additional information or documentation from the Applicant.

(ec) The Board will notify each Applicant in writing regarding the approval or rejection of the Applicant's application.

(fa) Pursuant to the provisions of §231.302 of the Texas Family Code, each Applicant shall submit his/her social security number to the Board. The Applicant's social security number shall be considered confidential as stated in §231.302(e) of the Texas Family Code.

(te) The Board may take action against an Applicant or Candidate pursuant to §5.160 of this title (relating to Effect of Enforcement Proceedings on Application).

RULE §5.35 Pending Applications
(a) A properly submitted application for registration by examination will be effective for three years from the date it is received by the Board. After three years, the Board may require the Applicant or Candidate to update the application or reapply.

(b) Each Candidate approved for examination Applicant must pay an annual record maintenance fee as prescribed by the Board or the Candidate's application file will be closed. An Candidate Applicant may reopen an application file that was closed pursuant to this section only after payment of a fee equal to the sum of the record maintenance fees for the current year and each year the file has been closed plus any costs directly related to the reopening of the application file. An application file that has been closed for five years or longer may not be reopened.

RULE §5.36 Preliminary Evaluation of Criminal History

(a) An Applicant, Candidate or a person enrolled or planning to enroll in a qualifying accredited Interior Design educational program may make a written request to the Board's executive director for a preliminary criminal history evaluation letter which states the person's eligibility for registration under §5.158 of this chapter (relating to Criminal Convictions).

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

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

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

(1) a determination that a ground for ineligibility based upon criminal conduct does not exist; or
(2) a determination that the requestor is ineligible due to criminal conduct and a specific explanation of the basis for that determination, including the relationship between the conduct in question and the practice of Interior Design.

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

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

(2) submit a new request for an evaluation no sooner than one year after the date upon which the criminal history evaluation letter was issued; or 

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

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

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

RULE §5.37 Provisional Licensure 

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

1. is not directly related to the Practice of Interior Design as determined by the executive director under §5.158 of this chapter (relating to Criminal Convictions); 

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

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

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

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

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

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

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

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

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

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

RULE §5.38 Child Support Arrearage

Pursuant to Texas Family Code §232.0135, the Board shall not approve an application for registration from an Applicant who has failed to pay court ordered child support. The Board shall refuse to approve such an application upon receipt of notice of the child support arrearage from the child support agency until receipt of notice from the agency that the arrearage has been paid or other conditions specified in Texas Family Code §232.0135 have been met.

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

(a) Definitions.

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

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

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

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

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

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

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

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

(A) Holds an active interior design registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for the license in this state; or
(B) Held an active interior design registration in this state within the five years preceding the application.

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

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

RULE §5.51 Requirements

(a) An Applicant for Interior Design registration by examination in Texas must meet the eligibility and application requirements contained in §5.33(b) and (c) of this chapter, and successfully complete all sections of the National Council for Interior Design Qualification (NCIDQ) NCIDQ examination or a predecessor or other examination deemed equivalent by the Council for Interior Design Qualification (CIDQ) CIDQ deems equivalent to the NCIDQ examination. Alternatively, prior to December 31, 2018, an applicant may obtain Interior Design registration by examination by successfully completing all sections of the Architectural Registration Examination (ARE), or another examination NCARB deems equivalent to the ARE, after fulfilling the requirements of §1.21 and §1.41 of this title relating to Board approval to take the ARE for architectural registration by examination.

(b) The Board may approve an Applicant to take the NCIDQ examination only after the Applicant has completed the educational requirements for Interior Design registration by examination in Texas, has completed at least six (6) months of full-time experience working under the Direct Supervision of a Registered Interior Designer, and has submitted the required application materials. In jurisdictions where interior designers are not licensed, the supervision may be under a licensed architect or a Registered Interior Designer who has passed the NCIDQ examination.

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

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

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

(A) An Candidate examinee, 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 examinee 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 examinee. 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-examinee from scheduling or taking the examination must be submitted by the Candidate-examinee 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 CIDQ.

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

RULE §5.52 Examination Administration and Scoring

(a) An Applicant must apply for Interior Design registration by examination as described in §5.33 of this title (relating to Application Process).

(b) Unless otherwise noted in this chapter, the administration and scoring of the NCIDQ examination shall be governed by the procedures adopted by the Council for Interior Design Qualification (CIDQ). The NCIDQ examination shall be administered once during the spring and once during the fall of every year.

(c) In order for an Applicant to take the NCIDQ examination in the spring, the Applicant's application and supporting documentation must be postmarked or received by the Board no later than December 1st of the preceding year. In order for an Applicant to take the NCIDQ examination in the fall, the Applicant's application and supporting documentation must be postmarked or received by the Board no later than June 1st. If the deadline falls on a date when the Board's office is closed, the application and supporting documentation must be postmarked or received by the Board no later than the next date when the Board's office is open.

(d) A Candidate who is approved to take the NCIDQ examination must appear personally for examination as directed in the notification letter sent to the Applicant. In order to be admitted for examination, the Candidate must present the candidate's identification card that was mailed to the Candidate prior to the examination date and must present a separate official form of identification bearing a recent photograph of the Candidate.

(e) Each Candidate shall be responsible for taking to the examination all tools necessary to complete the examination.

(f) An explanation of the scoring procedures for the NCIDQ examination shall be provided to each Candidate before the examination is administered to the Candidate.
(g) A Candidate’s NCIDQ examination scores shall be determined by the entity that administers the examination. The Board shall not review any NCIDQ examination score to determine its validity.

(h) If, for any reason, a Candidate takes a section or sections of the NCIDQ examination but does not receive a score for the section or sections, the Board shall have no liability beyond authorizing the Candidate to retake the section or sections with the corresponding fee waived.

RULE §5.53 Reexamination Scheduling of Examinations

(a) In order to qualify for registration by examination, an Applicant must schedule and pass all sections of the NCIDQ within the time period required by the Council for Interior Design Qualification (CIDQ).

(b) Notwithstanding subsection (a) of this section, an Applicant described by §5.31(c) of this chapter may schedule and pass all sections of the NCIDQ examination within the time period:

(1) required by CIDQ; or

(2) adopted by the Board and in effect at the time the application was filed. A Candidate’s passing grade for any section of the examination is valid for five (5) years. Each Candidate must pass all sections of the examination within five (5) years after the date the Candidate passes a section of the examination. A Candidate who does not pass all sections of the examination within five (5) years after passing a section of the examination will forfeit credit for the section of the examination passed and must pass that section of the examination again.

(cb) A qualifying examinee may request an extension if the examinee is unable to pass all sections of the examination within that the required time period for the following reasons:

(1) The Candidate-examinee gave birth to, or adopted a child within that 5-year period;

(2) The Candidate-examinee developed a serious medical condition within that 5-year period; or

(3) The Candidate-examinee commenced active duty service as a member of the United States military within that 5-year period.

(d) An Candidate-examinee may receive an extension of up to 6 months for the birth or adoption of a child by filing a written application with the Board together with any corroborating evidence immediately after the Candidate-examinee learns of the impending adoption or birth. A Candidate-examinee may receive an extension for the period of the serious medical condition or for the period of active duty military service by filing a written application with the Board together with corroborating evidence immediately after the Candidate-examinee learns of the medical condition or the commencement of active duty military service. An Candidate-examinee shall immediately notify the Board in writing when the medical condition is resolved or active duty military service ends. Any request for an extension under this section must be approved by the Board and CIDQ.

RULE §5.54 Transfer of Passing Scores
(a) A Candidate's examination score may be transferred from one NCIDQ member board to another. The acceptance of the Candidate's score by the board receiving the score shall terminate the Candidate's application with the board transferring the score so that the Candidate has an application pending in only one (1) jurisdiction at all times. In order to be approved for Interior Design registration in Texas, a Candidate whose examination score is transferred to Texas must satisfy all requirements for Interior Design registration in Texas in effect at the time the examination score is transferred.

(b) If a Candidate's examination score is transferred from another member board and accepted by the Board, the Candidate must pass all sections of the examination no later than five (5) years from the date the first examination section was passed. If the Candidate does not pass all sections of the examination within five (5) years after passing a section of the examination, the Candidate will forfeit credit for the section of the examination passed and must pass that section of the examination again.

**RULE §5.55 Special Accommodations**

(a) In accordance with the Americans with Disabilities Act (ADA), every registration examination must be conducted in an accessible place and manner, or alternative accessible arrangements must be afforded so that no qualified individual with a disability is unreasonably denied the opportunity to complete the licensure process because of his/her disability.

(b) Special accommodations can be provided for examinees with physical or mental impairments that substantially limit major life activities. Available accommodations include the modification of examination procedures and the provision of auxiliary aids and services designed to furnish an individual with a disability an equal opportunity to demonstrate his/her knowledge, skills, and ability.

(c) The Board is not required to approve every request for accommodation or auxiliary aid or provide every accommodation or service as requested. The Board is not required to grant a request for accommodation if doing so would fundamentally alter the measurement of knowledge or the measurement of a skill intended to be tested by the examination or would create an undue financial or administrative burden.

(d) Procedure for requesting accommodation:

   (1) To protect the integrity of the testing process, an Applicant-examinee requesting an accommodation must submit documentation regarding the existence of a disability and the reason the requested accommodation is necessary to provide the Applicant-examinee with an equal opportunity to exhibit his/her knowledge, skills, and ability through the examination. The Board shall evaluate each request on a case-by-case basis.

   (2) An Applicant-examinee requesting an accommodation must have a licensed health care professional or other qualified evaluator provide certification regarding the disability as described in Subsection (e) of this section.

   (3) An Applicant-examinee seeking an accommodation must make a request for accommodation on the prescribed form and provide documentation of the need for accommodation well in advance of the
examination date. If the form is submitted less than sixty (60) days prior to the examination date, the
Board will attempt to process the request but might not be able to provide the necessary
accommodation for the next examination.

(e) The following information is required to support a request for an accommodation or an auxiliary aid:

(1) Identification of the type of disability (physical, mental, learning);

(2) Credential requirements of the evaluator:

(A) For physical or mental disabilities (not including learning), the evaluator shall be a licensed health
care professional qualified to assess the type of disability claimed. If a person who does not fit these
criteria completes the evaluation, the Board may reject the evaluation and require another evaluation,
and the request for accommodation may be delayed.

(B) In the case of learning disabilities, a qualified evaluator shall have sufficient experience to be
considered qualified to evaluate the existence of learning disabilities and proposed accommodations
needed for specific learning disabilities. The evaluator shall be one of the following:

(i) a licensed physician or psychologist with a minimum of three years’ experience working with
adults with learning disabilities; or

(ii) another professional who possesses a master’s or doctorate degree in special education or
educational psychology and who has at least three years of equivalent training and experience in all of
the areas described below:

(I) assessing intellectual ability and interpreting tests of such ability;

(II) screening for cultural, emotional, and motivational factors;

(III) assessing achievement level; and

(IV) administering tests to measure attention and concentration, memory, language reception and
expression, cognition, reading, spelling, writing, and mathematics.

(3) Professional verification of the disability, which shall include a description of:

(A) the nature and extent of the disability, including a description of its effect on major life activities
and the anticipated duration of the impairment;

(B) the effect of the disability on the applicant’s, examinee’s ability to:

(i) evaluate written material;

(ii) complete graphic sections of the examination by drawing, drafting, and lettering; and

(iii) complete computerized sections of the examination that require data entry via keyboard and the
manipulation of a mouse.

(C) whether the disability limits the amount of time the Applicant-examinee can spend on specific
examination tasks;

(D) the recommended accommodation and how it relates to the applicant’s-examinee’s disability;
(E) the professional’s name, title, telephone number, and his/her original signature;

(F) any other information necessary, in the professional’s opinion, to enable the exam provider to understand the examinee’s disability and the accommodation necessary to enable the examinee to demonstrate his/her knowledge, skills, and ability.

(f) Documentation supporting an accommodation shall be valid for five (5) years from the date submitted to the Board except that no further documentation shall be required where the original documentation clearly states that the disability will not change in the future.

(g) The Board has the responsibility to evaluate each request for accommodation and to approve, deny, or suggest alternative reasonable accommodations. The Board may consider an Applicant’s examinee’s history of accommodation in determining its reasonableness in relation to the currently identified impact of the disability.

(h) Information related to a request for accommodation shall be kept confidential to the extent provided by law.

SUBCHAPTER J - TABLE OF EQUIVALENTS FOR EDUCATION AND EXPERIENCE IN INTERIOR DESIGN — REPEALED

RULE §5.201 — Description of Approved Education for Registration by Examination

(a) Pursuant to §5.31 of this title (relating to Registration by Examination), an Applicant must successfully demonstrate that he/she has approved Interior Design education and experience in accordance with the following table. An Applicant for Interior Design registration by examination who enrolls in an Interior Design educational program after September 1, 2006, must graduate from a program described in ID-1:

<table>
<thead>
<tr>
<th>ID-1</th>
<th>Approved Education</th>
<th>Minimum Experience Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Graduation from a program granted professional status by the Council for Interior Design Accreditation (CIDA) or the National Architectural Accreditation Board (NAAB) or from an interior design education program outside the U.S. that is substantially equivalent to a CIDA-accredited or NAAB-accredited professional program</td>
<td>2-years</td>
</tr>
<tr>
<td>ID-2</td>
<td>A doctorate, master’s degree, or baccalaureate degree in Interior Design</td>
<td>3-years</td>
</tr>
</tbody>
</table>

Figure: 22 TAC §5.201(a)
(b) An Applicant may not earn credit in more than one of categories ID-1 through ID-4.

RULE §5.202 — Description of Approved Experience for Registration by Examination

Every Applicant for registration by examination must successfully demonstrate that he/she has gained a minimum of two years of experience credit in accordance with the following table subject to the following terms and conditions:

<table>
<thead>
<tr>
<th>Description of Experience</th>
<th>Credit Allowed</th>
<th>Maximum Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>ID-7 A diversified experience directly related to Interior Design as an employee working under the Direct Supervision of a Registered Interior Designer or architect</td>
<td>Full credit</td>
<td>No limit</td>
</tr>
<tr>
<td>ID-8 A diversified experience directly related to Interior Design when the experience is not under the Direct Supervision of a Registered Interior Designer or architect</td>
<td>Half credit</td>
<td>1-year</td>
</tr>
</tbody>
</table>

Attached Graphic

Figure: 22 TAC §5.202
<table>
<thead>
<tr>
<th>ID</th>
<th>Teaching on a full-time basis in a CIDA-accredited program in Interior Design</th>
<th>Full-credit</th>
<th>1-year</th>
</tr>
</thead>
</table>

1. An Applicant must earn at least one year of experience credit under the conditions described in category ID-7.

2. In order to earn credit in category ID-7 or ID-8, an Applicant must:
   - (A) work at least thirty-five (35) hours per week for a minimum of ten (10) consecutive weeks; or
   - (B) for half credit, work between twenty (20) and thirty-four (34) hours per week for a minimum of six (6) consecutive months.

3. In order to earn credit in category ID-9, an Applicant must teach subjects that are directly related to the practice of interior design. An Applicant may earn one year of credit by teaching for twenty (20) semester credit hours or thirty (30) quarter credit hours.

4. An Applicant may not earn credit for experience gained prior to the date the Applicant completed the educational requirements for Interior Design registration by examination in Texas.

5. **RULE §5.203 Other Education and Experience**

   An Applicant may earn credit for education or experience other than under the conditions described in Sections 5.201 and 5.202 of this subchapter if the Board considers such education or experience to be substantially equivalent to the education and experience described therein. For purposes of this subsection, education may be considered as experience.
Sec. 1053.152. ELIGIBILITY REQUIREMENTS. (a) The board shall establish the qualifications for the issuance or renewal of a certificate of registration under this chapter.

(b) To be eligible for a certificate of registration, an applicant must:

(1) meet the qualifications established by the board under Subsection (a);

(2) pass the registration examination; and

(3) pay the required fees.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003.

Sec. 1053.153. APPLICATION FOR CERTIFICATE OF REGISTRATION. Each application for a certificate of registration must:

(1) be on a form prescribed and furnished by the board; and

(2) include a:

(A) verified statement of the applicant's education; and

(B) detailed summary of the applicant's interior design work experience.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003.

Sec. 1053.154. EXAMINATION REQUIRED. (a) An applicant for a certificate of registration must pass the examination adopted by the board.

(b) The examination must cover subjects established by and must be graded according to board rules. The board by rule may adopt the examination of the National Council for Interior Design Qualification or a comparable examination.

(c) The board shall determine the time and place for each examination. The examination shall be offered at least once a year. The board shall give reasonable public notice of the examination in the manner provided by board rule.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003.

Sec. 1053.155. APPLICATION FOR ADMISSION TO EXAMINATION. (a) An applicant for a certificate of registration must apply to the board, on a form prescribed by the board, for admission to the registration examination.

(b) An application for admission to the registration examination must be accompanied by evidence satisfactory to the board that the applicant has satisfied the educational and professional experience requirements for the examination adopted by the board under Section 1053.154[;]
(1) has graduated from an interior design educational program recognized and approved by the board; and

(2) has professional experience in the field of interior design].

[(c) The board shall adopt rules establishing standards for:

(1) the recognition and approval of interior design educational programs; and

(2) the amounts and types of professional experience necessary for registration examination eligibility..]

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003, as amended S.B. 1932, 85th Legislature
## CIDA Degree

**Education**
Bachelor’s or Master’s degree from a CIDA-accredited interior design program.

- **BY END OF YEAR 3**
  - 96 sem/144 qtr credits completed

**Work Experience**
Up to 1,760 hours of work experience can be earned before education is completed.

- **BY END OF YEAR 4**
  - Education completed

**Final**
Final 1,760 hours must be earned after all education is completed.

### ROUTE 1

<table>
<thead>
<tr>
<th>YEAR 1</th>
<th>YEAR 2</th>
<th>YEAR 3</th>
<th>YEAR 4</th>
<th>YEAR 5</th>
<th>YEAR 6</th>
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## Interior Design Degree — Non-CIDA

**Education**
Bachelor’s degree (minimum) in an interior design program not accredited by CIDA. Including: No less than 120 semester or 180 quarter credits, of which no less than 60 semester or 90 quarter credits are interior design coursework.

- **BY END OF YEAR 3**
  - 96 sem/144 qtr credits completed

**Work Experience**
Up to 1,760 hours of qualified work experience can be earned before education is completed.

- **BY END OF YEAR 4**
  - Education completed

**Final**
Final 1,760 hours must be earned after all education is completed.

### ROUTE 2

<table>
<thead>
<tr>
<th>YEAR 1</th>
<th>YEAR 2</th>
<th>YEAR 3</th>
<th>YEAR 4</th>
<th>YEAR 5</th>
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## Other Degree + Interior Design Degree

**Education**
Bachelor’s degree (minimum) in any other major and no less than 60 semester or 90 quarter credits of interior design coursework that culminates in a certificate, degree or diploma.

- **BY END OF YEAR 3**
  - 30 sem/45 qtr interior design credits completed

**Work Experience**
Up to 1,760 hours of qualified work experience can be earned before education is completed.

- **BY END OF YEAR 4**
  - Education completed

**Final**
Final 1,760 hours must be earned after all education is completed.

### ROUTE 3

<table>
<thead>
<tr>
<th>YEAR 1</th>
<th>YEAR 2</th>
<th>YEAR 3</th>
<th>YEAR 4</th>
<th>YEAR 5</th>
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## Associates Degree (60 Hrs) in Interior Design

**Education**
No less than 60 semester or 90 quarter credits of interior design coursework that culminates in a certificate, degree or diploma.

- **BY END OF YEAR 3**
  - Education completed

**Work Experience**
5,280 hours qualified interior design experience.

- Education must be complete before work experience can be earned.

### ROUTE 4

<table>
<thead>
<tr>
<th>YEAR 1</th>
<th>YEAR 2</th>
<th>YEAR 3</th>
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</table>
## Associates Degree (40 Hrs) in Interior Design

**Education**
No less than 40 semester or 60 quarter credits of interior design coursework that culminates in a certificate, degree or diploma.

**BY END OF YEAR 2**
Education completed

<table>
<thead>
<tr>
<th>YEAR 1</th>
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**Work Experience**
7,040 hours qualified interior design experience.²

Education must be complete before work experience can be earned.

## NAAB or CACB Degree

**Education**
Bachelor’s or Master’s degree from an NAAB or CACB accredited architecture program.³

**BY END OF YEAR 5 - 6**
Education completed

<table>
<thead>
<tr>
<th>5 - 6 YEARS</th>
<th>3 YEARS</th>
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**Work Experience**
5,280 hours qualified interior design experience.³

Education must be complete before work experience can be earned.

## Architecture Degree – Non-NAAB or CACB

**Education**
Bachelor of Science or Bachelor of Arts in Architecture

**BY END OF YEAR 4**
Education completed

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<tr>
<th>YEAR 1</th>
<th>YEAR 2</th>
<th>YEAR 3</th>
<th>YEAR 4</th>
<th>YEAR 5</th>
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</table>

**Work Experience**
7,040 hours qualified interior design experience.²

Education must be complete before work experience can be earned.

### Do not see a route that matches your background?
Please give our offices a call to discuss your options at 202.721.0220

### Go to www.cidq.org to learn more and apply online!

---

1. CIDA – the Council for Interior Design Accreditation – was formerly known as FIDER. To qualify, the degree program must have been CIDA-accredited at graduation or must have become CIDA-accredited within two years following graduation.
2. If you began accruing interior design work experience after January 1, 2008, you must earn qualified work experience in order to be eligible to take the NCIDQ Examination.
3. NAAB – the National Architectural Accrediting Board
   CACB – the Canadian Architectural Accrediting Board

To qualify, the degree program must have been accredited at graduation or within two years of graduation.

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Consideration of Informal Conference Procedures

At the June board meeting, the board considered a disciplinary action involving a landscape architect registrant. Prior to this matter being brought before the board, an informal conference had been held with the respondent and a board member in attendance. The proposed settlement that had been offered at the informal conference was accepted by the board, but a conversation followed in which the board discussed informal conferences and the appropriate role of board members in that process. The chair asked staff to place the matter on the agenda for the next board meeting, so that relevant information could be provided for board consideration.

At the August Board meeting, staff presented information to the Board regarding relevant laws, rules, and policies; the recent history of informal conferences at TBAE; practices at other administrative agencies; and the advantages and disadvantages of Board member participation in informal conferences. Following this presentation, the Board engaged in a discussion about the appropriate role of Board members in the informal conference procedures, and shared their concerns and preferences regarding the administration of informal conferences going forward. Consensus emerged on the following grounds:

- Depending upon the circumstances, some participation by Board members at informal conferences could bring value to the process.
- The chair should be involved in the selection of Board members for participation in informal conferences.
- It was discussed that in certain circumstances, it may be advisable for more than one Board member to attend an informal conference. Ms. Hildebrand suggested to the Board that this determination could be left to the discretion of the Board chair at the time she is contacted to identify a participant for the informal conference.
- The Board expressed a preference that a Board member who participates in an informal conference be allowed to participate or answer questions for the Board at the time the proposed settlement is considered.

Based upon this feedback, and discussions with the Attorney General’s office, staff have prepared amendments to Policy LE-001, concerning contested cases. Staff is hopeful that this policy meets
the Board’s expectations regarding the administration of informal conferences before the agency. Staff now presents the amended policy for consideration and approval by the Board.

Attachments

Staff have gathered the following documents for consideration by the board:

- Proposed Changes to Policy LE-001
- Board Rules 1.166, 3.166, and 5.176
- Excerpt from board training manual regarding informal conferences
- History of TBAE informal conferences and mediations, 2000-2017
- Agency Policy GC-006 – Conflict of Interest and Recusal Policy

Action

Staff recommends that the Board adopt the proposed amendments to agency policy LE-001.
Purpose
The purpose of this policy is to describe the steps taken by the legal division subsequent to a referral from the investigations division in evaluating, developing and bringing to final resolution violations of laws within the jurisdiction of TBAE.

References and related Resources or Statutory Authority

1051.201 (“Scope of Administrative Authority”)  
1051.202 (“General Rulemaking Authority”)  
1051.204 (“Subpoenas”)  
1051.208 (“Standards of Conduct”)  
1051.401 (“Right to Hearing; Appeal”)  
1051.451 (“Imposition of Administrative Penalty)  
1051.452 (“Amount of Administrative Penalty”)  
1051.453 (“Report and Notice of Violation”)  
1051.454 (“Administrative Penalty to be Paid or Hearing Requested”)  
1051.455 (“Hearing”)  
1051.456 (“Notice of Board Order”)  
1051.457 (“Options Following Board Order: Pay or Appeal”)  
1051.458 (“Collection of Administrative penalty”)  
1051.501 (“General Enforcement Authority”)  
1051.502 (“Injunctive Relief”)  
1051.503 (“Cumulative Effect of Provisions”)  
1051.504 (“Cease and Desist Order”)  
1051.505 (“Restitution”)  
1051.701 (“Registration Required”)
Landscape Architecture
1052.003 ("Practice of Landscape Architecture")
1052.151 ("Registration Required; Exceptions")
1052.251 ("Disciplinary Powers of Board")

INTERIOR DESIGNERS
1053.251 ("Disciplinary Powers of Board")
1053.252 ("Grounds for Disciplinary Action")
1053.351 ("Criminal Penalty")

22 Tex. Admin. Code §§ 1.1 – 1.234 (Architecture)
§1.66 ("Reinstatement")
§1.141 ("General")
§1.149 ("Criminal Convictions")
§1.151 ("Effect of Enforcement Proceedings on Application")
§1.164 ("Initiating a Contested Case")
§1.165 ("Informal Disposition of a Contested Case")
§1.166 ("Informal Conference")
§1.168 ("Dismissal")
§1.169 ("Alternative Dispute Resolution")
§1.170 ("Referrals from the Texas Department of Licensing and Regulation")
§1.172 ("Continuing Violation")
§1.173 ("Violation by One Not an Architect")
§1.174(h) ("Complaint Process")
§1.177 ("Administrative Penalty Schedule")
§1.232 ("Board Responsibilities")
§1.234 ("Suspension of Registration")

22 Tex. Admin. Code §§ 3.1 – 3.234 (Landscape Architecture)
§3.66 ("Reinstatement")
§3.141 ("General")
§3.149 ("Criminal Convictions")
§3.151 ("Effect of Enforcement Proceedings on Application")
§3.164 ("Initiating a Contested Case")
§3.165 ("Informal Disposition of a Contested Case")
§3.166 ("Informal Conference")
§3.168 ("Dismissal")
§3.169 ("Alternative Dispute Resolution")
§3.170 ("Referrals from the Texas Department of Licensing and Regulation")
§3.172 ("Continuing Violation")
§3.173 ("Violation by One Not a Landscape Architect")
§3.174 ("Complaint Process" §3.177 ("Administrative Penalty Schedule")
§3.232 ("Board Responsibilities")
§3.234 ("Suspension of Registration")
22 Tex. Admin. Code §§ 5.1 – 5.244 (Interior Design)

§5.76 (“Reinstatement”)
§5.151 (“General”)
§5.158 (“Criminal Convictions”)
§5.160 (“Effect of Enforcement Proceedings on Application”)
§5.174 (“Initiating a Contested Case”)
§5.175 (“Informal Disposition of a Contested Case”)
§5.176 (“Informal Conference”)
§5.178 (“Dismissal”)
§5.179 (“Alternative Dispute Resolution”)
§5.180 (“Referrals from the Texas Department of Licensing and Regulation”)
§5.182 (“Continuing Violation”)
§5.183 (“Violation by One Not a Registered interior Designer”)
§5.184 (“Complaint Process”)
§5.187 (“Administrative Penalty Schedule”)
§5.242 (“Board Responsibilities”)
§5.244 (“Suspension of Registration”)

OTHER
TEXAS GOVERNMENT CODE §311.005
TEXAS OPEN MEETINGS ACT, TEX. GOV’T CODE CH. 551.
TEXAS GOVERNMENT CODE CH. 2001
(ADMINISTRATIVE PROCEDURE ACT)
1 TEX. ADMIN. CODE §§ 155.1 – 155.507
(PROCEDURAL RULES OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS)

Scope
The legislature has mandated that a violation of the laws (which includes both statutory and regulatory duties), regulating the professions of architecture, landscape architecture and registered interior designers be reported to TBAE and that enforcement action is taken against a person who violates these laws. Tex. Occ. Code §1051.501.

This policy will direct the activities of the General Counsel, attorneys, and paralegals in the legal division in their evaluation, preparation, negotiation, and prosecution of cases under the statutory mandate.

Policy
It is the function of the General Counsel to evaluate contested cases referred from the investigations division to ensure that the evidence collected during the investigation of a matter supports a conclusion that a violation of law has occurred and to ensure that the administrative response is guided by, and reflects, the criteria established by law. The guidelines for calculating an administrative penalty are identified as policy number LE-002. The General Counsel may delegate the preparation of settlement documents for routine matters, subject to review and approval by General Counsel prior to recommendation to the Executive Director.

In addition to the administrative penalty, which is a monetary sum, the General Counsel is responsible for recommending any other disciplinary sanction which may be other than, or include, the imposition of an administrative penalty. Texas Occupations Code §1051.503 permits the Board, in the exercise of its enforcement function, to use a combination of administrative responses. These may include seeking

2 Non-registrants who violate the laws within the agency’s jurisdiction may also be prosecuted. §§1051.801,
an injunction (§1051.502); issuance of a cease and desist order (§1051.504), requiring a registrant to pay restitution to a consumer (§1051.505); the reprimand of a certificate holder; or the revocation, suspension or refusal to renew or revoke a certificate of registration (§1051.751; Board Rules 1.232(j); 3.232(j); 5.242(j)). Staff may also seek the criminal prosecution of an individual (§1051.801; §1053.351) or impose terms and conditions upon the practice of a person whose registration is subject to a probated suspension (Board Rule 1.234 Tex. Occ. Code §1051.751; 1052.251; 1053.251).

In addition the General Counsel is responsible for representing the agency if a Respondent or applicant makes a request for the issuance or reinstatement of a certificate of registration which the Executive Director believes is not warranted. §1051.401.

It is the policy of the Texas Board of Architectural Examiners that the legal department thoroughly evaluate the facts and the governing law applicable to all cases in order to apply principles which treat similarly situated persons in a similar manner, ensures that any administrative response reflects the unique facts and circumstances of each case, and that enforcement proceedings safeguard life, health, property, and the public welfare and protect the public against the irresponsible practice of architecture. §1051.0015.

SEPARATION OF RESPONSIBILITIES

The General Counsel provides legal counsel to the Board and the agency regarding general legal matters in conducting Board meetings and carrying out agency business. However, the General Counsel does not provide legal counsel to the Board regarding matters arising from a case the General Counsel is prosecuting before the Board. On those matters, the Board receives independent representation from legal counsel provided by the Office of the Attorney General.

PROCEDURES

1. The legal division is primarily responsible for review of an investigative file upon its transfer from the investigations division. Upon receipt of a case referral from the investigations division the General Counsel will review the file to ensure legal adequacy of the facts to support a finding that a violation of the laws over which the agency has jurisdiction exists. A review will also be made of the recommended administrative response which may, as noted, involve cumulative remedies. §1051.503

2. If the General Counsel determines that the facts do describe a violation of law which cannot be disposed of by a written warning pursuant to Board Rules 1.174(i)(2), 3.174(i)(2), 5.184(i), he or she shall prepare a Report and Notice of Violation for review and possible adoption by the Executive Director in accordance with Tex. Occ. Code §1051.453, Board Rules 1.165, 3.165, 5.175. The Report and Notice of Violation shall contain both Findings of Fact, which describe the specific acts or omissions supporting a legal violation, and Conclusions of Law which provide legal references to the specific statutory or regulatory provisions which have been violated.

3. If the General Counsel determines that the facts do not give rise to a legal violation he or she shall have the case returned to the Managing Investigator with a Confidential Legal Memorandum (thereby exempting it from possible disclosure under the Public Information Act or subsequent discovery during case prosecution) specifically setting forth the elements

1053.351; Board Rules 1.173 and 5.183.
which are lacking in order to make out a *prima facie* case. Staff may take other action consistent with the options set forth in Board Rules 1.174(h); 3.174(h); 5.184(h)

4. The draft Report and Notice of Violation which is prepared for the Executive Director’s review and signature shall state the General Counsel’s recommendation for disciplinary sanction, including an administrative penalty based upon the criteria set forth in statute and Board Rules including Tex. Occ. Code §§1051.452, 22 TAC §§1.141, 1.165, 1.177, 1.232(j); 3.141, 3.165, 3.177, 3.232(j); 5.151, 5.175, 5.187, and 5.242. See Policy Number LE-002. The following shall be included in the Report and Notice of Violation:
   a. Notice that the Respondent may either:
      (1) (1) accept the Executive Director’s proposed resolution, subject to Board approval, or
      (2) (2) request a hearing at the State Office of Administrative Hearings;
   b. Notice that the Respondent may request an informal conference in accordance with Board Rules 1.166, 3.166 and/or 5.176 (see below).
   c. Language which the Respondent must sign and have notarized in order to accept the proposal. This language shall, at a minimum, contain
      (1) The Respondent’s acknowledgement that he, she or it has read the materials and accepts the Findings and Conclusions contained in the Report and Notice of Violation;
      (2) The Respondent waives rights to any appeal from the Board order including a hearing before the State Office of Administrative Hearings; and
      (3) The Respondent agrees to pay the administrative penalty within a specified period of time after the Board accepts the terms of a proposed informal resolution.

5. Upon receipt of the Report and Notice of Violation signed by the Respondent and containing the Executive Director signature it shall constitute a settlement agreement which is taken to the Board by the General Counsel for possible approval. Board Rules 1.165(b) 3.165(b), 5.174(b); 1 TAC 2001.056.

6. The Report and Notice of Violation executed by both the Executive Director and the Respondent will be placed on the agenda as a proposed informal case settlement for the first regularly scheduled Board meeting which permits posting of the item in compliance with the Open Meetings Act, Tex. Gov’t Code §551.014.

7. If the Board rejects the terms of the settlement agreement, the Respondent will be notified and offered another proposal for informal settlement. Board Rules 1.165(c), 3.165(c), 5.1749(c).

8. If the Board approves of the proposed settlement agreement, the Chair will be provided with a document titled “Final Order of the Board,” which attaches and incorporates by reference the settlement agreement and recites that the Board considered and voted on the proposed settlement agreement and has approved of its terms. The Respondent will be provided a copy of the Final Order of the Board and all incorporated documents along with written notice of the date by which the administrative penalty must be paid.

**INFORMAL CONFERENCE PROCEDURES**

1. Following the receipt of a Report and Notice of Violation, a Respondent may request an informal conference before agency representatives to discuss factual issues, settlement
terms, or any other items related to the case. A Respondent is not entitled to an informal conference. Rather, the Executive Director shall determine whether an informal conference is likely to assist in the informal settlement of the investigation. Factors to be considered in this determination include whether meaningful factual disagreements exist between the parties; whether the case presents a unique question of law; whether an in-person meeting will assist in resolving any disagreements of law or fact; whether the Board’s laws, rules, and precedent would support a departure from the settlement terms that have already been offered; whether the presence of a Board member could encourage the settlement of a case; and any other relevant factors.

2. If the Executive Director determines that an informal conference should be held, the Executive Director shall contact the Board Chair, who shall determine whether a Board member should attend an informal conference and, if so, which Board member should be asked to attend. The Board Chair may designate one or more Board members to attend an informal conference. Factors to be considered by the Board Chair in selecting a Board member for attendance at an informal conference include the subject matter of the investigation; the specialized expertise of the Board member; whether the presence of a Board member may encourage the agreed settlement of a case; and the availability and convenience of a Board member to attend an informal conference.

3. In addition to any Board member selected by the Board Chair, the Executive Director shall designate other individuals to attend an informal conference, as needed. 22 TAC §§1.166, 3.166 and/or 5.176.

4. The Respondent may employ legal counsel to attend the informal conference at the Respondent’s expense. 22 TAC §§1.166, 3.166 and/or 5.176.

5. At the informal conference, Board staff shall present a summary of the investigation and the current settlement offer. The Respondent shall have an opportunity to present any information or evidence relevant to the case. Following the Respondent’s presentation, the Respondent will be excused from the room and TBAE representatives will determine whether amended settlement terms will be offered. After deliberation, the Respondent will be invited to rejoin the informal conference, and any amended terms will be presented to the Respondent.

6. Following an informal conference, amended terms of settlement will be reduced to writing and sent to the Respondent, if applicable. Respondent shall have 20 days from the date of the informal conference to accept settlement terms, or request a hearing at SOAH.

7. If a settlement agreement is reached following an informal conference, the settlement will be presented to the full Board as discussed in Item #6, above. At the Board meeting, any Board member who participated in the informal conference may discuss with the Board their opinion regarding the proposed settlement agreement, and the Board members may ask for information from the Board member. However, the Board member shall recuse him or herself from voting on the acceptance of the settlement agreement.

8. If the Board rejects an informal settlement agreement following an informal conference, and the case is docketed at SOAH and a proposal for decision is issued by an Administrative Law Judge, any Board member who previously participated in an informal conference in that case shall recuse him or herself from all discussion and voting regarding acceptance of the
SOAH PROCEDURES

1. The General Counsel shall docket a case at the State Office of Administrative Hearings if the Respondent neither accepts the Executive Director’s proposed resolution nor requests a formal hearing within 20 days of actual receipt of the Report and Notice of Violation. Prior to docketing a case the General Counsel may attempt to contact the Respondent to ensure receipt of the Report and Notice of Violation, the possibility of an informal settlement, and the Respondent’s desire to participate in an informal conference. Tex. Occ. Code §1051.455

2. The State Office of Administrative Hearings will, usually within one week, notify the General Counsel of the docket number and hearing date for the matter. The General Counsel shall draft a Notice of Hearing which conforms to Tex. Gov’t Code 2001.02 and SOAH Rule 155.401 and the legal assistant will be responsible for ensuring that the Notice of Hearing is served upon the respondent and filed with SOAH.

3. Upon the docketing of a case with the State Office of Administrative Hearings the General Counsel will oversee, and be responsible for, the development and prosecution of the case in accordance with Tex. Occ. Code §1051.401, 1051.455; Board Rules 1.231, et seq., 3.231, et seq. 5.241, et seq.; 1 TAC §155, et seq. (SOAH procedural Rules); and Tex. Gov’t Code §§2001.051, et seq. (Texas Administrative Procedure Act)

4. Upon the Administrative Law Judge’s issuance of a Proposal for Decision the General Counsel shall, in consultation with the Executive Director decide whether exceptions shall be submitted to the Administrative Law Judge; Board Rules 1.232, 2.232, 5.242; 1 TAC 155.507.

5. Upon the issuance of a PFD to which no exceptions have been filed, or upon receipt of a PFD which adopts, or is revised in response to exceptions filed by either party, the Executive Director in consultation with General Counsel shall decide whether the agency should argue before the Board in favor of adopting or amending the PFD as the Board’s final order.

6. If it is decided that staff wishes the Board to make changes to the PFD he or she shall prepare a proposed final order which states the changes staff wishes the Board to make and which complies with Tex. Gov’t Code 2001.058(e); Board Rules 1.232, 3.232, 5.242.

7. After receipt of the Administrative Law Judge’s PFD, and the expiration of timelines for the filing of exceptions and replies as set out in SOAH rule 155.507, the General Counsel shall place the matter on the agenda for a regularly scheduled Board meeting.

8. The General Counsel shall notify the Respondent in writing of the date when the Board will consider the PFD issued by the Administrative Law Judge.

9. The General Counsel shall provide this information to the legal assistant who is responsible for ensuring that the matter is placed on the Board’s agenda and that a copy of the PFD is provided to the Board prior the meeting.

10. The General Counsel or the Respondent may request an opportunity to address the Board in order to influence its action of the PFD. Board rules 1.232; 2.232; 5.241. No other communication shall be made by either party to the Board except through the Board’s
Executive Director with a copy to the other party.

11. If necessary, the Executive Director shall contact the Attorney General’s Office to request legal representation for the Board in consideration of a PFD.

12. After the Board’s meeting at which it has considered and taken action upon the PFDs issued by SOAH the legal assistant shall send written notice of the Board’s action to the Respondent along with an invoice for the amount of the administrative penalty.

13. The General Counsel will monitor the receipt of a motion for rehearing submitted by the Respondent as a condition necessary for any subsequent effort to obtain judicial review.

14. Upon appeal, General Counsel shall prepare a letter for the Executive Director’s signature requesting the Office of the Attorney General to assign counsel to represent the agency before the Court.

CLOSING OF CASES AND MONITORING

1. A case is considered closed within the legal division upon the Board’s issuance of a Final Order, whether the final order is issued as the final agency action in the informal settlement of a case or in response to a Proposal for Decision issued by an Administrative Law Judge after the time period for the filing of exceptions has expired.

2. Upon the closing of a case, the Legal Assistant will enter the amount of the administrative penalty into TBAsE and the investigations specialist will verify that the entry accurately reflects the sum imposed by the board and will make an entry that this check has been performed within TBAsE.

3. The General Counsel shall monitor, or delegate the monitoring of, the Respondent’s compliance with the final Order of the Board and, if the Board Order was the result of a previous hearing before the State Office of Administrative Hearings, shall monitor the Respondent’s activities for post-hearing review. Tex. Occ. Code §§1051.457, 1051.459; Board rules 1.232(d); 3.232(d), 5.242(d).

4. Payments of administrative penalties will be governed by Agency Policies LE-005 and LE-006.

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.
RULE §1.166  Informal Conference

(a) An informal conference may be held in order to provide a respondent with the opportunity to appear and answer a charge against the respondent in person.

(b) An informal conference shall be attended by the respondent and each person designated by the Executive Director to attend the conference. The respondent shall have the right to employ legal counsel to attend the informal conference at the respondent's expense.

(c) An informal conference shall be voluntary and shall not be a prerequisite to a formal hearing.

RULE §3.166  Informal Conference

(a) An informal conference may be held in order to provide a respondent with the opportunity to appear and answer a charge against the respondent in person.

(b) An informal conference shall be attended by the respondent and each person designated by the Executive Director to attend the conference. The respondent shall have the right to employ legal counsel to attend the informal conference at the respondent's expense.

(c) An informal conference shall be voluntary and shall not be a prerequisite to a formal hearing.

RULE §5.176  Informal Conference

(a) An informal conference may be held in order to provide a respondent with the opportunity to appear and answer a charge against the respondent in person.

(b) An informal conference shall be attended by the respondent and each person designated by the Executive Director to attend the conference. The respondent shall have the right to employ legal counsel to attend the informal conference at the respondent's expense.

(c) An informal conference shall be voluntary and shall not be a prerequisite to a formal hearing.
Chapter 6. Enforcement/Compliance

Board Powers Relating to Disciplinary Matters
State law gives the Board general authority to take enforcement action in response to violations of the enabling acts for architecture, landscape architecture, and interior design. Occupations Code §1051.501. This includes disciplinary authority to suspend, revoke, or refuse to renew registrations issued by the Board, as well as the imposition of administrative penalties against registrants and non-registrants who violate the Board’s laws. §§ 1051.401 and 1051.451. The Board also has authority to order a registrant to pay restitution to a consumer, not to exceed the amount the consumer paid the registrant for a service. Occupations Code §1051.505.

Complaint Procedures
When the Board receives a complaint, it is initially reviewed by the Managing Investigator to determine if there is probable cause to believe an actionable violation of agency statutes or rules might have occurred. When probable cause exists, a case is opened, assigned to an investigator and the respondent is notified of the allegations. The Respondent is given an opportunity to respond to any cited violations. The investigator contacts the complainant, respondent and witnesses, and collects evidence as necessary to investigate the matter fully. If technical expertise is required, a subject matter expert may be asked to review the case.

When the investigation is complete, the case file is forwarded to the Board's legal counsel. At this time, a Notice of Violation is prepared which outlines the violations of Board laws and rules, and offers the Respondent an opportunity to accept the Executive Director’s proposed settlement. Occupations Code 1051.453. If the Respondent does accept the settlement, the Respondent returns a signed copy of the Notice of Violation, and the matter is placed on the agenda for the next Board meeting, where the Board must approve the settlement terms.

If the settlement is not accepted, the matter proceeds to further to informal conference and/or formal hearing at the State Office of Administrative Hearings (SOAH).

Informal Conferences
In the event a proposed settlement is not accepted by the Respondent, Staff may recommend that an informal conference be held. An informal conference is an opportunity for the Respondent to present information to a TBAE panel concerning the disciplinary case. The Board has adopted procedures regarding informal conferences in Rules §§1.166, 3.166, and 5.176. The Board is not required to grant the Respondent an informal conference. Generally, an informal conference will only be offered in matters where factual circumstances in dispute can be better addressed in person. Most often, an informal conference will be attended by the Executive Director, the General Counsel, investigative staff, and a Board member, in addition to the Respondent and his representatives. Depending upon the results of the informal conference, the proposed settlement may be revised or kept the same, or the disciplinary action dismissed. The informal conference recommendation is not binding, and the Respondent may request a formal hearing.

The Formal Hearing Process
If a disciplinary action is not disposed of through acceptance of a settlement or informal
# SUMMARY OF TBAE INFORMAL CONFERENCES

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<tbody>
<tr>
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<td>David L. Garrison</td>
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<td>Date of IFC:</td>
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<td>Attendees:</td>
<td>David L. Garrison (R), Julie Hildebrand (ED), Chad Davis (Bd. Member), Lance Brenton (GC), Jack Stamps (MI)</td>
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<td>Violation:</td>
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<td>Case Name:</td>
<td>Rojelio Hernandez</td>
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<tr>
<td>Date of IFC:</td>
<td>October 18, 2016</td>
</tr>
<tr>
<td>Attendees:</td>
<td>Rojelio Hernandez (R), Matt Ryan (R’s atty.), Julie Hildebrand (ED), Debra Dockery (Bd. Member), Lance Brenton (GC), Jack Stamps (MI)</td>
</tr>
<tr>
<td>Violation:</td>
<td>Criminal Conviction – Determination of Eligibility for Licensure</td>
</tr>
<tr>
<td>Settlement:</td>
<td>Approved for provisional registration upon completion of ARE</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case Number:</th>
<th>#088-14N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Name:</td>
<td>Dawn Moore</td>
</tr>
<tr>
<td>Date of IFC:</td>
<td>April 1, 2015</td>
</tr>
<tr>
<td>Attendees:</td>
<td>Dawn Moore (R), Michael Dietch (R’s atty.), Glenn Garry (Interim ED), Zindia Thomas (OAG Rep.) Jack Stamps (MI), Katherine Crain (LA)</td>
</tr>
<tr>
<td>Violation:</td>
<td>Board Rule 1.104(c) – use of architect’s seal</td>
</tr>
<tr>
<td>Settlement:</td>
<td>$40,000</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Case Number:</th>
<th>#105-13I</th>
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<tbody>
<tr>
<td>Case Name:</td>
<td>Paul Sanchez</td>
</tr>
<tr>
<td>Date of IFC:</td>
<td>January 28, 2015</td>
</tr>
<tr>
<td>Attendees:</td>
<td>Paul Sanchez (R), J.J. Trevino &amp; Louis Lechter (R’s attys.) Glenn Garry (Interim ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)</td>
</tr>
<tr>
<td>Violation:</td>
<td>Tex. Occ. Code §1051.702 – use of architect’s seal</td>
</tr>
<tr>
<td>Settlement:</td>
<td>$15,000</td>
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<tr>
<th>Case Number:</th>
<th>#075-11A</th>
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<tbody>
<tr>
<td>Case Name:</td>
<td>James C. Walker</td>
</tr>
<tr>
<td>Date of IFC:</td>
<td>May 22, 2014</td>
</tr>
<tr>
<td>Attendees:</td>
<td>James C. Walker (R), Gordon Landreth (former TBAE Chair), Cathy Hendricks (ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)</td>
</tr>
<tr>
<td>Mediation @ SOAH:</td>
<td>October 21, 2014</td>
</tr>
</tbody>
</table>
Attendees: Michael O’Malley (ALJ), James C. Walker (R), Matt Ryan & Will Allensworth (R’s attys.), Gordon Landreth (Former TBAE Chair), Chuck Anastos (Board Member), Debra Dockery (Board Member), Davey Edwards (Board Member) Glenn Garry (Interim ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)

Violation: Board Rule 1.104(a) – sealed documents not prepared by an architect
Settlement: $25,000 + 24 month probated suspension

Case Number: #116-13N
Case Name: Rafael Sanchez
Date of IFC: April 23, 2014
Attendees: Rafael Sanchez (R), Gil Peralez (R’s atty.), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)
Violation: Tex. Occ. Code §1051.702 – person other than architect practicing
Settlement: $15,000

Case Number: #006-12A; 139-11A; 005-12A; 007-12A
Case Name: Irene Nigaglioni, Raymond Gignac, Joel Hernandez, James Ian Powell
Date of Mediation: January 15, 2014 @ SOAH
Attendees: Alfred Vidaurri (Chair), Debra Dockery (Bd. Member), Chad Davis (Bd. Member), Cathy Hendricks (ED), Scott Gibson (GC), Nancy Fuller (OAG Rep.)
Violation: Board Rule 1.147
Settlement: Administrative Penalties ($10,000, $17,500, $10,000, $15,000) for each Respondent + 2 hours Ethics Course

Case Number: #219-12N
Case Name: Sheila Jetton
Date of IFC: July 22, 2013
Attendees: Sheila Jetton (R), Cathy Hendricks (ED), Scott Gibson (GC), Michael Shirk (ML), Jack Stamps (MI), Katherine Crain (LA)
Violation: Tex. Occ. Code §1051.801(a)(1) – a person other than an architect practicing architecture
Settlement: $800 (low penalty due to R’s mitigating circumstances)

Case Number: #168-13N
Case Name: Michael Garrison
Date of IFC: September 18, 2013
Attendees: Michael Garrison (R), Cathy Hendricks (ED), Scott Gibson (GC), Jack Stamps (MI), Katherine Crain (LA)
Settlement: $6,000
Case Number: #123-11A  
Case Name: Kai Geschke  
Date of IFC: November 7, 2011  
Attendees: Kai Geschke (R), Cathy Hendricks (ED), Michael Shirk (ML), Jack Stamps (MI), Katherine Crain (LA)  
Violation: Board Rule 1.142 & 1.143 – practiced reckless architecture  
Settlement: Warning

Case Number: #107-9A  
Case Name: David Lee Walker  
Date of IFC: February 15, 2011  
Attendees: David Lee Walker (R), Debora Pickens & Joel B. Bennett (R’s attys.), Cathy Hendricks (ED), Michael Shirk (ML), Steve Franz (I), Katherine Crain (LA)  
Violation: Board Rule 1.144(a) – dishonest practice  
Settlement: 1 year suspension of license with 18 months probated

Case Number: #245-08N & #246-08N  
Case Name: Hector & Protasio Guerra  
Date of IFC: December 2, 2010  
Attendees: Hector Guerra (R), Protasio Guerra (R), Cathy Hendricks (ED), Michael Shirk (ML), Steve Franz (I), Katherine Crain (LA)  
Violation: Tex. Occ. Code §1051.801(a)(1) – practiced without a license  
Settlement: $6,000 (for both cases)

Case Number: #026-09N  
Case Name: Pedro Ayala  
Date of IFC: March 29, 2010  
Attendees: Pedro Ayala (R), Cathy Hendricks (ED), Michael Shirk (ML), Steve Franz (I), Katherine Crain (LA)  
Violation: Tex. Occ. Code §1051.801(a)(1) – advertising as architect  
Settlement: $5,000

Case Number: #207-08N  
Case Name: Israel Pena  
Date of IFC: February 18, 2009  
Attendees: Israel Pena (R), Cathy Hendricks (ED), Charles Schiesser (Staff Atty.), Steve Franz (I), Katherine Crain (LA)  
Violation: Board Rule 1.123(b) & (c) – used of the word architecture by firm  
Settlement: $2,000
Case Number: #167-06N
Case Name: Bryan Weiss
Date of IFC: December 10, 2009
Attendees: Bryan Weiss (R), J. Mark Mann (R’s atty.), Cathy Hendricks (ED), Michael Shirk (ML), Scott Gibson (GC), Jack Stamps (MI)
Violation: Tex. Occ. Code §1051.701(a) & 1051.801(a)(1) – advertising as architect
Settlement: $6,000

Case Number: #523-04N
Case Name: Kyle Smith
Date of IFC: April 11, 2007
Attendees: Kyle Smith (R), Roger Borgelt (R’s atty.), Cathy Hendricks (ED), Scott Gibson (GC), Michael Shirk (ML), Katherine Crain (LA)
Violation: Tex. Occ. Code §1051.752 – use of bogus seal
Settlement: $15,000 + 5 year probated suspension upon being licensed; mentoring architect over list of projects which must be submitted to TBAE every 60 days; 10 hours of CE plus Ethics Course @ NCARB

Case Number: #278-98A
Case Name: Charles Wilson
Date of IFC: January 6, 2000
Attendees: Charles Wilson (R), Diane Wilson (R’s wife), Cathy Hendricks (ED), Cynthia Canfield (GC), Scott Gibson (Staff atty.), Cynthia Black (MI)
Violation: Tex. Occ. Code §1051.752(4) – gross incompetency
Settlement: Case Settled on October 18, 2005 prior to SOAH hearing. Settlement terms were as follows: 24 month suspension with all probated except for 90 days of active suspension; supervising architect over projects; reimbursement of litigations costs to TBAE in the amount of $23,000

Key Definitions:
R = Respondent; ED = Executive Director; Interim Executive Director = Interim ED; GC = General Counsel; MI = Managing Investigator; ML = Managing Litigator; I = Investigator in Charge; LA = Legal Assistant
Policy Title: Conflict of Interest and Recusal Policy  Policy Number: GC-006

Originally Issued:  Revisions: 

Approved By: Julie Hildebrand, Executive Director

Responsible Department: General Counsel

Primary Policy Custodian: General Counsel

**Purpose**
To define the standards of conduct expected of all TBAE Board member relating to conflicts of interest and recusal.

**References and related Resources or Statutory Authority**
Govt. Code Sec. 572.058
Govt. Code Sec. 572.051

**Scope**
Members of the Texas Board of Architectural Examiners

**Policy**
It is the policy of the Texas Board of Architectural Examiners (Board) that all decisions of the Board are made with impartiality and fairness, consistent with the Board’s mission to protect the interest of the public health, safety, and welfare and to preserve the public’s trust in the Board.

**Procedures**
These procedures are intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to Board members.

**Recusal**
1. Under Government Code Sec. 572.058, a member of the Board who has a personal or private interest in a measure, proposal, or decision pending before the board may not participate in the decision of the matter. A Board member who fails to recuse him or herself from a matter in violation of Sec. 572.058 is subject to removal from the Board.

2. The determination of whether a Board member has a personal or private interest in a matter is the responsibility of the Board member in question. However, in considering whether recusal in a matter is required, the Board member must be aware that the Board’s fairness and impartiality are of vital importance to its mission to protect the public health and safety. For this reason, Board members shall liberally construe the statutory requirements in favor of recusal where participation in the matter could give the public the appearance of a conflict of interest.
3. In determining whether recusal is appropriate, the following factors should be considered:
   
a. Whether the Board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, has a financial interest in the outcome of a cause, proceeding, application, petition, or any other matter pending before the Board.

   b. Whether the Board member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, has or had a business, personal, or private relationship with a person appearing before the Board, and whether participation in the matter would give the appearance of a conflict of interest.

4. If a Board member identifies any potential conflict of interest, and is unsure whether recusal is appropriate, the Board member should contact the general counsel for further consideration.

5. A Board member shall recuse him or herself if:
   
a. the Board member has publicly displayed a pre-judgment of the merits of a particular proceeding. This shall not apply to a member’s general political views or general opinion on a given issue.

   b. the Board member has engaged in ex parte communications with a party in a proceeding or was contacted by a party to a proceeding and did not immediately end the contact and refer the party to Board staff.

6. If a Board member determines that recusal is appropriate, the Board member shall announce the decision and publicly disclose the interest to the Board in an open meeting. In such cases, the Board member may not vote or participate in the decision. A recused Board member is not required to leave the meeting, provided that the Board member does not participate in the debate.

7. A Board member who is aware of a potential conflict of interest, but believes that he or she is able to act fairly, objectively, and in the public’s best interest, despite the potential conflict of interest, shall, prior to participating in any official action on the matter, disclose at the Board’s open meeting on the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act fairly, objectively, and consistently with the Board’s mission in the matter.

8. A Board member’s recusal and disclosure of interest shall be entered in the minutes of the meeting.

9. If a Board member determines that recusal is not required, but the Board disagrees, the Board shall not prohibit the Board member’s participation in a pending decision by its own action, in accordance with previous guidance issued by the attorney general’s office (Tex. Atty. Gen. Op. H-1319, 1978). Rather, the appropriate remedy is a petition of the attorney general for removal from office on the attorney general’s own initiative or on the relation of a resident or of any other member of the Board following a Board member’s violation of Government Code Sec. 572.058.

Other Conflicts of Interest
In compliance with the requirements of Texas Government Code Sec. 572.051, a Board member shall not:

1. accept or solicit any gift, favor, or service that might reasonably tend to influence the Board member in the discharge of official duties or that the Board member knows or should know is being offered with the intent to influence the Board member’s official conduct;

2. accept other employment or engage in a business or professional activity that the Board member might reasonably expect would require or induce the Board member to disclose confidential information acquired by reason of the official position;

3. accept other employment or compensation that could reasonably be expected to impair the Board member’s independence of judgment in the performance of the Board member’s official duties;

4. make personal investments that could reasonably be expected to create a substantial conflict between the Board member’s private interest and the public interest; or

5. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the Board member’s official powers or performed the Board member’s official duties in favor of another.

**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.
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Chapter I. Introduction and Overview

Thank you for agreeing to serve as a member of the Texas Board of Architectural Examiners. We appreciate your willingness to devote time and energy to the work of this Board. We hope you find your role as a Board member both interesting and challenging.

The purpose of this Manual is to provide you, as a Board member, with a resource for answering general questions relating to the Board’s purpose, functions and procedures. This Manual is not a definitive statement on administrative law or Board practice. The Manual should be applied in a manner consistent with all applicable laws and the TBAE’s enabling legislation, rules, policies, and procedures, each as amended and in effect. The Manual provides a framework for the conduct of the TBAE’s business and sets forth certain policies as issued by the Board. You are encouraged to contact the Board counsel with any questions concerning the Board’s law and its application. All other questions should be directed to the Board’s Executive Director.

The Board may modify or make exceptions to the Manual in its discretion and consistent with its duties and responsibilities to the TBAE. The Manual will be distributed to all members and will be available for reference during all Board meetings.

The TBAE shall review and reassess the adequacy of this Manual at least once every two years and recommend any proposed changes to the Board for approval.

Board Training and Filing of Oath
Under Occupations Code §1051.112, an appointee to the Board may not vote, deliberate, or be counted as a member in attendance at a meeting of the Board until the person completes a training program that includes the following topics:

- The legislation that created the TBAE;
- The programs, functions, rules, and budget of the TBAE;
- The results of the most recent formal audit of the TBAE;
- The requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and
- Any applicable ethics policies adopted by the TBAE or the Texas Ethics Commission.

A person appointed to the Board is entitled to reimbursement for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Before assuming the duties of office, each Board member shall file with the Secretary of State the Statement of Officer and Oath of Office.

Purpose of the Texas Board of Architectural Examiners
The Texas Board of Architectural Examiners is a multi-profession regulatory agency that oversees the examination, registration, and professional regulation of architects, landscape architects, and interior designers. The agency was created in 1937 by the 45th Texas Legislature in the aftermath of the New London School explosion in which 295 students and teachers were killed.
The agency carries out its duties and responsibilities as outlined in Title 6, Subtitle B of the Occupations Code, Chapters 1051, 1052, and 1053.

The purpose of TBAE is to protect the life, health, property, and the public welfare of the citizens of Texas. Inherent in this mandate is the responsibility for consumer protection through the regulation of the profession of architecture, landscape architecture and interior design by licensing the professionals who practice it. This is accomplished by enforcing the provisions of the TBAE’s Acts, and Board Rules and Regulations. The Administrative Procedure Act governs the manner in which the Board carries out the creation of rules and how it adjudicates disciplinary matters.

Appointment to the Board (whether as a member of the profession or as a public member) requires a Board member to fulfill the purpose of the Board. Therefore, as a Board member, the primary concern is to ensure that the professions of architecture, landscape architecture, and interior design are properly regulated and the consumer is appropriately protected. This is paramount and takes precedence over all other considerations and concerns. The Board is not concerned with matters related to advancing the professions of architecture, landscape architecture, and interior design, and must not be seen, in any way, to be protecting the interests of registrants of the Board.

Board Composition
The TBAE is governed by a Board that consists of nine members appointed by the Governor with the advice and consent of the Senate. All Board members are appointed by the Governor for a six-year term. The Board is required to be composed of four architects, one landscape architect, one registered interior designer, and three non-registrant public members, at least one of whom is a person with a physical disability. The Governor designates a member of the Board as the presiding officer. The Board elects a Vice-Chair and Secretary/Treasurer. The law requires appointments to the Board to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees. Board member positions are voluntary and non-salaried. Board members are eligible for per diem reimbursements and actual expenses for the carrying out of Board-sanctioned activities. See Policy & Procedure EA-012, Officers Election and Committee Appointments.

Role of the Board Member/ Effective Participation
There are two main roles for a Board member. The first is to ensure the protection of life, health, property and welfare of the citizenry of Texas through the development of policies and rules. The second is to adjudicate matters relating to the violation of the Board’s laws and rules.

The following is a list of common characteristics for effective Board members:

1. They are able to work with a group to make decisions.
2. They understand and follow democratic processes.
3. They are willing to devote time and effort to the work of the Board.
4. They work to find alternative solutions to problems whenever necessary.
5. They have good communication skills.

6. They recognize that the goal of the board is the service and protection of the public.

7. They are aware that authority is granted by the law to the board as a whole, not to any member individually, and can only be used in open meeting by vote of the majority of Board members.

8. They entrust the daily functioning of the agency to staff.

9. They delay making judgments until adequate evidence is in and has been duly discussed.

10. They do not let personal feelings toward others affect their decisions.

11. They never discuss a complaint but refer all calls or contacts to the board office.

12. They read all meeting materials prior to the meeting so as to be informed and able to make thoughtful contributions to board discussions.

Responsibilities of the Board
The Board manages its responsibilities through the employment of an executive director. The Board is authorized to employ an executive director to conduct the affairs of the Board under the Board’s direction. The Executive Director manages the Board’s staff (currently 20 positions). With direction from the Board and the Strategic Plan, the Board staff implements the Board’s examination, licensing, enforcement, and administration programs.

The Board selects the agency’s executive director in the manner that it determines to be in the best interest of the TBAE. In the event of involuntary separation of the executive director, the Board selects an interim replacement in the manner that it determines to be in the best interest of the TBAE. The Board shall provide the overall evaluation of the executive director.

As a whole, the Board’s responsibilities include the following:

1. Delineation of the basic professional qualifications and performance standards for admission to and practice of the professions of architecture, landscape architecture and interior design.

2. Establishment and administration of a fair and uniform enforcement policy to deter and prosecute violations of the Board’s statutes and related regulations.

3. Setting policy and procedures for the Board, its committees, task forces, and staff in carrying out the duties of the Board.

4. Disseminating information to consumers, licensees, and professional and educational organizations about the Board’s services and activities, and rules and regulations governing the profession.

Individual Board member responsibilities include:
1. Attendance at Board meetings. The Board is required to meet at least twice each year but may meet more often if necessary. Currently, the Board meets four times per year. Meetings are generally one-day and are scheduled in Austin, Texas. Overnight travel may be necessary. Once every two years, the Board meeting includes a Strategic Planning session, held over two days. Special meetings of the Board may be held at the call of the Chair or the Vice-Chair if the Chair is absent from the state or unable to act.

2. Participation on Board committees and task forces. Time commitment for committees and task forces vary. Meetings are generally one-day, and are scheduled in Austin, Texas. Overnight travel may be necessary.

3. Board members are also expected to invest the time to review the "recommended reading" necessary to participate effectively in Board business. Such readings include this manual, board and committee packets, recent studies and reports, and related material.

4. Acting as a representative of the Board to communicate information to the professional and educational communities. Board members may be assigned to constituency groups with which they act as a liaison.

5. Possible participation in meetings of the National Council of Architectural Registration Boards’ (NCARB), Council of Landscape Architectural Registration Boards (CLARB), and the Council for Interior Design Qualification (CIDQ) meetings and committees. Each organization holds at least one meeting per year. NCARB committees typically meet twice per year, Meetings are usually two days, and up to two days travel time may be required, depending on meeting location.

**Resignation**

If you are unable to complete your term, it is important to let the Governor’s office and the Board’s Executive Director know as soon as you make a decision to resign. A letter of resignation should be sent to the Governor and copied to the Board’s Executive Director indicating the date your resignation is effective and whether or not you are able to serve until a replacement is named.

**Removal**

Under Occupations Code §1051.105, it is a ground for removal from the Board that a member:

1) Does not maintain the required qualifications (architect, landscape architect, interior designer or public member);
2) Is ineligible for membership as a public member under Section 1051.102;
3) Is an officer, employee or paid consultant of a Texas trade association in the field of Architecture, Landscape Architecture, or Interior Design, or their spouse is an officer, manager or paid consultant of such an association;
4) Is required to register as a lobbyist, because of the member’s activities for compensation on behalf of Architects, Landscape Architects, or Interior Designers;
5) Cannot because of illness or disability, discharge the member’s duties for a substantial part of the member’s term; or
6) Is absent from more than half of the regularly scheduled Board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the Board.

If the Executive Director has knowledge that a potential ground for removal exists, the Executive Director shall notify the presiding officer of the Board of the potential ground. The presiding officer shall then notify the Governor and the Attorney General that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the Executive Director shall notify the next highest ranking officer of the Board, who shall then notify the Governor and the Attorney General that a potential ground for removal exists. Membership on the Board does not prohibit a member from performing any work or providing any service on a state, county, municipal, or other public building or work for a fee or other direct compensation. Occupations Code §1051.110.
Chapter 2. Board Meetings

Open Meeting Law

Board meetings are subject to the Open Meetings Act. The Open Meetings Act was adopted to help make governmental decision-making accessible to the public. It requires meetings of governmental bodies to be open to the public, except for expressly authorized closed sessions. Government Code §551.002. Meetings of the Board must be preceded by public notice of the time, place and subject matter of the meeting. The authority vested in the Board may be exercised only in a meeting of a quorum of its members, which is defined as a majority of the number of members fixed by statute. Government Code § 311.013. Thus, a quorum of the Texas Board of Architectural Examiners occurs in the presence of five members. A meeting may not be convened unless a quorum of the governmental body is present in the meeting room.

Notice of Board Meetings

The Open Meetings Act requires written notice of all meetings. Section 551.041 of the Act provides: “A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.” Governmental actions taken in violation of the notice requirements of the Act are voidable. Government Code § 551.141.

The Board is required to provide notice of a meeting to the Secretary of State. Government Code 551.048. The Secretary of State posts the notice on the Internet, and must provide the public with a computer terminal that members of the public may use to view the notice. The notice must be posted seven days before the Board meeting. Government Code 551.044. The notice that the Board provides is the agenda of the meeting.

What Constitutes a Meeting under the Open Meetings Act?

Board members must consider that any communications relating to Board matters, made between a quorum of them in person, or by telephone or email, could constitute a meeting, even if the gathering of the quorum occurs outside of a scheduled Board meeting. If Board business is discussed by a quorum of Board members, without notice to the public, the Open Meetings Act is violated. For example, if a quorum of the Board members assembles in an informal setting, such as a social occasion, it will be subject to the requirements of the Act if the members discuss public business or policy. Government Code §551.001(4)(B)

To avoid violations of the Open Meetings Act, consider the following “best practices”:

1. Be aware of the possibility of a quorum. If a quorum is present, and notice of a meeting has not been given, avoid discussing Board business. Additionally, avoid discussing Board business before the start of a Board meeting or during breaks.
2. Avoid emailing other Board members in a group. Serial emails among Board members could be considered a “meeting” during which “discussion” is conducted.
3. Similarly, conference phone calls among members to discuss cases on the meeting agenda are violations of the Open Meeting Law.
4. When conducting a Board meeting, avoid discussions of items not included on the agenda. If an item has not been noticed to the public, then it should not be discussed at a Board meeting. It is acceptable to request that such a topic be placed on the agenda for the following meeting.

Another issue for Board member consideration is the fact that emails between members could be considered public records which could be obtained for public review, as discussed below regarding the Public Information Act. The best practice for Board members is to refrain from emailing or calling one another concerning business that might come before the Board. If you have a question about a case or issue before the board, please contact board staff.

**Executive Session**

Under limited circumstances, the Board may go into closed meeting (executive session) to hold certain discussions in private away from the public. There are several situations in which an agency is authorized to hold a closed meeting. The most frequent justifications for executive session are as follows:

1. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee. Texas Government Code §551.074.

2. To seek the advice of counsel about pending or contemplated litigation; a settlement offer; or discussions of a matter in which the attorney’s duty to the agency conflicts with discussion of the matter in a public meeting. Texas Government Code §551.071(1).

If the Board convenes in closed meeting, certain procedures must be followed. First, the Board may not conduct a closed meeting unless a quorum of the Board first convenes in an open meeting. Additionally, prior to entering a closed meeting, the presiding officer must publicly announce that a closed meeting will be held and identify the section or sections of the Act under which the closed meeting is held. Government Code §551.101. Furthermore, the Board may not take a vote in closed meeting; rather, a final action, decision, or vote on a matter deliberated in a closed meeting must occur in an open meeting that is held in compliance with the Open Meetings Act. Government Code Sec. 551.102. A governmental body has discretion to include in an executive session any of its officers and employees whose participation is necessary to the matter under consideration.

Convening a closed meeting should be avoided unless compelling reasons exist to employ the procedure. While the Board enters executive session, it arouses public suspicion, especially among those who may be the subject of the discussion. Executive session could increase the likelihood of litigation by such parties, and the Board could be assessed costs of litigation and attorney’s fees in such suits. Government Code Sec. 551.142.

**Violations of the Open Meetings Act**

The courts strictly construe the Open Meeting Law statutes in order to promote openness in government. Furthermore, a Board member could be subject to criminal misdemeanor liability for knowingly participating in an unauthorized closed meeting (reasonable reliance upon an opinion by the Board’s counsel could be a defense under this provision). Government Code Sec. 551.144. In addition, the courts could determine that the action taken at a meeting at which a violation occurred is null and void. Government Code
§551.141. Other consequences could include embarrassment and loss of the public’s trust.

**Frequency/Location of Meetings**
Meeting dates, times, and locations are decided by the board and administrative staff, but there are generally four meetings per year. Special meetings may be called as determined by the needs of the TBAE. Meeting dates and locations are posted in accordance with state requirements.

**Conduct of Meetings/Quorum**
The Chair of the Board conducts meetings. All members of the board have voting privileges. Members must be present at the meeting when an issue is being discussed in order to vote on the issue. Members are asked to abstain from voting on an issue or from hearing a case when the potential for conflict of interest is present (see below).

**Meeting Materials**
Information and data that are important to the Board’s understanding of the business to be conducted at a Board or Committee meeting should generally be distributed in writing to the members at least two weeks before the meeting where practicable, and members should review these materials in advance of the meeting.

**Participation**
It is important that Board members prepare for meetings by reading reports, proposals, and other documents prepared by staff. If you feel that you do not have enough information to make an informed decision, you are encouraged to ask for staff assistance. Always feel free to express your opinion.

Board members shall seek recognition from the Chair to address the Board or a person presenting information to the Board. Upon recognizing the member, the Chair shall state the member’s name for the record. Board members shall maintain a respectful atmosphere at all times during Board meetings.

**Board Member Attendance at Board Meetings**
Regular attendance at meetings is essential for the smooth functioning of the board and administrative staff. Board members are responsible for notifying the Chair or Board Administrator in the event of unforeseen circumstances or emergency situations. Absence, even with prior notification, should be avoided. Notation as to the time members are absent for any portion of the board meeting is included in the Minutes so that an accurate record is available on which members are present when votes are taken.

**Public Attendance at Board meetings**
In accordance with the Open Meetings Act, Board meetings are open to the public. Under the Board’s enabling legislation, the Board is required to develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under the jurisdiction of the TBAE. Government Code 1051.254. To promote participation by the public, the Board schedules a public comment period during each Board meeting in which the public may address any subject relating to the business of the Board. Rule §7.6.

If, at a meeting of a governmental body, a member of the public or of the governmental body
inquires about a subject for which notice has not been given as required by the Texas Open Meetings Act, Board members or staff may respond with a statement of specific factual information given in response to the inquiry; or, a recitation of existing policy in response to the inquiry. However, any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. Government Code §551.042.

Agenda Items
The Board Chair shall collaborate with the Executive Director to establish the agenda for each Board meeting. Any Board member may submit a request to the Chair to include an item on the Board meeting agenda. Such requests must be submitted at least one month prior to a Board meeting.

It is the policy of the Board that each Board meeting agenda shall contain an agenda item allowing members of the public to address the Board on any issue under the jurisdiction of the TBAE. Each member of the public is allotted five minutes to make a presentation to the Board.

Discussion of topics not included on the agenda constitutes a violation of the notice provisions of the Open Meetings Act, and should be avoided.

Robert’s Rules
The Board Chair is responsible for ensuring that Board meetings proceed with appropriate order and decorum in accordance with Robert’s Rules of Order as implemented by Board Rule §7.5. The Board Chair, in consultation with the TBAE’s General Counsel, shall resolve any questions relating to parliamentary procedures.

Record of Meetings
Section 551.021 of the Government Code provides as follows:

1. A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.
2. The minutes must state the subject of each deliberation; and indicate each vote, order, decision, or other action taken.

Section 551.022 of the Government Code provides that the minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body’s chief administrative officer or the officer’s designee.

In compliance with these provisions, the Board keeps minutes of each Board meeting. The minutes are a summary, not a transcript, of each Board meeting. They are prepared by Board staff and submitted for review by Board members as required by law. Board minutes are approved at the start of the next scheduled meeting. When approved, the minutes serve as the official record of the meeting and may be disseminated to other parties. Because meetings are open to the public and the minutes are available by request, Board members should be cognizant of the public nature of their statements at Board meetings.
Chapter 3. Ethical Issues and Liability

Impartiality and Conflict of Interest
As a public servant, a Board member owes a responsibility to the people of Texas in the performance of official duties. This guide sets out laws that govern conduct as a public servant. Please bear in mind that ethical conduct involves more than merely following these laws. As a public servant, you should act fairly and honestly and should avoid creating even the appearance of impropriety.

The legislature has adopted the following standards of conduct for state officers and employees:

A state officer or employee should not:

1. accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer’s or employee’s official conduct;

2. accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

3. accept other employment or compensation that could reasonably be expected to impair the officer’s or employee’s independence of judgment in the performance of the officer’s or employee’s official duties;

4. make personal investments that could reasonably be expected to create a substantial conflict between the officer’s or employee’s private interest and the public interest; or

5. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer’s or employee’s official powers or performed the officer’s or employee’s official duties in favor of another. (Gov't Code § 572.051).

Under Government Code §572.058, if a Board member has a private or personal interest in a measure, proposal, or decision pending before the board, the Board member must disclose that fact to the rest of the board in an open meeting and must refrain from voting or otherwise participating in the matter. This is known as “recusal.”

Bias
Even though a Board member may not have a conflict of interest, he or she may need to disqualify themselves from participating in a matter before the Board because they may have a bias or prejudice. Bias and prejudice could occur in consideration of disciplinary matters wherein a Board member knows the Respondent or a complainant, or has some other connection to this case. This could occur through relationships between firms or other professional relationships. A member should disqualify him or herself if he or she has strong
feelings about the specific facts of a case which will influence an opinion regardless of the evidence. To determine whether you have a bias or prejudice regarding a case or issue before the Board, ask yourself whether you can sit, hear the evidence and make a fair and impartial decision on the matter.

In avoiding the appearance of prejudice or favoritism, Board members must conduct themselves in an impartial and objective manner when conducting Board business. This necessitates a careful choice of words when discussing issues at Board meetings, which are recorded as part of the permanent record of Board proceedings. This neutrality must continue when conducting committee meetings and through any communications related to Board business.

Recusal
If a Board member does have a conflict of interest or appearance of prejudice or bias in a Board matter, recusal from discussion and voting on the matter is the appropriate course of action. If recusal is undertaken, the Board member should state the recusal on the record. If possible, the Board member should identify the source of the conflict. Even if a Board member believes he or she has no actual bias or prejudice about specific facts of a case, he or she should consider recusal if participation in the matter would give the public the appearance of a conflict. Once a member disqualifies him or herself, that member cannot participate in either the discussion or vote regarding that case. If you feel there is the potential for a conflict of interest in any situation related to Board business, you should discuss the details with the Executive Director.

Ex Parte Communication
Generally, ex parte communication is a communication to a decision-maker made by one party to a disciplinary action without the opportunity for participation by the other party. For the Board’s purposes, an example of an ex parte communication would be discussion between a Board member and staff of a disciplinary case outside of a Board meeting. Under the Administrative Procedures Act, Board members who will be making a decision on a contested case are prohibited from having discussions with a state agency, person, party, or a representative of those entities, except on notice and opportunity for each party to participate. Government Code §2001.061(a). However, a Board member may communicate ex parte with an agency employee who has not participated in a hearing in the case for the purpose of using the special skills or knowledge of the agency and its staff in evaluating the evidence.

If an applicant for examination or licensure, a respondent, or a respondent's attorney directly contacts a Board member, either verbally or by mail, an ex parte communication could occur, and the Board member should end the communication immediately and refer the person to Board staff. If documents are received, please send them to the Director at the Board office without reading them.

Contact with ARE and Licensure Candidates
Board members should not intervene on behalf of a candidate for any reason. Please forward any contacts or inquiries from candidates to the Board office.

Gifts of any kind to Board members from a candidate are not permitted.
Communication/Requests for Information
Any requests for information or interviews by the media must be referred to the Board office. Board members must not discuss any complaint or investigation in person or on the telephone. Reporters’ requests for information in such matters must be made in writing to the Board office and will receive a written response, except for requests for procedural information. All communication from attorneys representing respondents or complainants, as well as all inquiries from respondents regarding the substance of a case, must be referred to Board counsel.

It is the policy of the Board that only the Chair or his/her designee may speak on behalf of the Board as an entity. The Executive Director or designee may speak on behalf of the staff. No member shall make representation on behalf of the Board unless authorized by the Chair or the Board. When so authorized, the Board member’s representations must be consistent with accepted positions and policies of the Board.

Inquiries from Governor’s Office or Legislature
Members may respond to inquiries from the Governor’s office or a member of the Legislature. Any such contacts related to agency business must be disclosed to the agency. If a member of the Legislature requests documents related to TBAE business, the Board member will coordinate the production of such documents with the Executive Director.

When interacting with members of the Legislature, Board members must use caution not to endorse or oppose any legislation in the name of the Board. Board members may take positions on legislation, but may do so only as an individual, and not as a representative of the Board.

Public Speaking Engagements
Board members are encouraged to accept invitations to speak at community events and other public forums. Members are expected to ensure that presentations accurately reflect Board and TBAE policies and activities, and ensure that any communications of the Board member’s own opinions are communicated as such, and not the position of the Board. Members should inform TBAE in advance of their speaking engagements. Members should coordinate any presentation materials through the Executive Director.

Respectful Conduct
It is recognized that members bring to the Board diverse backgrounds, skills, and experiences and that members will not always agree with one another on all issues. All debates shall take place in an atmosphere of mutual respect and courtesy and in accordance with Robert’s Rules of Order. The authority of the Chair must be respected by all members.

Board Solidarity
Members acknowledge that properly authorized Board actions must be support by all members. The Board speaks with one voice. Members may disagree with a decision of the Board but are expected to abide by and support the implementation of any action duly approved by majority vote.
Obtaining Advice of Counsel
Requests to obtain outside opinions or advice regarding matters before the Board may be made through the Chair and the general counsel. Note that the general counsel is limited to providing counsel on Board matters, and cannot provide personal legal advice to Board members.

Requests for Records Access
In order to avoid even the appearance of impropriety, Board members are not allowed access to applicant or registrant records except when a specific, verified reason exists. Records or copies of records may not be removed from the Board’s office.

Board Member Disciplinary Actions
Board members are not immune to incurring disciplinary action before the Board. A complaint against a Board member will be conducted in the same manner as it would be with any other registrant. If the matter goes through the hearing process, a hearing officer may be appointed to hear the matter. The hearing officer would then reach a decision that would be approved or disapproved by the Board.

Board Member Liability and Insurance
Board members can be sued in two distinct capacities.

First, a Board member may be sued in an individual capacity. Board members enjoy certain protections from personal liability in lawsuits. One type of protection is the doctrine of official immunity. Board members are entitled to immunity from suits that arise from the performance of their discretionary duties in good faith as long as they are acting within the scope of their authority. Reliance on advice of counsel helps establish good faith. Another protection Board members enjoy is the limited right to indemnification by the state. Indemnity protection is afforded to Board members for acts and omissions taken in the course and scope of their service in cases that are based on constitutional, statutory and even negligence grounds, or when the attorney general determines that it would be in the interest of the state. The only claims excepted are those based on acts taken in bad faith, conscious indifference or reckless disregard. TBAE has also purchased liability insurance for any damage amounts that exceed indemnification limits.

Second, a Board member may be sued in an official capacity. In such a case, the state pays any adverse judgment. When a Board member is sued in their official capacity, it is as though the office they hold has been sued. If a Board member leaves office in such a suit, the suit attaches to the next officeholder. The doctrine of sovereign immunity protects a Board member from suit and liability unless immunity is waived. Examples where immunity has been waived are under alleged violations under the United States and Texas Constitutions (Commerce Clause, Freedom of Speech, etc.), federal antitrust laws, the Texas Tort Claims Act, and the Whistleblower Act. It is important to note that although the sovereign immunity may be waived, it does not mean that individual immunity is waived.

The attorney general represents Board members in civil lawsuits. TBAE must notify the Office of the Attorney General within 10 days of service. Board members have the right to be co-represented by a private attorney of their choice, at their own expense. As long as a Board member wishes to have state indemnification, the assistant attorney general assigned to the
case remains the attorney in charge of the defense. State defendants who choose to retain private co-counsel should inform the Office of the Attorney General of this decision as soon as possible.
Chapter 4. Licensure

Establishing Requirements for Registration by Examination

Each of the three occupations regulated by the TBAE have three components for initial registration by examination: education, experience, and examination. The eligibility requirements for the professions are located in Board Rules 1.21, 3.21, and 5.31.

Applicants for architect registration must (1) have a professional degree from an architectural education program accredited by the National Architectural Accreditation Board (NAAB) or a foreign program substantially equivalent to a NAAB accredited program,¹ (2) successfully demonstrate completion of the Intern Development Program (IDP); and (3) successfully complete the architectural registration examination (ARE). See Rule §1.21.

Applicants for landscape architect registration must demonstrate completion of (1) a professional degree from a landscape architectural education program accredited by the Landscape Architectural Accreditation Board (LAAB)² or a foreign program substantially equivalent to landscape architectural program; (2) at least two years’ actual experience working directly under a licensed landscape architect as defined under Board Rule § 3.191; and (3) the Landscape Architectural Registration Examination (L.A.R.E.) discussed below. See Rule §3.21.

Applicants for registered interior design registration must (1) demonstrate completion of at least two years’ actual experience as described in Board Rules §§5.201 and 5.202; and (2) successfully complete the NCIDQ examination as described below. Additionally, the applicant must satisfy education requirements, which vary depending on whether the applicant qualifies as having graduated from a program accredited by the Council for Interior Design Accreditation (CIDA) or NAAB or a doctoral, master’s, or baccalaureate degree in interior design. If the applicant does not have such a degree, the applicant may qualify by holding a baccalaureate degree in any discipline, as well as an associate’s degree or two-or-three year certificate from an acceptable interior design program. Such candidates are required to complete additional experience prior to becoming registered. More information can be found in Board Rule §5.31.

Completion of the Experience Requirement for the Three Professions

Applicants for architecture registration by examination must complete the Intern Development Program (IDP). IDP is a comprehensive training program created to ensure that interns in the architecture profession gain the knowledge and skills required for the independent practice of architecture. The IDP was created jointly in the 1970s by the National Council of Architectural Registration Boards (NCARB) and the American Institute of Architects (AIA) and is administered by NCARB.

The Intern Development Program is an essential step in the path to become an architect. An intern’s journey typically begins in a school of architecture; however, it does not end there. Through the IDP, interns will apply their formal education to the daily realities of architectural

¹ See Rule §1.21 for more detailed requirements regarding programs that are accredited by NAAB after the applicant’s accreditation
² See Rule §3.21 for more detailed requirements regarding programs that are accredited by LAAB after the applicant’s graduation
practice, acquire comprehensive experience in basic practice areas, explore specialized areas of practice, develop professional judgment, and refine their career goals. IDP is designed to help Interns realize those goals.

Interns document their training hours through the Online Reporting System, a reporting system created by NCARB that allows interns to document their experience in various training areas directly into their online NCARB Record. Interns will identify their supervisor in each report and when a report is submitted, a notification will be sent to the supervisor for approval.

The IDP Guidelines describes the specific training requirements including eligibility to begin participation in the IDP, work settings, training categories, training areas, training hour minimums and maximums, timely reporting and verification of training experiences, and the like.

As for landscape architect and interior design registration applicants, TBAE does not rely upon an outside program such as IDP to determine whether the experience requirement has been completed. Rather, applicants for these professions send their documentation directly to Board staff, who determine whether the submitted experience qualifies under Board Rules.

**Architect Registration Examination NCARB (ARE)**
The Architect Registration Examination (ARE) assesses candidates for their knowledge, skills, and ability to provide the various services required in the practice of architecture. The ARE has been adopted for use by all 54 Member Boards and the Canadian provincial and territorial architectural associations as a registration examination required for architectural registration. No single examination can test for competency in all aspects of architecture, which is why the Architect Registration Examination (ARE) is not the only requirement to become a licensed architect. The ARE concentrates on those services that most affect the public health, safety, and welfare. The ARE has been developed with specific concern for its fidelity to the practice of architecture; that is, its content relates to the actual tasks an architect encounters in practice. This examination attempts to determine the candidate’s qualifications not only to perform measurable tasks, but also to exercise the skills and judgment of a generalist working with numerous specialists. In short, the objective is to reflect the practice of architecture as an integrated whole.

The ARE 5.0 consists of the following six divisions:
1. Practice Management
2. Project Management
3. Programming and Analysis
4. Project Planning and Design
5. Project Development and Documentation
6. Construction & Evaluation

**Landscape Architect Registration Examination (LARE)**
The LARE is designed to determine whether applicants for landscape architectural registration possess sufficient knowledge, skills and abilities to provide landscape architectural services without endangering the health, safety and welfare of the public.

Successful completion of the LARE is required for registration as a landscape architect in the United States, Puerto Rico and the three Canadian Provinces (Alberta, British Columbia and
Ontario) that license landscape architects.

The LARE is the same across jurisdictions. Administration dates are established by CLARB and administered at conveniently located Pearson VUE professional test centers throughout North America. All exams are uniformly graded by CLARB. The LARE consists of four sections; each section receives a “pass or fail” score independent of the other sections, and all sections must be passed in order to be granted licensure.

The NCIDQ Exam
Individuals seeking registration as an interior designer apply to take the NCIDQ Exam. After eligibility is approved, the candidate registers for each of the three sections of the exam and must successfully pass each section within a specific timeframe. The exam is continually updated to ensure it aligns with the most current professional knowledge necessary to design spaces that are innovative, functional and safe.

Renewals and Continuing Education

1. Renewal procedure. A renewal application is available on the TBAE website in which the registrant may certify his or her completion of the required number of Continuing Education Hours (CEU’s). Registrants may also make this certification by renewing online.

2. Audit Selection and Documentation. Registrants who have renewed will be randomly selected for audit. Registrants selected for audit must supply the records specified by Board rules. This documentation shall be submitted to the Board office within thirty (30) days of the postmark date of the audit notice.

3. Review by Board Staff. The submitted records shall be reviewed by Board staff for completeness. If all of the submitted CEUs meet the minimum requirements were in subjects pertinent to the Health, Safety and Welfare (HSW), then Board staff may approve the audit, provided that all required documentation has been submitted. Board staff may also approve audits when transcripts or other records are submitted from the American Institute of Architects (AIA), American Society of Landscape Architects (ASLA), or the American Society of Interior Designers (ASID). Additional information or evidence may be requested of the registrant by the Board. The registrant shall have (60) days from receipt of the Board’s letter to return the requested information or evidence.

4. Disallowance. If the Board disallows claimed CEU credits, the registrant shall within (60) days after notification of same either substantiate the original claim or earn other credit to meet the minimum requirements. A registrant failing to supply the requested records within this time frame shall be deemed in noncompliance and may be subject to disciplinary action.

5. Review by Board Members. If an audit does not meet the conditions for approval by Board staff, and is referred for a violation, the resulting disciplinary action will be reviewed by the Board at the next Board meeting.
Chapter 5. Laws and Regulations

Statutes and Regulations – How are they different?
There are two types of law which govern the operation of the Board: statutes and rules, also known as regulations. Statutes are enactments of the legislature and are the higher form of the law. The statutes create the Board, set requirements on issues like membership of the board, licensure standards, and grounds for disciplinary action. They also give the Board the power to promulgate rules to carry out the purposes of the statute.

A rule, on the other hand, has the effect of law but is issued by the Board. A rule may not be in conflict with a statute; instead it is the means by which the Board carries out the intent of the Legislature on matters too specific to be addressed in the statute itself. Rules must be tied to a specific grant of authority by the legislature; the Board cannot promulgate rules on topics that are outside the areas in which the legislature has granted regulatory authority. Writing regulations is one of the most important functions of a regulatory board. Examples of regulations are those governing the way the board conducts meetings and hearings, and those that build on basic legislative requirements for registration and discipline.

Changing Statutory Law – The Board’s Role
The modification of statutory law is the responsibility of the legislature, and the Board’s role is limited, as the agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure. Government Code §556.006. For this reason, employees or officers of the TBAE must refrain from offering support or opposition to any legislation on behalf of the Board. If a Board member chooses to express such support or opposition, the Board member must make clear that this activity is undertaken in an individual capacity, and the Board member is not speaking on behalf of the Board.

Note that Government Code §556.006 does not prevent a state officer or employee from using state resources to provide public information or to provide information responsive to a request. Commonly such a request might come from a legislature or committee inquiring about the agency’s activities, and responses could range from written reports to the provision of testimony by the executive director or other staff.

Rulemaking
The adoption of rules or amendment of rules is known as “rulemaking.” Rulemaking is governed under Chapter 2001 of the Administrative Procedure Act. In order to engage in rulemaking, the Board must follow certain legal requirements. The common procedure for rulemaking by the Board is as follows:

1. Identification of issue. The identification of issues to be resolved through rulemaking may occur through a number of processes. Often, staff will identify an issue with an existing Board rule that must be addressed through amendment. Alternatively, a Board member may identify an issue with an existing Board rule, or a topic that requires a rule to protect the public. Additionally, the agency is often required to undertake rulemaking in response to legislation that has been passed by the legislature. Finally, the Board may be petitioned by members of the public to engage in rulemaking pursuant to Occupations Code §2001.021 and Board Rule §7.7.
2. Consideration of rulemaking by the rules committee. Once a topic has been identified, the matter will be placed on the agenda of the rules committee for consideration. The rules committee is appointed by the Board chair to engage in preliminary consideration of Board rules prior to consideration by the full Board. Often, staff will write a draft rule in advance of the committee meeting, and amend that draft as directed by the committee. Alternatively, the committee will engage in discussion of a topic, and staff will create a draft rule based on these discussions. Either way, presentation of the draft rule to the full Board depends upon approval by the rules committee.

3. Consideration of rule proposal by the Board. Following the rules committee meeting, staff will finalize a draft rule for consideration by the full Board at the next Board meeting. At the meeting, staff will provide the Board members with a copy of the proposed rule, associated statutes, and any other information relating to the rule. Staff will answer any questions from the Board. After the rule has been considered, a motion may be made to propose the rule, with majority vote controlling. If the motion to propose the rule is defeated, staff may be given guidance on how to amend the draft to gain the Board’s approval. If the motion passes, the draft moves forward to proposal.

4. Rule proposal. Following approval by the Board, rulemaking is formally initiated by publication of the agency’s notice of a proposed rule in the Texas Register. Under Government Code §2001.023, the notice of a proposed rule must be published a minimum of 30 days in advance of the intended adoption date of the rule. The notice must contain certain information, including a brief explanation of the proposed rule; the text of the proposed rule; a statement of statutory authority for the proposed rule and the statutory provision affected by the proposed rule; a fiscal note for each year of the first five years that the rule will be in effect; a note about public benefits and costs for each year of the first five years that the rule will be in effect; the local employment impact statement, if required; and a request for comments on the proposed rule. Government Code §2001.024(a). The general counsel is responsible for the preparation of the notice of proposed rule and publication of the notice.

5. Comment period. The public is entitled to at least 30 days’ notice of a proposed rule before the agency adopts the rule. Generally, the public comment period begins immediately after the proposed rule is published in the Register. The notice period must give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing. If certain requirements are met, the Board may be required to hold a public hearing on a proposed rule. Government Code 2001.029.

6. Responding to comments. The Board must fully consider all written and oral submissions concerning the proposed rule. Government Code 2001.029. The agency may choose to amend the rule in response to comments. If the change is minor, the Board may move forward to adoption. However, if the Board changes a rule in nature or scope so much that it could be deemed a different rule, the process may have to start over.

7. Adoption of the rule. At the next Board meeting following expiration of the comment period, the Board will consider adoption of the proposed rule. Majority vote controls
on a motion to adopt a rule. If the rule is adopted, the agency must adopt an order that includes certain information, including a reasoned justification of the rule, a statement of the authority under which the rule is adopted, and a legal certification. Government Code 2001.033. The reasoned justification must include a summary of comments received from parties interested in the rule that shows the names of interested groups or associations offering comment on the rule and whether they were for or against its adoption; a summary of the factual basis for the rule as adopted that demonstrates a rational connection between the factual basis for the rule and the rule as adopted; and the reasons why the agency disagrees with party submissions and proposals.

Policies – How are they different from Statutes and Regulations?
A policy is informative and descriptive but does not carry the force of law. It establishes a plan or a set of guidelines that is formulated in response to a unique set of circumstances brought to the attention of the board. A licensee cannot be sanctioned for failing to adhere to a board policy.

Policies that affect a large segment of the regulated or general public (rather than an individual or a narrow select group) should be developed and promulgated into regulations.

Related Laws and Regulations

Sunset - State law provides that prior to the scheduled cessation date of an agency, the agency’s functions are scheduled for review by the Commission. The agency will be reviewed to determine whether its licensing and regulatory functions continue to be necessary for the public interest and whether the actions and policies of the Board conform to certain standards. Working with the TBAE, the legislative staff reviews records of past operations and makes recommendations of changes in operation and law which would improve efficiency and effectiveness.

A draft report is circulated to the Board and the Department for comments before it is submitted to the appropriate committees of the legislature. If the legislature is satisfied that there continues to be a need for the services provided by this Board, it will reauthorize it for a maximum of 12 years.

The Texas Public Information Act - The Public Information Act, Government Code chapter 552, mandates public access to information that is collected, assembled or maintained in connection with the transaction of the official business of governmental bodies. Information subject to the Act includes not only paper documents but also recordings, computer files, photographs and many other forms of information. Exceptions to disclosure protect a wide range of interests, including individual privacy and considerations of public safety. If a governmental body receives a request for information, in most cases, it must either provide the information or seek an attorney general’s decision regarding the applicability of an exception to disclosure.

How does the Public Information Act affect Board members?

First, it is important to remember that any written communication by a Board Member

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regarding official business is subject to the Public Information Act. Therefore, the Board member must use sound judgment and avoid engaging in communications that could embarrass the Board member or the Board.

Second, a Board member could find the processes used to implement the Public Information Act to be cumbersome. For example, if a Board member uses personal or business email to address Board business, any public information request inquiring into such emails would require a search through the Board member’s emails. In conducting such a search, Board staff would attempt to use the least invasive process for doing so, but nonetheless, this could be viewed as an unwanted intrusion. For these reasons, if a Board member intends to use email to conduct Board communications, it may be advisable to utilize a dedicated email address that is separate from the Board member’s personal or business address, and to limit all discussions of Board business to this account. That way, if the Board receives a public information request, responding to the request can be completed by searching through that email account alone. If a Board member wishes set up a separate email account for this purpose, Staff is available to help with this task upon request.
Chapter 6. Enforcement/Compliance

Board Powers Relating to Disciplinary Matters
State law gives the Board general authority to take enforcement action in response to violations of the enabling acts for architecture, landscape architecture, and interior design. Occupations Code §1051.501. This includes disciplinary authority to suspend, revoke, or refuse to renew registrations issued by the Board, as well as the imposition of administrative penalties against registrants and non-registrants who violate the Board’s laws. Occupations Code §§ 1051.401 and 1051.451. The Board also has authority to order a registrant to pay restitution to a consumer, not to exceed the amount the consumer paid the registrant for a service. Occupations Code §1051.505.

Complaint Procedures
When the Board receives a complaint, it is initially reviewed by the Managing Investigator to determine if there is probable cause to believe an actionable violation of agency statutes or rules might have occurred. When probable cause exists, a case is opened and assigned to an investigator, and the respondent is notified of the allegations. The Respondent is given an opportunity to respond to any cited violations. The investigator contacts the complainant, respondent and witnesses, and collects evidence as necessary to investigate the matter fully. If technical expertise is required, a subject matter expert may be asked to review the case.

When the investigation is complete, the case file is forwarded to the Board's legal counsel. If a violation has occurred, a Notice of Violation is prepared at this time which outlines the violations of Board laws and rules, and offers the Respondent an opportunity to accept the Executive Director’s proposed settlement. Occupations Code 1051.453. If the Respondent does accept the settlement, the Respondent returns a signed copy of the Notice of Violation, and the matter is placed on the agenda for the next Board meeting, where the Board must approve the settlement terms.

If the settlement is not accepted, the matter proceeds to further to informal conference and/or formal hearing at the State Office of Administrative Hearings (SOAH).

Informal Conferences
In the event a proposed settlement is not accepted by the Respondent, Staff may recommend that an informal conference be held. An informal conference is an opportunity for the Respondent to present information to a TBAE panel concerning the disciplinary case. The Board has adopted procedures regarding informal conferences in Rules §§1.166, 3.166, and 5.176. The Board is not required to grant the Respondent an informal conference. Generally, an informal conference will only be offered in matters where factual circumstances in dispute can be better addressed in person. Most often, an informal conference will be attended by the Executive Director, the General Counsel, investigative staff, and a Board member, in addition to the Respondent and his representatives. Depending upon the results of the informal conference, the proposed settlement may be revised or kept the same, or the disciplinary action dismissed. The informal conference recommendation is not binding, and the Respondent may request a formal hearing.

The Formal Hearing Process
If a disciplinary action is not disposed of through acceptance of a settlement or informal conference, a formal hearing must be held. Occupations Code §1051.401. The Board’s hearings are heard by the State Office of Administrative Hearings (SOAH). SOAH is an independent state agency created by the legislature to provide independent consideration of administrative hearings.

The Board’s hearings are governed by the Administrative Procedure Act contained in Chapter 2001 of the Government Code. Under Government Code §2001.051, a Respondent is entitled to notice of at least 10 days prior to the initiation of a hearing at SOAH. A formal hearing is a civil proceeding, not a criminal one. Therefore, the complaint must be sustained by a “preponderance of the evidence” rather than “beyond a reasonable doubt” or “clear and convincing evidence.”

The general counsel represents the Board in a hearing at SOAH, and presents witness testimony and documentary evidence in support of the Board’s allegations. The Respondent is entitled to respond and to present evidence and argument on each issue involved in the case. The parties present their cases to a SOAH Administrative Law Judge (ALJ) who hears the evidence and is responsible for preparing a proposal for decision (PFD) at the conclusion of the hearing.

A PFD contains the ALJ’s findings of fact, conclusions of law (based on the Board’s laws and rules), and a recommended sanction if the ALJ finds that a violation has occurred. This PFD is presented to the Board for entry of a final order. The ALJ’s findings of fact are binding upon the Board, and cannot be changed other than to correct technical errors. Government Code §2001.058(e). In other words, the ALJ has final authority to determine “what happened.”

However, the Board has final authority to determine conclusions of law. If the ALJ did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions, or the ALJ relied upon a previous decision that is incorrect or should be changed, the Board may change a conclusion of law. Government Code §2001.058(e). In other words, the Board has final authority to determine how the law applies to the findings of fact made by the ALJ. This authority also extends to the penalties enforced if a violation is found; while the ALJ will make a recommendation for discipline, the Board has final authority to determine the appropriate sanction.

The presentation of the PFD occurs at a Board meeting. The general counsel will present the PFD to the Board, and make recommendations regarding acceptance of the ALJ’s conclusions of law and proposed sanction. Because the ALJ has final authority on findings of fact, the Board members may not re-litigate the evidence and must limit consideration to the ALJ’s findings. Upon motion by the Board members, a vote will be held to consider entry of a final order under Government Code §2001.141. If the Respondent disagrees with the decision, he may file a motion for rehearing, and if unsuccessful, appeal the decision to state district court. See Government Code §§2001.146 and 2001.171.

Board Members Disqualifying Themselves (Recusal)
Generally, Board members should disqualify (recuse) themselves from participating in an investigative inquiry and any subsequent formal hearing if they are in a close personal or financial relationship, or stand to gain or lose from the outcome of the hearing. In cases where
a Board member casually knows the subject of the complaint but does not believe that this relationship would influence his or her decision, this determination should be made on the record at the beginning of the consideration of the matter. If the subject of the complaint or his or her attorney has no objections, the inquiry can move forward. When in doubt, a Board member should confer with the Executive Director and General Counsel for clarification.

Confidentiality
Board members who are contacted about a complaint by anyone other than Board staff must refer these contacts to the Board office.

In general, members must maintain the confidential nature of information obtained in the course of service on the Board. Members shall endeavor to maintain the lawyer-client privilege regarding any information obtained in the course of consulting with legal counsel.

It is recognized that the role of members may include representing the TBAE in the community. However, such representations must be respectful of and consistent with the member’s duty of confidentiality.

Every Board member shall respect the confidentiality of information about the TBAE regardless of the source of the confidential information. A member may not use confidential information to his/her personal advantage or to the disadvantage of any person.

A member is in breach of their duties with respect to confidentiality when information is used or disclosed for purpose other than those identified by the Board or the agency.
Chapter 7. Internal Management Issues

Travel Procedures/Policy
You must have approval prior to travel except for regularly scheduled Board meetings and Committee meetings to which you are assigned. For out of state travel, prior approval is required. Board members will be reimbursed actual lodging expenses, supported by hotel bills, and will be reimbursed for meals, mileage, and supplemental expenses at the state rates.

Per Diem
Compensation in the form of a per diem for travel and other expenses incurred in the performance of official duties will be paid at the rate of $30.00 per day. Board members who are also state employees may not be eligible to receive per diem compensation.

Travel Claims
Rules governing reimbursement of travel expenses for Board members are outlined in government policies and regulation. All expenses must be claimed on the appropriate travel expense claim forms. We urge you to submit travel expense forms immediately after returning from a trip and not later than 10 days following the trip. Original receipts are required for some reimbursements. Refer to TBAE Policy EA-005, Travel Policy and Procedures

Board Staff and their Responsibilities
The TBAE staff consists of 20 employees:

Staff member responsibilities:
1. Assist Board members in carrying out their duties and responsibilities;
2. Organize and manage the board meetings;
3. Maintain the records for licensees, disciplinary proceedings, etc.;
4. Maintain the records of applicants for licensure;
5. Review applications for licensure;
6. Issue new licenses;
7. Renew licenses;
8. Investigate complaints;
9. Assist consumers with questions and concerns;
10. Assist licensees and applicants with questions and concerns;
11. Answer questions from government officials, the media (when appropriate), other licensing boards;
12. Develop the budget and monitor expenditures;
13. Assist the Board in developing Regulations.
Chapter 8.  NCARB, CLARB & CIDQ

National Council of Architectural Registration Boards (NCARB)
In May 1919, fifteen architects from thirteen states came together to form an organization that would become NCARB. The purpose was to facilitate the exchange of information on examining, licensing and regulating architects; to foster uniformity in licensing and practice laws; to facilitate reciprocal licensing; to discuss the merits of various examination methods as well as the scope and content of licensing exams; and, to improve the education standards of the architectural profession in the United States.

Today NCARB works 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. NCARB develops and recommends standards to be required of applicants for architectural registration; develops and recommends standards regulating the practice of architecture through publication of Legislative Guidelines and Model Law, Model Regulations; provides a certification process and architectural registration programs to Member Boards and represents the interests of Member Boards before public and private agencies. For more information, please familiarize yourself with the documents, The History of NCARB and How Architectural Boards Work Together.

NCARB is a nonprofit organization comprised of the architectural registration boards of the 50 United States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. These are known as Member Boards.

Member Boards elect NCARB officers and directors and work together to formulate NCARB policies, Model Laws and Model Regulations. NCARB’s mission is to assist Member Boards in protecting the health, safety and welfare of the public. It provides many significant services to interns, architects, and Member Boards. For more information, visit their Web site at www.ncarb.org. There is a private “Members Only” site which you may also access after setting up a password.

The TBAE is also a member of Region 3, one of six regions nationwide. There is an annual regional meeting in March or April that is held in conjunction with six regions of NCARB. There is also an annual national meeting of all boards in June. Again, there is a private “Members Only” site which you may access after setting up a password.

Members of the TBAE Board have traditionally been involved in NCARB activities on the regional and national level. Board members and the Board administrator attend the regional and national meetings held at various locations in the United States.

NCARB is vital to the existence of architectural registration boards. Among its many services is development of the Architect Registration Examination, record-keeping for interns and architects, support of Member Boards in countless ways, publications, and as liaison with collateral organizations. Each state or jurisdiction has different licensing requirements; however, NCARB recommends standards—including a Model Law and Model Regulations—for consideration by Member Boards. NCARB’s function is to support state architecture boards as much as possible but never to dictate to them.
The Council of Landscape Architectural Registration Boards (CLARB)
CLARB works to protect the public’s health, safety and welfare by establishing and promoting professional licensure standards. Its members are the licensure boards across the United States, Canada and Puerto Rico. CLARB prepares, administers and scores the Landscape Architect Registration Examination (L.A.R.E.) which assesses the ability of prospective licensees to protect the public’s health, safety and welfare.

CLARB also manages a professional information system called the CLARB Council Record, through which landscape architects document and verify their education, experience, examination and licensure history. The Record helps reduce barriers to mobility by streamlining the initial and reciprocal licensure processes.

The Landscape Architect Accreditation Board (LAAB) is the accrediting organization for landscape architectural programs. As such, the LAAB develops standards to objectively evaluate landscape architectural programs and judges whether a school’s landscape architectural program is in compliance with the accreditation standards.

The Council for Interior Design Qualification, Inc. (CIDQ)
CIDQ exists to credential interior designers who have met minimum education and experience requirements and who have passed the NCIDQ Exam.

In 2009 the CIDQ Board of Directors adopted a policy that allows the application for certification if an accredited degree is earned in architecture from either the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB). This policy is intended to allow architects who have migrated into interior design the opportunity to take the NCIDQ Exam to qualify for certification.

Candidates who have architectural educations that are not NAAB or CACB-accredited but who hold the National Council of Architectural Registration Boards (NCARB) Certificate and have had their education evaluated by the Educational Evaluation Service for Architects (EESA), also qualify to sit for the exam and to be certified if they pass.

The National Council for Interior Design Qualification (NCIDQ) is the only organization to provide an internationally recognized certification exam for the profession of interior design. The Council for Interior Design Accreditation (CIDA), founded in 1970, is an international non-profit organization that accredits postsecondary interior design education programs in the United States and Canada. The voluntary accreditation process uses internationally recognized educational standards to review programs.
Chapter 9. Glossary of General Terms

**Administrative law judge** – an independent judicial officer who is given the authority to hear cases and made recommendations on them to the boards.

**Administrative agency** – any governmental entity within the executive branch of government, charged with the responsibility to enforce the law. TBAE is an administrative agency.

**Administrative code** – all the rules and regulations promulgated by administrative agencies of the state, brought together in one unit.

**Meetings notice** – an announcement required by the Open Meetings Act. A board must notify the public of time, place and subject matter of a scheduled meeting.

**Practitioner** – a person who practices a specific occupation or profession.

**Promulgate** – to adopt and publish a regulation after proposal and public comment.

**Public comment** – comments concerning issues that are gathered by holding hearings, and/or inviting written public response.

**Public record** – any documents required by law to be made, maintained, or kept on file by an agency of the government. Agency or board documents which pertain to an investigation in progress are NOT part of the public record; access to them may be denied or allowed (unless allowing access is otherwise prohibited by law).

**Quorum** – the number of members of a body that, when assembled, is legally competent to conduct business.

**Revocation** – a disciplinary sanction that terminates the right to engage in the activity for which registration is required by law. Revocation is a final act and terminates licensure permanently; however, reinstatements of licensure by separate, subsequent action is, in most cases, permitted as a discretionary act by a board.

**Restitution** – the act of making good, or of giving the equivalent for any loss, damage, or injury.

**Rule** (also referred to as Regulation) – a statement that defines how a law will be implemented; it has the force of law; it is written by an administrative agency and adopted following publication for public comment.

**Statute** – a law that governs conduct within its scope. A bill passed by the legislature and signed by the Governor becomes a statute.

**Statutory authority** – boundaries of a board’s lawful responsibility as established by the statute which established it.
**Stipulation** – a condition, requirement, or item of an agreement, specified in an instrument (e.g., Consent Order).

**Sunset** – a concept which may be set in law to limit the life span of a government agency or program and force an evaluation and reauthorization if it is to continue.

**Suspension** – a termination (for a limited period of time) of the right to practice the activity for which licensure is required. Suspension may contain conditions precedent to reinstatement after the suspension terminates (e.g., reinstatement may be conditional upon a satisfactory medical or psychiatric report or other requirement).

**Stay of suspension** – an order that withholds the operative effect of an active suspension and effectively allows a licensee to continue to practice under a period of “probation.”
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: 341-17A
Respondent: Patrick M. Ahearne
Location of Respondent: Allen, TX
Location of Project(s): Dallas, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Patrick M. Ahearne (hereafter “Respondent”) is registered as an architect in Texas with registration number 14649.
- Previous History
  - On September 18, 2006, the Executive Director issued a Report and Notice of Violation to Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review. Respondent was assessed a $700 administrative penalty. Respondent had not previously been issued a warning.
  - On June 19, 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 “The Grove” located in Dallas, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on August 11, 2015, and were submitted to TDLR on March 15, 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 §1051.752(2) of the Architects’ Practice Act and Board Rule 1.170(a).

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of $1,000.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 224-17A  
Respondent: Pui-Lam Chu  
Architectural Registration No.: 11992  
Location of Respondent: Houston, TX  
Nature of Violation: Practice Violation by Registrant  
Instrument: Agreed Order

Action Recommended by Executive Director:
- The Executive Director recommends the Board enter the attached Agreed Order in Case Number 224-17A.
- The Agreed Order would impose the following terms on the Respondent’s architectural registration:
  - Probated suspension of architectural registration for a period of two (2) years from the date of the Board’s Order;
  - Submission of a quarterly report of a list of architectural plans and specifications to the Board every three (3) months after the entry of the Board’s Order;
  - Successful completion of the National Council of Architectural Registration Board’s Monograph Course “Professional Conduct” or an equivalent of ten (10) hours of ethics courses, subject to approval by the board staff. These continuing education courses are in addition to the yearly twelve (12) hours of continuing education currently in effect and must be completed within one (1) year of the Board’s Order; and
  - Payment of administrative penalty in the amount of $10,000.
TBAE CASE NO. 224-17A

IN THE MATTER OF
PUI-LAM CHU

BEFORE THE TEXAS BOARD
OF
ARCHITECTURAL EXAMINERS

AGREED ORDER

On this day, the Texas Board of Architectural Examiners (hereafter "the Board") considered the matter of PUI-LAM CHU, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Texas Occupations Code §1051.752(1)&(6). Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on September 28, 2017. 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 for the retention of the registration.

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

3. Respondent is registered as an architect in the State of Texas, in current status.

4. On or about April 6, 2016, John Albert Chipman, architect registration number 13827, prepared, sealed, and submitted a set of construction documents to the City of Deer Park for a
project identified as *Vertskebap* to be located at 8035 Spencer Highway, Deer Park, Texas. However, the client did not proceed with construction of the project.

5. Subsequently, on or about March 8, 2017, Respondent issued construction documents for the project, *Otsuka Ramen & Bar*, to be located at the same proposed site for the *Vertskebap* project designed by Mr. Chipman. The construction documents issued by the Respondent for *Otsuka Ramen & Bar* were substantively identical to the documents that were previously issued by Chipman for the *Vertskebap* project. However, Respondent removed Chipman’s title block and architectural seal and substituted his own title block, seal, and signature to the construction documents. Respondent submitted the altered plan set to the City of Deer Park for permitting.

6. Respondent was not involved in any aspect of the development of the construction documents prepared by Mr. Chipman for the project *Vertskebap*. The first time that Respondent saw the construction documents was after they had been completely drawn by Chipman. At the time that Respondent attached his seal and signature to the documents that had been prepared by Mr. Chipman, he had not exercised supervision and control of the preparation of the documents, as required.

7. In response to Findings of Fact Nos. 4 – 6, Respondent states that he was approached by an old friend to place his seal on the documents developed by Mr. Chipman after the previous project fell through. Respondent states that he regrets putting his seal over the original architect’s seal. He states he committed these actions as a favor to an old friend, and that he takes full responsibility for his actions.

**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. By affixing his seal, signature, and date of sealing to construction documents that he did not prepare and were not prepared under his supervision and control, Respondent violated Texas Administrative Code §1.104(a).

3. By affixing his seal to a set of documents that were prepared by Mr. Chipman without Mr. Chipman’s knowledge or consent, and submitting such plans to the City of Deer Park as his own, Respondent engaged in dishonest practice in violation of Texas Administrative Code §1.144(a).

4. The evidence received is sufficient cause pursuant to Texas Occupations Code §1051(1)&(6) to take disciplinary action against Architect Registration Number 11992, issued to Pui-Lam Chu.

ORDER

I. SANCTION

IT IS THEREFORE AGREED and ORDERED, subject to the ratification of the Texas Board of Architectural Examiners, that the architectural registration of Respondent is hereby suspended, with the period of suspension stayed, and Respondent is hereby placed on probation in accordance with the terms of this Order, for a minimum period of two (2) years commencing upon the effective date of this Order.

II. CONDITIONS OF PROBATION

During the period of probated suspension, RESPONDENT SHALL be entitled to all the rights, benefits and privileges attributable to full registration along with all legal duties and responsibilities of architectural registration, subject to the following conditions.
RESPONDENT SHALL comply in all respects with the Architects' Practice Act, Texas Occupations Code Chapter 1051, the Rules and Regulations Relating to the Practice of Architecture, 22 TEX. ADMIN. CODE Chapter 1, and this Order.

RESPONDENT SHALL, on a quarterly basis beginning three months after the entry of this order and continuing every three months thereafter until the end of the probationary period, identify all projects for which the Respondent has, in the previous three months: issued architectural plans and specifications and/or construction documents; submitted to a building official or other governmental entity for regulatory approval; or provided architectural services of any kind. For purposes of this requirement, "identify" shall mean: the name and location of the project; the identity and contact information for the client; the building official and/or any other governmental entity responsible for regulatory approval of the project; the date of issuance of plans, if any; and a description of the nature of the services provided by Respondent. Upon receipt of this quarterly report, agency staff may perform an audit of these projects, at its discretion.

RESPONDENT SHALL, within one year of the date of entry of this order, successfully complete the National Council of Architectural Registration Board's (NCARB) monograph course "Professional Conduct" or an equivalent ten (10) hour ethics course, subject to approval by Board staff. These ten (10) continuing education hours shall be in addition to those that are otherwise required to be completed under 22 TEX. ADMIN. CODE §1.69 (requiring a minimum of twelve hours for each annual registration period). Respondent shall provide the Board with necessary documentation from NCARB or the equivalent course provider to verify satisfactory completion, without request. Such verification shall be due in the Board's office within one year of the date of entry of this order.
RESPONDENT SHALL pay to the Board an administrative penalty in the amount of Ten Thousand Dollars ($10,000.00) in four equal payment of $2,500, which are to be received on or before the following dates, without demand: February 1, 2018; September 1, 2018; April 1, 2019; and November 1, 2019.

III. COMPLIANCE

If, during the period of probation, an additional allegation, accusation, or complaint is reported or filed against the Respondent's registration, the probationary 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 period of probation, it is found that Respondent failed to comply with any of the terms and conditions of this Order, the entire amount of the administrative penalty shall become due immediately, and the probationary period may be revoked and the suspension of Respondent's registration enforced for the duration of the remaining two-year period from the entry of this Order. This is separate and apart from any disciplinary action the Respondent may be subject to arising from subsequent acts under Texas Occupations Code §1051.752.

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

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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.


PUI-LAM CHU, Respondent
Texas Architectural Registration No. 1192

Approved as to form and substance:

JAMES S. HORWITZ
ATTORNEY FOR RESPONDENT

STATE OF TEXAS

COUNTY OF HARRIS

Before me, the undersigned notary public, on this day personally appeared PUI-LAM CHU, 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 Pui-Lam Chu on the 19 day of Oct., 2017.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Agreed Order (revised 10/18/2017)
TBAE vs. Pui-Lam Chu
WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural
Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of
____________________, 2017, by PUI-LAM CHU, Respondent, and said Order is final.

Effective this the _____ day of __________________, 2017.

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: 215-17N  
Respondent: Olie Chadwick Grauke  
Location of Respondent: Bryan, Texas  
Date of Complaint Received: March 27, 2017  
Instrument: Report and Notice of Violation

Findings:

- Olie Chadwick Grauke (hereafter “Respondent”) is the owner of the business Transition Design Service in Bryan, Texas. 
- Respondent was previously registered as an architect within the State of Texas under TBAE Registration Number 11139. On January 2, 2008, Respondent’s architectural registration was revoked by operation of law due to Respondent’s incarceration. 
- At the time the investigation was opened, the firm was not registered with TBAE. Subsequently, the firm became registered with TBAE, and is in current status at this time. 
- On or about March 13, 2009, Respondent received a warning notice for improperly utilizing the title “architect,” despite not being registered with the Board. 
- On or about March 16, 2017, the website for Transition Design Service indicated that the firm provided services including “Commercial, Residential and Industrial Architecture.” Additionally, the website stated that Respondent “has been a project architect and principal in charge on a wide variety of projects for three architectural companies.” At the time, neither the Respondent nor the firm were registered with the Board or authorized to offer or engage in the practice of architecture. 
- Respondent states that he has made all efforts to comply with the Board’s investigation by bringing his website and third-party websites into compliance with the Board’s laws and rules. He states that his firm’s advertisement of architectural services was based on a mistaken understanding of the Board’s requirements relating to agreements of association and firm registration.

Applicable Statutory Provisions and Rules:

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. TEX. OCC. CODE §1051.701(a); Rule 1.123 (no person or entity may use any form of the word ‘architect’ or ‘architecture’ in its name or to describe the services which it provides unless registered with the Board). 
- Unauthorized use of the term “architect” or “architecture” is a moderate violation under Rule 1.177.

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent is prepared to accept imposition of an administrative penalty in the sum of $2,000 and the imposition of an Order prohibiting Respondent from using any architectural title, practicing architecture, other than subject to an exemption from the Architects’ Practice Act, and from
associating with any business which offer or renders architectural services, or which offers architecture or holds itself out to the public as an architectural firm, unless all architecture on behalf of the firm, is rendered by a registered architect.
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: 024-17N
Respondent: Tom Greico
Location of Respondent: Carrollton, TX
Date of Complaint Received: September 14, 2016
Instrument: Report and Notice of Violation

Findings:
- Tom Greico (hereafter “Respondent”) is not and has never been registered as an architect in Texas.
- Respondent’s firm, identified as “Greico Designers Builders” was not registered with the Board as a firm which may lawfully be held out to the public as practicing or offering to engage in the practice of architecture.
- On August 19, 2016, Respondent used the term “Architecture” to describe his specialties and skills on his LinkedIn webpage.
- On July 11, 2017, Respondent offered to engage in the practice of architecture at the website www.greicomodernhomes.com, in that the website included the term “architect,” resulting in a google search results identifying “Tom Greico, Home Builders Association Dallas, Designer, … Texas, Denton, Architect, Designer Homes….”

Applicable Statutory Provisions and Rules:
- By referring to the term “Architecture” to describe the services he offers on his LinkedIn webpage, Respondent violated Tex. Occ. Code §1051.701 and 22 Tex. Admin. Code §1.123(a).
- By referring to himself as an “Architect” through the website www.greicomodernhomes.com, Respondent violated Board Rule 1.123(a).

Action Recommended by Executive Director:
- The Executive Director recommends the imposition of an administrative penalty in the sum of $1,000.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 255-17A
Respondent: Olamide A. Banwo
Location of Respondent: Plano, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Olamide A. Banwo (hereafter “Respondent”) is registered as an architect in Texas with registration number 19886.
- On January 17, 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, 2015 through December 31, 2015.
- On May 12, 2017, Respondent replied that he had lost his laptop computer and 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, 2015 through December 31, 2015, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 292-17I  
Respondent: Christine Fleming  
Location of Respondent: Allen, TX  
Nature of Violation: Violation of Continuing Education Requirements  
Instrument: Report and Notice of Violation

Findings:
- Christine Fleming (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 9833.
- On March 15, 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 April 14, 2017, Respondent replied that she could not locate her continuing education completion certificates.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 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:
- The Executive Director recommends an administrative penalty of $700.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 377-17A
Respondent: Mary-Katherine Hines
Location of Respondent: McKinney, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Mary-Katherine Hines (hereafter “Respondent”) is registered as an architect in Texas with registration number 14705.
- On March 15, 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, 2015 through December 31, 2015.
- On April 10, 2017, Respondent replied that she made a mistake logging the hours; therefore, she could not produce complete and accurate proof of her continuing education.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:
- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2015 through December 31, 2015, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is $700.

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 376-17A
Respondent: Scott Christopher Liles
Location of Respondent: Temple, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:
- Scott Christopher Liles (hereafter “Respondent”) is a registered architect in Texas with registration number 15992.
- 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:
- The Executive Director recommends an administrative penalty of $700.
This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:   297-17A  
Respondent:    Donald Emil Plattner  
Location of Respondent:  Keller, TX  
Nature of Violation:   Violation of Continuing Education Requirements  
Instrument:    Report and Notice of Violation

Findings:
- Donald Emil Plattner (hereafter “Respondent”) is a registered architect in Texas with registration number 18368.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2015 through December 31, 2015.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

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

Action Recommended by Executive Director:
- The Executive Director recommends an administrative penalty of $700.
CIDQ Bylaw Amendments

There are **four (4) Items** which CIDQ will be bringing forward for a vote at the Annual Meeting in November. My thanks to both delegates and board executive staff who identified the need for these clarifications. Proposed deletions are struck and new language highlighted in red in the specific excerpts included below. For reference, the current Bylaws are attached as well.

**Item 1 (Bylaws page 7)**

ARTICLE VIII – OFFICERS

Section 7. The President

The President shall:

A. Be the Chief Executive Officer of the Council.

B. Preside at all meetings of the Council Board of Directors and of the Assembly of Delegates.

C. Be charged with the general supervision of the affairs of the Council.

D. Be an ex-officio member of all committees of the Council except the Nominating Committee.

E. Ensure that all orders and resolutions of the Council Board of Directors are carried into effect.

F. Interpret these Bylaws and the Rules of Order in the conduct of meetings and the ruling shall govern.

G. Not serve as President while concurrently holding any national board or governing body position in any organization which operates on a national, provincial, international, or jurisdictional basis, whose membership is comprised primarily of interior designers whose purpose involves or focuses on the practice of interior design.

H. At the discretion of the Council Board of Directors, and the finances of the Council permitting, be paid an honorarium in recognition of service as an Officer of the Council.

I. Be a non-voting member of the Council Board of Directors except in the case of a tie vote, at which time, the President shall cast the tie-breaking vote.
Rationale: This language resolves a “double standard” in that there are a number of member boards that are not, as the language currently states, “comprised primarily of interior designers” so that an ID only board member could not serve while a mixed discipline board member conceivably could. In addition, we eliminated most references to “state and provincial” elsewhere in favor of the broader “jurisdictional” phrasing used throughout the document. Lastly, this change more comprehensively reflects the intent of avoiding a situation in which a President may be more likely to encounter potential conflicts of interest.

Item 2 (Bylaws page 11)
ARTICLE X – COMMITTEES AND TASK FORCES
Section 1. Authorization and Appointment of Committees and Task Forces

Committees and task forces may be established to perform services for the Council. The Council Board of Directors, upon a majority vote, shall create such committees and task forces that it deems in its own discretion appropriate; however, there shall always be a Nominating Committee.

Such committees or task forces may be appointed from time to time to perform special and limited functions as assigned. The President shall appoint the committee and task force members.

Rationale: it is actually the PE that appoints these leaders as appointments occur in the fall of the year before the PE is President. Also, this level of detail was considered more appropriate as part of the Policies & Procedures Manual.

Item 3 (Bylaws page 13 and 14)
ARTICLE XI – COUNCIL SERVICES TO MEMBER BOARDS
Section 2. Council Certificates

The Council Certificate carries the recommendation that an applicant, because of having demonstrated minimum competency by passing the Examination, be accorded favorable consideration by any Member Board to which that person may apply for registration, licensing, certification, or membership. CIDQ will provide representatives of Member Boards verification for any Certificate Holder, active or inactive.

ARTICLE XII – COUNCIL SERVICES TO MEMBERS OF THE INTERIOR DESIGN PROFESSION
Section 2. Council Certificate

Candidates who successfully complete the Examination receive a certificate attesting to same. Upon subsequent request by the applicant active Certificate Holder and payment of the fee stipulated, the Council will forward Certificate Holder confirmation to any member board party requested. that the applicant is a Certificate Holder, provided that the Certificate Holder has maintained a current record. If the Certificate Holder has not maintained a current record, payment of the stipulated fee must occur prior to receiving the Council Certificate confirmation.

Rationale: Article XI, Section 2 makes it clear that Member Boards receive verification regardless of Certificate Holder status. Article XII Section 2 clarifies that requests from Certificate Holders are subject to a fee (currently $35) if not active. This language change reflects intent and practice, and mirrors policy language.
These Bylaws may be amended at any annual or special meeting of the Assembly of Delegates by resolution submitted to the Member Boards not less than 75 days prior to the meeting at which the resolution is to be considered. Outside of a physical meeting, Member Boards may vote in any manner applicable by law, including through electronic transmission. An affirmative vote by not less than two-thirds of all the Member Boards shall be required to secure adoption of any amendment to these Bylaws. All amendments so adopted shall become effective immediately, unless otherwise specified.

Rationale: The ability for the Assembly of Delegates to vote electronically was previously established in Article VII below. This addition to Article XV language brings the two sections parallel.

Amendments to these bylaws shall be made in accordance with Article XV. Voting by the Member Boards, as noted in these Bylaws, or as otherwise required by law, will require a two-thirds vote of the Member Boards at a physical meeting where quorum is present. Outside of a physical meeting, member boards may vote in any manner applicable by law, including through electronic transmission and require the affirmative vote of two-thirds of all Member Boards.
BYLAWS OF THE COUNCIL FOR INTERIOR DESIGN QUALIFICATION, INC.
Revised November 2016

ARTICLE I – NAME

The name by which this corporation shall be known in law is COUNCIL FOR INTERIOR DESIGN QUALIFICATION, INC. (herein “Council”).

ARTICLE II – OFFICES

The principal office of the Council shall be established and maintained at such place as the Council Board of Directors may from time to time determine. A statutory office of the Council shall be maintained in the City of Wilmington, County of New Castle, State of Delaware, at the office of the Council designated registered agent in Delaware.

ARTICLE III – TERMS & DEFINITIONS

The term for which this Council is organized is perpetual.

“Council Certificate” is defined as the document verifying the successful passage of the NCIDQ Examination in its entirety.

“Certificate Holder” shall mean any individual who has successfully passed the NCIDQ Examination in its entirety.

“Council” is defined as the legal corporate entity of the Council for Interior Design Qualification, Inc. Membership in the Council is defined in Article VI herein.

“Jurisdiction” shall mean any governmental or legislative subdivision of the United States, Canada or other country including any state, province, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the title and/or practice of interior design.

“Jurisdictional Board” shall mean the local body legally authorized to examine, recognize, regulate, or discipline interior designers within its specified jurisdiction.

“Member Board” shall mean a jurisdictional board that is a member of the Council.

“Assembly of Delegates” is the body of the Member Board Delegates appointed by the Member Boards of the Council pursuant to Article VII herein.
“Council Board of Directors” is the governing body of the Council, and the Council Board of Directors shall manage the activities and affairs of the Council. The members of the Council Board of Directors are nominated and appointed pursuant to Article IX herein.

"Examination" shall mean the examination(s) developed and administered by the Council to determine minimum competency in the practice of interior design.

“NCIDQ Exam” is a multi-part, minimum competency exam for interior designers. It assesses the exam taker’s ability to demonstrate sufficient professional practice knowledge in the areas of health, safety, and welfare as a means to provide reasonable protection of the public.

“Policies and Procedures” shall mean a set of operational guidelines supplemental and subordinate to the bylaws.

ARTICLE IV – PURPOSES AND POWERS

A. To aid and assist the general public in safeguarding the health, safety, and welfare of the public.

B. To aid and assist Member Boards and the general public by establishing and administering an examination to certify practitioners as competent to practice in the profession of interior design.

C. To study and present new plans, programs, and guidelines for new legislation relative to the practice of interior design as well as plans, programs, and guidelines for recommended codes of conduct and recommended practices to be subscribed to by practitioners in the profession of interior design, and to make all of the same available to the public.

D. To aid and assist the general public by establishing and administering an on-going certification program for practitioners in the profession of interior design.

E. To serve as a forum for Member Boards to compile, verify, and maintain records of those persons who become licensed/registered/certified to facilitate reciprocal registration for interior designers in the various jurisdictions.

F. The above enumeration of specific purposes shall not be construed as limiting or restricting in any way the undertaking of such functions as shall advance the general purposes enumerated.

G. The Council shall have all powers conferred upon a non-profit, non-stock corporation by the laws of the State of Delaware.

ARTICLE V – NON-PROFIT STATUS

The Council shall not have authority to issue capital stock, is not organized for profit and no part of its net earnings shall inure to the benefit of any private member or individual. Upon any dissolution of the Council, all of its property and assets, tangible and intangible, after payment,
satisfaction and discharge of all its liabilities and obligations, shall be distributed as the Council Board of Directors may determine to such one or more organizations with objects and purposes similar to those of the Council in accordance with the laws of the State of Delaware.

ARTICLE VI – MEMBERSHIP

Section 1. Member Boards and Assembly of Delegates

The membership of the Council shall be the legally constituted Member Boards in good standing with the Council. Membership in the Council shall be attained through approval by the Council Board of Directors. Application shall be made upon forms furnished by the Council. The applicant shall provide the name and address of the jurisdictional board and other required information and provide two copies of the applicable law relating to the examination, recognition, regulation, or discipline of the profession of interior design in its jurisdiction. All members in good standing shall have equal rights and powers.

Membership in the Council shall be confined to:

A. Jurisdictional Boards and self-regulatory organizations duly established by law in the United States, Canada, or other countries for the licensing, certification or registration of interior designers, provided such boards utilize, as part of their criteria for such licensing, certification, or registration, the examination produced and promulgated by the Council for testing persons practicing interior design.

B. Qualifications of membership shall be limited to such organizations as are admitted to membership by majority approval of the Council Board of Directors. In considering any application for admission to membership, the Council Board of Directors shall give due regard to:

i. The aims and purposes of the Council.
ii. The prior and current activities of the Member Board applicant.
iii. The applicant’s standards for admission of its interior design members.
iv. Whether such activities and standards of the applicant support the best interests of the Council.

Section 2. Removal

If, after written notification from the Council Board of Directors, a Member Board fails to pay its dues or other financial obligations to the Council or persistently refuses to abide by these Bylaws or the Policies and Procedures enacted by the Council, the Council Board of Directors may remove such Member Board from Council membership.

ARTICLE VII – ASSEMBLY OF DELEGATES

Section 1. Delegates and Credentials

A. An Official Delegate shall be appointed to the Assembly of Delegates by each Member Board and shall serve until his/her successor is nominated and duly appointed by the Member Board. The Official Delegate should be a current board member of the Member...
B. The Official Delegate appointed to the Assembly of Delegates must be a Certificate Holder. However, in the event a Member Board does not have a Certificate Holder available to appoint to the Assembly of Delegates, then a non-Certificate Holder would be allowed to participate on the Assembly of Delegates as the Member Board’s Official Delegate.

C. An Official Delegate may not serve concurrently as both an Official Delegate and a Director or Officer of the Council.

D. Each Member Board admitted under Article VI, 1, A is entitled to be represented at meetings of the Council by one or more representatives of that Member Board. A Member Board may be represented by as many representatives as are able to attend, but only one vote may be cast by each Member Board in good standing and present in person, or to the extent allowed, and in the manner prescribed in the Council’s Policies and Procedures, by proxy.

E. Contemporaneously with the appointment of the Official Delegate, the Member Board may name an Alternate Delegate who qualifies pursuant to Article VII of these Bylaws.

F. In the event that a voting Official Delegate is unable to be present for all or part of the Annual Meeting or Special Meeting, then the Alternate Delegate if present, may vote on behalf of the Member Board.

Section 2. Annual Meeting

At the discretion of the Council Board of Directors, the Assembly of Delegates shall meet annually to discuss issues of common concern. The time and place shall be determined by the Council Board of Directors. Notice of the meeting shall be communicated to the Member Boards at least 90 days, but not more than 150 days before the scheduled date of such meeting and shall set forth the date, time, and place of such meeting.

Section 3. Special Meetings

Special meetings of the Assembly of Delegates may be called by the President, with the approval of the Council Board of Directors, or by a two-thirds majority of the Member Boards. The Bylaws pertaining to notification for and procedures and conduct of business of Annual Meetings shall apply to Special Meetings.

Section 4. Quorum

A quorum for the transaction of business at any meeting of the Assembly of Delegates shall be the majority of all Member Boards, as represented by their Official Delegate or Alternate Delegate.

Section 5. Resolutions & Other Motions

Resolutions are the substantive matters placed on the agenda for a meeting of the Assembly of Delegates in accordance with this section. All resolutions to be considered at a meeting of the
Assembly of Delegates shall be submitted to the Council Board of Directors not less than 90 days prior to the Annual Meeting. The Council Board of Directors shall review each resolution for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of compliance, consistency or clarity, and to avoid duplication. The Executive Director shall publish and distribute all resolutions to the Member Boards not less than 75 days prior to the Annual Meeting. If the Council Board of Directors takes a position on any resolution, they shall provide a position statement to be published with the resolution.

Member Boards and the Council Board of Directors may offer or amend resolutions at the Assembly of Delegates Meeting. All other motions permitted under Robert’s Rules of Order may be made by any Official Delegate, Alternate Delegate, or the Council Board of Directors.

Section 6. Order of Business

An agenda outlining the order of business shall be prepared for all Assembly of Delegates meetings. The agenda shall be prepared under the direction of the Council Board of Directors, and sent to all Member Boards at least 45 days before the date set for the particular meeting.

Section 7. Rules of Order

Meetings of the Assembly of Delegates shall be governed by Robert’s Rules of Order when not in conflict with the Bylaws of the Council.

Section 8. Voting

Amendments to these bylaws shall be made in accordance with Article XV. Voting by the Member Boards, as noted in these Bylaws, or as otherwise required by law, will require a two-thirds vote of the Member Boards at a physical meeting where quorum is present. Outside of a physical meeting, member boards may vote in any manner applicable by law, including through electronic transmission and require the affirmative vote of two-thirds of all Member Boards.

Section 9. Other Participants

Council Officers and Directors, Member Board staffs, when designated by their Member Boards, persons designated by the Council Board of Directors, and persons designated by the presiding officer shall have the privilege of the floor at Council meetings and may take part in the discussion except to vote, or, except as provided in Article VII, Section 5, with respect to Officers and Directors, to initiate action.

ARTICLE VIII – OFFICERS

Section 1. Officers

The Officers of the Council shall be a President, President-Elect, and Past President. As needed for business and governmental purposes, the President-Elect may also be identified as the Treasurer and the Past President may be identified as the Secretary of the organization and shall have the responsibility to ensure a record of the proceedings of the meetings of the Board of Directors is preserved for reference and historical record.
Section 2. Qualifications

To be eligible to serve as an Officer on the Council Board of Directors, all individuals shall:

A. Be a licensed, certified, or registered interior designer if domiciled or employed in a jurisdiction where interior design is regulated.

B. Be an Active Certificate Holder in good standing.

C. Meet at least two (2) of the following five (5) criteria:

1. Have been an Official Delegate or Alternate Delegate of the Assembly of Delegates for at least two (2) years within the previous eight (8) years;
2. Have been a member of a CIDQ Member Board for at least two (2) years within the previous eight (8) years;
3. Have been a member of the Council Board of Directors within the previous eight (8) years;
4. Have been a member of a CIDQ committee(s) or task force for at least a total of two (2) years within the previous eight (8) years;
5. Have been a board member of one of the following interior design professional organizations: American Academy of Healthcare Interior Designers (AAHID), American Society of Interior Designers (ASID), Council for Interior Design Accreditation (CIDA), Interior Design Continuing Education Council (IDCEC), Interior Design Educators Council (IDEC), Interior Designers of Canada (IDC), or the International Interior Design Association (IIDA), within the previous five (5) years.

Section 3. Nomination of Officers

The Nominating Committee shall identify a single nominee for each office and shall follow established procedures for selecting candidates pursuant to the Council’s Policies and Procedures.

Section 4. Election of Officers

The Assembly of Delegates, by the affirmative vote of two-thirds of all Member Boards shall elect the candidate for President-Elect. The Nominating Committee shall resubmit a revised ballot until a candidate for President-Elect is elected by a vote of two-thirds of all Member Boards.

Section 5. Terms of Office

The President shall serve for a term of one-year commencing on the first day of the Council’s Administrative Calendar year, and ending on the last day of the Council’s Administrative Calendar year for the ensuing year. The President may not be elected to serve consecutive terms; however, an individual may serve for more than one term.

The President-Elect is the successor to the President and shall serve as President-Elect for a one-year term before taking the office of the President.

The Past-President shall serve for a one-year term immediately after completing his/her term as President.

Section 6. Vacancies
A vacancy in the office of the President shall be filled by the President-Elect who shall complete the remaining term and fulfill his/her scheduled term the following year. In the event of a vacancy in the office of President-Elect, the Nominating Committee shall provide a candidate for President-Elect for election by the Assembly of Delegates, who meets the established criteria set forth in Section 2 above, to serve as President-Elect for the remaining term. In the event of a vacancy in the office of Past President, the Council Board of Directors shall, by vote, elect one of the previous Past Presidents to complete the term.

The Council Board of Directors, by unanimous vote, may remove a President, President-Elect, or Past-President from office with or without cause.

Section 7. The President

The President shall:

A. Be the Chief Executive Officer of the Council.

B. Preside at all meetings of the Council Board of Directors and of the Assembly of Delegates.

C. Be charged with the general supervision of the affairs of the Council.

D. Be an ex-officio member of all committees of the Council except the Nominating Committee.

E. Ensure that all orders and resolutions of the Council Board of Directors are carried into effect.

F. Interpret these Bylaws and the Rules of Order in the conduct of meetings and the ruling shall govern.

G. Not serve as President while concurrently holding any national board position in any organization which operates on a national or provincial basis, whose membership is comprised primarily of interior designers.

H. At the discretion of the Council Board of Directors, and the finances of the Council permitting, be paid an honorarium in recognition of service as an Officer of the Council.

I. Be a non-voting member of the Council Board of Directors except in the case of a tie vote, at which time, the President shall cast the tie-breaking vote.

Section 8. The President-Elect

The President-Elect shall:

A. In the absence or incapacity of the President, exercise the duties of and possess all the powers of the President.

B. Oversee the receipt and disbursement of all funds of the Council.
C. Work with the Executive Director in the development of a proposed budget for the Council Board of Directors’ review and approval.

D. Make recommendations regarding investments for the Council’s funds.

E. Ensure accurate record keeping of the Council’s accounts and financial activities.

F. Oversee the strategic planning process for the Council.

G. Attend all Council Board of Directors and Assembly of Delegates meetings.

H. Be a voting member of the Council Board of Directors.

Section 9. The Past-President

The Past-President shall:

A. Serve as an advisor to the President and Council Board of Directors.

B. Provide historical knowledge and guidance.

C. Be a voting member of the Council Board of Directors.

Section 10. Contracts and Disbursements

The Council Board of Directors may authorize any Officer(s) or agent(s) to enter into any contracts to execute and deliver any instrument, or to acknowledge any instrument required by law to be acknowledged in the name of and on behalf of the Council. Such authority may be general or confined to specific instances, but the appointment of any person other than an Officer should be made by instrument in writing. When the Council Board of Directors authorizes the execution of any other instrument in the name of and on behalf of the Council, without specifying the executing Officers(s), the President, President-Elect, or the Executive Director may execute the same.

All checks, drafts, or other orders for the prompt payment of money, notes or other evidences of indebtedness issued in the name of the Council, shall be by such Officer(s) of the Council and in such manner as shall from time to time be determined by resolution of the Council Board of Directors.

ARTICLE IX – THE COUNCIL BOARD OF DIRECTORS

Section 1. Membership

At least three (3) of the seven (7) Certificate-holder Directors shall have served as an Official Delegate, Alternate Delegate, or as a member of a CIDQ Member Board for at least two (2) years within the seven (7) preceding the commencement of each Director’s term. If the Nominating Committee is unable after diligent effort to identify candidates who have served as an Official Delegate, Alternate Delegate, or as a Member of a CIDQ Member Board, it is authorized to select candidates who have not so served.
Section 2. **Qualifications**

A. To be eligible to serve as an At-Large Director on the Council Board of Directors, all individuals except the Public Member shall:

1. Be a licensed, certified, or registered interior designer if domiciled or employed in a jurisdiction where interior design is regulated.

2. Be an Active Certificate Holder in good standing.

3. Meet at least one (1) of the following five (5) criteria:
   a. Have been an Official Delegate or Alternate Delegate for at least two (2) years within the previous eight (8) years;
   b. Have been a member of an CIDQ Member Board for at least two (2) years within the previous eight (8) years;
   c. Have been a member of a CIDQ committee(s) or task force for at least a total of two (2) years within the previous eight (8) years;
   d. Have been a member of the Council Board of Directors within the previous eight (8) years; or
   e. Have been a board member of one of the following interior design professional organizations: AAHID, ASID, CIDA, IDCEC, IDEC, IDC, or IIDA within the previous five (5) years.

B. One of the At-Large Directors shall be a Public Member Director, who serves as representative of the public. This Public Member Director shall be charged to represent the public’s health, safety, and welfare interest in the interior design profession. To be eligible for election to serve as the Public Member Director, the applicant shall:

1. Not be, nor have been, a practitioner or educator of interior design or architecture.
2. Not be, nor have been, the spouse, child, parent, or significant other of a practitioner or educator of interior design or architecture.
3. Be unaffiliated with any Officer, Director, Council Delegate, member of Member Board (present, incoming, or immediately outgoing) or Council staff member. “Unaffiliated” shall be herein interpreted as currently not in, nor anticipated to be in, a contractual business relationship. “Business” shall be defined herein, as including, but not limited to acting as a client, partner, employer, or employee in any endeavor for business and profit.

Section 3. **Terms of Office**

At-Large Directors shall serve for a two-year term, unless terminated or unable to fulfill his/her term, or to complete a term of office to replace a Director prior to completion of a full term of office. At-Large Directors may be elected to serve on the Council Board of Directors for multiple terms, two of which may be consecutive.

At-Large Directors’ terms shall be staggered. Two (2) At-Large Directors’ terms will expire one year and three (3) At-Large Directors’ terms, one of which is the public member, will expire the next year, ensuring continuity to the Council Board of Directors.

CIDQ Bylaws
Page 9
Section 4. Nomination of At-Large Directors

The Nominating Committee shall identify a single slate of candidates and shall follow established procedures for selecting candidates pursuant to the Council’s Policies and Procedures.

Section 5. Election of At-Large Directors

The Assembly of Delegates, by the affirmative vote of two-thirds of all Member Boards must elect At-Large Directors for the Council Board of Directors. In the event that one or more candidates is not elected, the Nominating Committee shall resubmit alternate candidates until the requisite number of At-Large Directors are approved by two-thirds of the Assembly of Delegates.

Section 6. Vacancies

In the event an At-Large Director is terminated with or without cause, or is unable to fulfill his/her term, the Council Board of Directors shall direct the Nominating Committee to provide a candidate for election by the Assembly of Delegates. If the At-Large Director is the Public Member, the Council Board of Directors shall appoint a qualified Public Member to serve the remaining term. Qualifications as identified in Article IX Section 2 shall apply to persons filling vacancies. Elections must be held within 80 days from the date of vacancy.

Section 7. Removal

The Council Board of Directors, by two-thirds vote, may remove an At-Large Director, with or without cause.

Section 8. Duties

The activities and affairs of the Council shall be managed by the Council Board of Directors, which shall have the right and authority to manage the affairs, property and funds of the Council and all policies and procedures of the Council. All actions taken by the Council or activities undertaken by the Council, except for Bylaw amendments and the election of Officers and Directors require the approval of the Council Board of Directors.

The Council Board of Directors shall exercise all authority, rights, and powers granted to it by the laws of the State of Delaware and shall perform all duties required by said laws and these Bylaws, in accordance therewith. It shall not delegate any of the authority, rights, or power or any other duties imposed upon it by these Bylaws or otherwise, unless said delegation is specifically provided for in these Bylaws.

Section 9. Meetings of the Council Board of Directors

The Council Board of Directors shall meet in regular or special meetings to transact business in any manner allowed applicable by law, including through electronic transmission and telephonically by means in which all persons participating in the meeting can hear each other. Any agreement made, or action taken by the Council Board of Directors unanimously or otherwise, outside of such a meeting, shall not constitute or be an action of the Council Board of Directors or the Council, nor shall it be binding on any Director unless such action is taken by the unanimous written consent of all Board Members.

Regular meetings of the Council Board of Directors shall be held at such time and place as the CIDQ Bylaws

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Directors,

Every member.

The force's work as appointed by the Committee.

The Board deems it necessary to hold regular meetings. Notice of any special meeting shall be given in writing at the time and place of the meeting.

The Council Board of Directors must meet to act on behalf of the Council. The President and/or President-Elect and three (3) At-Large Directors must be present for any regular or special meeting of the Council Board of Directors for there to be a quorum. The Executive Director shall ensure that the minutes of all meetings of the Council Board of Directors are recorded. In the absence of the Executive Director, the President shall designate one of the Directors to ensure that the minutes of all meetings of the Council Board of Directors shall be recorded.

Each At-Large Director and voting Officer shall be entitled to one vote at any meeting of the Council Board of Directors, and any action taken by the Council Board of Directors where a quorum is present shall require the affirmative approval of three (3) Directors who are present and voting.

At all meetings of the Council Board of Directors, the President, or in his/her absence, the President-Elect shall preside.

**ARTICLE X – COMMITTEES AND TASK FORCES**

Section 1. **Authorization and Appointment of Committees and Task Forces**

Committees and task forces may be established to perform services for the Council. The Council Board of Directors, upon a majority vote, shall create such committees and task forces that it deems in its own discretion appropriate; however, there shall always be a Nominating Committee.

Such committees or task forces may be appointed from time to time to perform special and limited functions as assigned. The President shall appoint the committee and task force members.

The Council Board of Directors may delegate to any of its members the authority to supervise the work of any of the committees or task forces.

The Council Board of Directors may at any time discontinue a committee or task force, other than a standing committee established in the Bylaws, or make any changes in a committee’s or task force’s personnel without regard to the terms of appointment of the committee or task force members.

Section 2. **General Procedure of Committees and Task Forces**

Every committee or task force shall perform in accordance with these Bylaws and with the directions of the Council Board of Directors. With the approval of the Council Board of Directors, every committee or task force may call and hold meetings and meet with other organizations or their representatives.
No committee or task force member shall incur financial obligations unless funds have been properly appropriated therefore and specific authorization has been given by the Council Board of Directors. No chair, or any committee or task force member, shall contract, bind, commit, encumber, or represent the Council orally or otherwise to any matter unless specifically authorized to do so.

**Section 3. Terms of Committee and Task Force Appointments**

The term of committee appointments shall expire at the end of the calendar year during which the appointment was made, except as otherwise directed by the Council Board of Directors.

**Section 4. Standing Committees**

The following committees are hereby authorized as basic to proper functioning of the Council:

A. **Nominating Committee**

The Nominating Committee shall:
1. Be composed of the most Immediate Past-President, defined as the most recent past-president whose term has been completed on the Council Board of Directors, one current Delegate or Alternate Delegate, one current committee or task force chair, and one current sitting At-Large Director (excluding the Past President and President). All members of the Nominating Committee shall be voting members.
2. Be ineligible for nomination to office and ineligible for nomination to the Council Board of Directors.
3. Have a chair appointed by the President no later than December 31st of the preceding year.
4. Be responsible for providing a slate of Officers and At-Large Directors as required in these Bylaws and pursuant to the Nominating Committee policies and guidelines.

B. **Examinations Committee(s)**

The Examinations Committee(s) shall:
1. Be responsible for the development and grading of the examinations.
2. Be responsible for the improvement of the process and other duties as determined by the Council Board of Directors.
3. Consist of a chair that is a Certificate Holder and if domiciled or employed in a jurisdiction where interior design is regulated be a licensed, registered, or certified interior designer.

C. **Finance Committee**

The Finance Committee shall:
1. Review the strategic plan of the Council and develop the annual work plan and budget for presentation to the Council Board of Directors.
2. Monitor all financial matters, including investments.
3. Perform other duties as determined by Council Board of Directors.
ARTICLE XI – COUNCIL SERVICES TO MEMBER BOARDS

To accomplish the objectives of this Council, as stated in Article IV of these Bylaws, as recognition of the privilege and responsibility of membership in the Council, every Member Board shall be required to accept the actions and decisions of the Council and Council Board of Directors. This acceptance shall extend to all of the following Council services provided to Member Boards to the greatest extent permitted within the context of their individual jurisdictional laws.

A Member Board that does not adhere to the Council Bylaws, upon action taken by the Council, may have its membership rights revoked and no longer be entitled to any Council services or other rights and privileges of membership in the Council. The Council shall retain all membership dues paid by such Member Board.

Section 1. Examination

The Council shall produce examinations designed to test the knowledge, skills, and abilities required for the competent practice in interior design and shall issue appropriate description material on the examination for use by the Member Boards and candidates. The procedures and fees shall be established by the Council Board of Directors.

Section 2. Council Certificates

The Council Certificate carries the recommendation that an applicant, because of having demonstrated minimum competency by passing the Examination, be accorded favorable consideration by any Member Board to which that person may apply for registration, licensing, certification, or membership.

Section 3. Forms and Documents

To ensure uniformity in the reporting of an applicant’s education, experience, registration (if applicable), and other necessary supporting examination data for determining eligibility for examination or reciprocal licensure, the Council shall study, prepare, and distribute forms and documents appropriate for use by the Council, Member Boards, and applicants.

Section 4. Research

The Council may engage in research pertinent to all matters relating to legal recognition of interior designers and the practice of the profession of interior design.

ARTICLE XII – COUNCIL SERVICES TO MEMBERS OF THE INTERIOR DESIGN PROFESSION

Section 1. Council Record Maintenance

The Council shall maintain an active data bank of Certificate Holders. Fees for this record maintenance are established by the Council Board of Directors and are due on a schedule established by the Council Board of Directors. Applicants neglecting to remit annual maintenance fees waive the right to be maintained in the current record.

Section 2. Council Certificate
Candidates who successfully complete the Examination receive a certificate attesting to same. Upon request by the applicant and payment of the fee stipulated, the Council will forward confirmation to any Member Board that the applicant is a Certificate Holder, provided that the Certificate Holder has maintained a current record.

ARTICLE XIII – FINANCES, FUNDS, ACCOUNTING AND INVESTMENTS

Section 1. Dues and Fees

A. Membership Dues. The annual membership dues from each Member Board shall be established by the Council Board of Directors.

B. Fees. The fees for Council services and products shall be established by the Council Board of Directors.

Section 2. Operating Fund

A. All dues from Member Boards and all other receipts from activities of the Council shall be placed in the operating fund of the Council. The operating fund of the Council shall be administered by the President-Elect who, with the approval of the Council Board of Directors, may delegate certain responsibilities.

B. General Budget. At the Council Board of Directors Meeting concurrent with the Annual Meeting, the Council Board of Directors shall adopt a general budget, which shall document the anticipated income and expenditures for the next fiscal year. Financial statements will be provided by the Finance Committee and reviewed regularly by the Council Board of Directors and audited annually by an independent auditor for accuracy. The budget shall show in detail:

1. The anticipated gross income and net income from all sources during the fiscal year; and
2. The expenditures estimated as incidental and necessary to carry on the activities and affairs of the Council in a proper, diligent, and efficient manner.

C. Authority to Expend and Disburse Money. No Officer, At-Large Director, committee or task force chair or member, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and on its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability or commitment has been properly incorporated into the budget and authorized by the Council Board of Directors in the manner herein set forth, and the Council Board of Directors has made an appropriation to pay the same. All checks shall be signed by an authorized representative or representatives as directed by the Council Board of Directors.

D. Fiscal Year. The fiscal year and the administrative year of the Council, which may or may not be concurrent, shall be determined by the Council Board of Directors.
Section 3. **Securities and Investments**

The Council Board of Directors shall have charge of the investment of all funds of the Council not held in its operating fund. It shall sell, purchase, transfer, and convey securities and exercise all rights of proxy, or participation in reorganizations, of depositing securities and similar rights of the Council with respect to its securities, or it may authorize such purchase, sales, transfers, conveyances and the exercise of any or all of said right.

The members of the Council Board of Directors shall not be personally liable for any decrease of capital, surplus, income, balance, or reserve of any fund or account resulting from any of their acts performed in good faith. The accounts of such investments shall be incorporated into the annual report to the Council.

**ARTICLE XIV – INDEMNIFICATION**

A. Any present or former At-Large Director, Officer, employee, or agent of the Council, or other such persons so designated in the discretion of the Council Board of Directors, or the legal representatives of such person, shall be indemnified (including advances against expenses) by the Council against all judgements, fines, settlements, and other reasonable costs, expenses, and counsel fees paid or incurred in connection with any action, suit, or proceeding to which any such person or his legal representative may be made a party by reason of his being or having been such a Director, Officer, employee, or agent if the person acted in good faith and in a manner the person reasonably believed to be in or not opposed to the best interests of the Council, and, with respect to any criminal action or proceeding, had no reasonable cause to believe the person’s conduct was unlawful and to the extent authorized by the Council Board of Directors. No indemnification or advance against expenses shall be approved by the Board or paid by the Council until after receipt from legal counsel of an opinion concerning the legality of the proposed indemnification or advance.

B. As a condition precedent to any defense and/or indemnification the individual seeking indemnification must provide written notification to the Council within 15 calendar days after notice of said action, suit, proceeding or claim. At the time of written notice to the Council, the Council shall, in its sole discretion, have the right to either appoint an independent counsel to take over the defense of the claim, pursuant to the approval by the Council Board of Directors and any insurance carrier, or deny a defense to the individual at that time and reimburse the individual after final judgment, if so required.

**ARTICLE XV – AMENDMENTS**

These Bylaws may be amended at any special or annual meeting of the Assembly of Delegates by resolution submitted to the Member Boards not less than 75 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of all the Member Boards shall be required to secure adoption of any amendment to these Bylaws. All amendments so adopted shall become effective immediately, unless otherwise specified.
October 3, 2017

Debra Dockery, Chair

Texas Board of Architectural Examiners: Architects, Interior Designers, Landscape Architects
P.O. Box 12337
Austin, TX 78711

Dear Debra Dockery:

In February 2014, NCARB announced the long-anticipated implementation of the Tri-National Mutual Recognition Agreement for International Practice (known as “the Agreement”). Your Board has previously indicated on the NCARB annual licensing requirements survey that this Agreement has been accepted for purposes of providing reciprocal licensure in your jurisdiction. With this letter, we are writing to ask you to verify that acceptance is still valid by signing the enclosed Letter of Undertaking.

Development, pilot testing, and implementation of the Tri-National Mutual Recognition Agreement was a long and rigorous process supported by volunteers, leadership, and staff from all three countries. The underlying goal has always been to ensure that the qualifications of those U.S., Canadian, and Mexican architects interested in pursuing licensure across our borders are thoroughly vetted.

For background purposes, in the mid-1990s, the leaders and regulators of the architecture profession in Canada, Mexico, and the United States joined together to explore ways to facilitate the mutual recognition of licensure credentials among all three countries. Following many years of negotiations, the Tri-National Mutual Recognition Agreement for International Practice and its Implementation Mechanisms were signed by the leadership of the Council in October 2005 and ratified by our Member Boards at the Annual Meeting in June 2006. That vote positioned the Council to work in tandem with representatives of Canada and Mexico and proceed with the implementation of the Agreement.

The terms of the Tri-National Agreement are closely aligned with those of the former Broadly Experienced Foreign Architect (BEFA) path, which served as its model. The Agreement requires four basic components:

1. a recognized degree in architecture leading to licensure in the home country,
2. 10 years of comprehensive post-licensure experience in the home country, 2 years of which must be in responsible control,
3. the submission of a dossier documenting project-specific experience related to specific core competencies (see attached), and
4. an in-person interview before a panel of peers conducted in the language of the host country.
Prior to being eligible, Mexican applicants must first complete an extensive in-country evaluation and certification process conducted by their local colegio and the Consejo Nacional de Registro de Certificacion (CONARC).

Similar to the process we are following with the Canada and Australia/New Zealand arrangements, we respectfully request that you document your Board’s acceptance of the Tri-National MRA that recognizes the NCARB Certificate for reciprocal licensure issued to architects who have successfully completed the rigorous evaluation process by signing the enclosed Letter of Undertaking.

Should you wish further explanation or discussion, please feel free to contact Stephen Nutt, Senior Architect/Advisor to the CEO at snutt@ncarb.org.

Thank you for your support,

Gregory L. Erny, FAIA, NCARB
President / Chair of the Board

Michael J. Armstrong
Chief Executive Officer

Attachments: Letter of Undertaking
Tri-National Competencies

CC: Julie Hildebrand
Board Executive
Letter of Undertaking
with respect to the

TRI-NATIONAL MUTUAL RECOGNITION AGREEMENT
FOR INTERNATIONAL PRACTICE
between the
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS
and the
CANADIAN ARCHITECTURAL LICENSING AUTHORITIES
and the
CONSEJO NACIONAL de REGISTRO de CERTIFICACION

The National Council of Architectural Registration Boards (NCARB)
representing the architectural registration boards of the 50 United States,
the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Canadian Architectural Licensing Authorities (CALA)
representing the architectural licensing boards of the 11 provinces and territories of Canada.

AND

The Consejo Nacional de Registro de Certification (CONARC)
representing the registered and certified architects of Mexico.

WHEREAS, NCARB, CALA, and CONARC have agreed to and signed the Tri-National Mutual Recognition Agreement for International Practice (Agreement) dated October 7, 2005 and implemented February 2014, ratified by the architectural licensing/registration authorities of the United States, Canada, and Mexico.

NOW THEREFORE, this Letter of Undertaking shall be signed, without modification, by each individual registration board wishing to participate in the Agreement.

The undersigned registration board, having the authority to license/register persons as Architects within its jurisdiction, wishes to become a signatory to the Agreement by virtue of this Letter of Undertaking. In doing so, the registration board agrees to and acknowledges the following:

1. The terms used in this Letter of Undertaking shall have the same meaning as defined in the Agreement between NCARB, CALA, and CONARC.

2. The undersigned individual has the authority to sign on behalf of the registration board.
3. The undersigned registration board will not impose any additional education, experience, or examination requirements, or require the applicant to provide education transcripts, experience verifications, examination scores, or government identification numbers (including, but not limited to, Social Security Numbers or social insurance numbers). However, the host registration board may impose familiarity with local laws and other local requirements that also apply to all domestic applicants seeking reciprocal licensure.

4. In keeping with the above, the undersigned registration board agrees that it will accept for licensure/registration to practice architecture in its jurisdiction a licensed/registered architect who holds a valid and current NCARB Certificate that has been issued in accordance with the Agreement and satisfies all conditions outlined within the Agreement.

IN WITNESS WHEREOF, the registration board named below has caused the duly authorized person, on its behalf, to execute and deliver this Letter of Undertaking.

Entered into on ______________________________, 20___.

By: _________________________________________________________
Name of State Registration Board

_________________________________________________________
Name of duly authorized individual and title

_________________________________________________________
Signature
TRI-NATIONAL COMPETENCIES

A qualified applicant seeking reciprocity through the *Tri-National Mutual Recognition Agreement for International Practice* is required to prepare a dossier of work that demonstrates the following professional competencies.

A. **An Architect in responsible control must be competent to create architectural designs that:**
   1. Demonstrate an understanding of the relationship between people and buildings, and between buildings and their environment, and the need to relate buildings and the spaces between them to human needs and scale;
   2. Respond to environmental concerns and address sustainability issues;
   3. Show skill in land-use planning and planning process;
   4. Take account of cultural and social factors.

B. **An Architect in responsible control must be competent to translate a design concept into built form and be able to:**
   1. Investigate and interpret design objectives and relevant issues and prepare the brief for a design project;
   2. Advise on project evaluations, feasibility studies and programs;
   3. Evaluate and determine structural, constructional and engineering elements of a building and integrate the advice and design of specialist disciplines into a building project;
   4. Assess the physical influences on buildings and the technologies associated with providing internal conditions of comfort and protection against the climate, and coordinate and integrate services systems to control them;
   5. Meet building users' requirements within the constraints imposed by cost factors and building regulations;
   6. Provide advice on issues of construction, procurement and contract administration;
   7. Generate the documentation and information needed to translate a design concept into a building;
   8. Manage the procurement of buildings, administer contractual arrangements and monitor their construction.

C. **An Architect in responsible control must be competent in the practice of architecture and:**
   1. Observe legal and regulatory obligations related to the planning and construction of buildings;
   2. Have adequate knowledge of the industries, organizations and procedures involved in the management and realization of a design project as a building;
   3. Observe the standards of conduct expected of a professional;
   4. Maintain competence in relevant aspects of the practice of architecture.
### TBAE Event Calendar 2017

#### JANUARY
- 02 New Year’s Day Holiday (Skeleton Crew)
- 10 Legislative Session Convenes
- 12 M.L. King Day (Agency Closed)
- 19 Confederate Heroes Day (Skeleton Crew)
- 26 41st Annual FARB Forum San Antonio (Julie)

#### FEBRUARY
- 04 CLARB MBE Committee Meeting
  - New York, NY (Julie)
- 16 Board Meeting - Member Training
- 20 Presidents Day (Agency Closed)

#### MARCH
- 02 TX Independence Day (Skeleton Crew)
- 08 NCARB 2017 Regional Summit/MBE Workshop
  - Jersey City, NJ
- 13 Spring Break
- 14 Good Friday (4 hrs. Skeleton Crew)
- 21 San Jacinto Day (Skeleton Crew)
- 25 ASLA TX Conference
  - Palmer Event Center, Austin, TX

#### APRIL
- 01 Personal Financial Statement electronic filing
  - Due to the Ethics Commission
- 26 Last Day, 85th Legislature Regular Session (Sine die)

#### MAY
- 01 Last Day of the School Year
- 08 Board Meeting
- 19 Emancipation Day (Skeleton Crew)
- 22 NCARB Annual Business Meeting - Boston, MA

#### JUNE
- 01 Independence Day
- 27 NCARB Licensing Advisors Summit
  - Chicago, IL (Staff)

#### JULY
- 04 METRICON7 – Dallas Market Hall
- 16 Board Meeting
  - FY18 Budget Approval/ED Annual Performance Evaluation
- 21 First Day of School

#### AUGUST
- 04 Labor Day (Agency Closed)
- 05 NCARB @ UT Arlington, AIA Dallas, AIA Ft. Worth
- 13 2017 CLARB Annual Meeting
  - Boise, Idaho
- 28 2017 LRGV-AIA BCC Conf.
  - (South Padre Convention Center)

#### SEPTEMBER
- 06 NCARB Experience Committee #1-MBE
- 11 NCARB @ Rice University, University Of Houston
- 13 NCARB @ Nat’l Organization of Minority Architects’ Conference, Houston

#### OCTOBER
- 08 Board Meeting
- 08 NCARB @ Texas A&M University
- 09 TxA Conference, Austin, TX
- 10 2017 CIDQ Council of Delegates Meeting
  - Hilton Hotel, Old Town, Alexandria, VA
- 22 TBAE Holiday (Skeleton)
- 23-24 Thanksgiving Holidays (Closed)

#### NOVEMBER
- 01 NCARB Experience Committee #2-MBE
- 22 Christmas Day (Closed)

#### DECEMBER
- 01 NCARB Experience Committee #2-MBE
- 22 Christmas Day (Closed)
- 26 Day after Christmas (Closed)
- 27-29 TBAE Holiday (Skeleton)
- 29 NCARB @ AIA Forum, Austin

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*Note: All dates are for 2017.*
<table>
<thead>
<tr>
<th>Month</th>
<th>Event</th>
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<tbody>
<tr>
<td>January 2018</td>
<td>01: New Year’s Day (Closed)</td>
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<tr>
<td></td>
<td>01: NCARB AIA Students’ Forum, Austin</td>
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<td>15: Martin Luther King Day (Closed)</td>
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<td>08: Survey of Excellence (Jan 8-28)</td>
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<td>13: Confederate Heroes Day (Skeleton Crew)</td>
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<td>25: TWC EEO Policy Reviews</td>
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<td>February 2018</td>
<td>01: Board Meeting – Rm III-402</td>
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<td>19: Presidents Day (Closed)</td>
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<td>March 2018</td>
<td>02: Texas Independence Day</td>
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<td>09: NCARB 2018 Regional Summit</td>
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<td>30: Good Friday (Skeleton)</td>
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<td>April 2018</td>
<td>18: 2018 TX ASLA Conference – Galveston, TX</td>
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<td>20: Risk Management Review</td>
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<td>30: Personal Financial Statement Filing Deadline</td>
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<td>May 2018</td>
<td>22: Board Meeting – Rm III-402</td>
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<td></td>
<td>29: Memorial Day (Closed)</td>
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<td>24: LAMPOON ISD Last Day of School</td>
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<td>30: Austin ISD Last Day of School</td>
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<td>June 2018</td>
<td>28: NCARB 2018 Annual Business Meeting – Detroit, MI</td>
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<td>13: Emancipation Day (Skeleton)</td>
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<td>July 2018</td>
<td>04: Independence Day (Closed)</td>
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<td>05: TBAE Holiday (Skeleton)</td>
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<td>16: CAPPSS So Live</td>
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<td>August 2018</td>
<td>07: Building Officials Association of Texas (BOAT) 2018 Conference –</td>
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<td>Amarillo, TX</td>
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<td>08: METROCON18 – Dallas Market Center</td>
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<td>21: Board Meeting – Rm III-402</td>
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<td>27: LBJ’s Birthday (Skeleton)</td>
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<td>September 2018</td>
<td>03: Labor Day (Closed)</td>
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<td>180: 2018 LRGV-AIA Building Communities Conference &amp; Expo – South</td>
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<td>Pedro Island</td>
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<td>27: 2018 CLARB Annual Meeting</td>
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<td>Toronto, Canada</td>
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<td>October 2018</td>
<td>08: TxA Design Expo – Ft. Worth, TX</td>
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<td>09: 2018 CIDQ Council of Delegates Meeting (Nashville, IN)</td>
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<td>11: Veterans’ Day</td>
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<td>15: Board Meeting – Rm III-402</td>
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<td>21: TBAE Holiday (Skeleton)</td>
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<td>22: Thanksgiving (Closed)</td>
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<td>23: Day after Thanksgiving (Closed)</td>
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<td>November 2018</td>
<td>24: Christmas Eve (Closed)</td>
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<td>27-28: TBAE Holiday (Skeleton)</td>
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<td>36: TBAE Holiday (Skeleton)</td>
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<td>December 2018</td>
<td>48: TBAE Holiday (Skeleton)</td>
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<td>49: Christmas Day (Closed)</td>
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<td>50: Day after Christmas (Closed)</td>
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<td>51: TBAE Holiday (Skeleton)</td>
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