

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas

Thursday, February 16, 2017
9:00 a.m. – Conclusion

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

Debra Dockery
Paula Ann Miller
Debra Dockery

2. **Approval of the December 1, 2016 Board Meeting Minutes**
(Action)

Debra Dockery

3. **Executive Director Report**

Julie Hildebrand

 - A. Summary of Executive Accomplishments *(Information)*
 - B. Operating Budget/Scholarship: Presentation on 1st quarter expenditures/revenues

Report on Conferences and Meetings *(Information)* Julie Hildebrand

 - A. NCARB Committee Summit – *Dec 9-10*
 - B. 41st Annual Federation of Associations of Regulatory Boards (FARB) Forum – *Jan 26-29*
 - C. CLARB MBE Committee Meeting – *February 4-5*

Report on Upcoming Conferences and Meetings *(Information)*

 - A. NCARB Regional Summit/MBE Workshop – *Mar 9-11*
 - B. 2017 Texas ASLA Annual Conference – *Apr 25-27*

4. **General Counsel Report**

Lance Brenton

Proposed Rule for Adoption *(Action)*

Revise Rule 5.5 relating to definitions of "Actual Signature," "Architectural Barriers Act" (add), "Authorship" (repeal), "Consultant," "E-mail Directory" (repeal), "Interior Designers' Registration Law," and "Registrant." Repeal Rule 5.34 relating to Fees

Draft Rule for Proposal *(Action)*

Draft Rule 7.11, relating to enhanced contract and performance monitoring

5. **Enforcement Cases** *(Action)*

Lance Brenton

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

 - A. **SOAH CASE**
TBAE vs. Robert "Bob" Sanchez
(SOAH Docket No. 459-17-0272 and TBAE Case No. 151-14N)

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B. Registrant Cases

Estes, Lawrence C. (#004-17L)

Nguyen, Tien Thu (#116-16A)

Spurgin, Louis K. (#121-16A)

C. CE Cases

Carrasco, Carmen (#059-16A)

Evans, James W. (#032-17A)

Faure, Matthew C. (#026-17A)

Haver, Joseph R. (#088-17A)

Laitkep, Jo Ann (#037-17I)

Terrill, Allen, Jr. (#036-17A)

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

- | | |
|---|-----------------------------------|
| 6. Legislative Committee Update (<i>Information</i>) | Chad Davis |
| 7. Budget Committee Update (<i>Information</i>) | Committee Chair |
| 8. Board Election (<i>Action</i>) | Debra Dockery |
| A. Board Vice-Chair and Secretary/Treasurer | |
| B. Board Committee Assignments | |
| 9. Upcoming Board Meetings (<i>Information</i>) | Debra Dockery |
| Thursday, June 8, 2017 | |
| Thursday, August 17, 2017 | |
| Wednesday, November 8, 2017 | |
| 10. Chair's Closing Remarks | Debra Dockery |
| 11. Board Training on Rulemaking and State Action Immunity | Julie Hildebrand
Lance Brenton |
| <i>The Board may meet in closed session to consult with its
attorney pursuant to TEX. GOV'T CODE ANN. §551.001</i> | |
| 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.

FREQUENTLY USED ACRONYMS

ACSA	Association of Collegiate Schools of Architecture
ADA	Americans with Disabilities Act
AIA	American Institute of Architects
ASID	American Society of Interior Designers
ASLA	American Society of Landscape Architects
ARE	Architect Registration Examination
BOAT	Building Officials Association of Texas
CACB	Canadian Architectural Certification Board
CIDA	Council for Interior Design Accreditation
CIDQ	Council for Interior Design Qualification
CLARB	Council of Landscape Architectural Registration Boards
CLEAR	Clearinghouse on Licensure, Enforcement, and Regulation
FARB	Federation of Associations of Regulatory Boards
GAA	General Appropriations Act
GRF	General Revenue Fund
IDCEC	Interior Design Continuing Education Council
IDEC	Interior Design Educators Council
IDP	Intern Development Program
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
MBE	Member Board Executives
MBM	Member Board Members
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
OAG	Office of the Attorney General
SOAH	State Office of Administrative Hearings
SORM	State Office of Risk Management
TAID	Texas Association for Interior Design
TAS	Texas Accessibility Standards
TASB	Texas Association of School Boards
TBPE	Texas Board of Professional Engineers
TxA	Texas Society of Architects
TSPE	Texas Society of Professional Engineers

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of December 1, 2016 Board Meeting
 William P. Hobby Jr. Building, 333 Guadalupe Street
 Tower III, Conference Room 350-L
 Austin, TX 78701
 1:30 p.m. until completion of business

AGENDA ITEMS

DESCRIPTIONS

1A. Call to Order

Ms. Dockery called the meeting to order at 1:35 p.m.

1B. Roll Call

Ms. Odell called the roll.

Present Board Members

Debra Dockery	Chair
Sonya Odell	Vice-Chair, Registered Interior Designer
Michael (Chad) Davis	Landscape Architect
Jennifer Walker	Architect
Robert (Bob) Wetmore	Architect
Chase Bearden	Public Member
Anthony Giuliani	Public Member

1C. Excused and Unexcused absences

Charles (Chuck) Anastos	Architect
Paula Ann Miller	Secretary-Treasurer, Public Member

A MOTION WAS MADE AND SECONDED (Bearden/Davis) TO APPROVE THE EXCUSED ABSENCES OF CHARLES (CHUCK) ANASTOS AND PAULA ANN MILLER. 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; Logan Mims, Governor’s liaison to TBAE; David Lancaster, Texas Society of Architects; Donna Vining, Texas Association for Interior Design; Matt Ryan, Austin Attorney; Dale Dornfeld, IT Manager; and Katherine Crain, Legal Assistant.

1F. Chair’s Opening Remarks

Ms. Dockery opened the meeting by stating that as Board members we face the onset of the next Texas Legislative session, and have an overarching issue of responsible regulation. This is a conversation that is happening across the country and not just here in Texas. The crux of the matter is what is the least intrusive and least hindrance necessary to protect the health, safety, and welfare of the public? She urged the Board to always find the appropriate balance.

- 1G. Public Comments** None.
- 2. Approval of August 17, 2016 Board Meeting Minutes** A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APPROVE THE AUGUST 17, 2016 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 information regarding executive accomplishments as described on page 16 of the Board materials. In addition to the materials discussed on page 16, Ms. Hildebrand stated that Glenn Garry was busy making presentations to a number of organizations in the month of October.
- B. Fiscal Year 2016 4th Quarter Operating Budget** Ms. Hildebrand presented information regarding the 2016 4th quarter operating budget as described on page 19 of the Board materials.
- Ms. Hildebrand presented information on the Scholarship Fund as described on page 20, and noted that the Board would be reviewing the rule regarding the Scholarship Fund at the present meeting.
- C. Trend Analysis Presentation of Agency Performance and Operations (Information)** Ms. Hildebrand presented information regarding the annual report on trends, as described on page 21 of the Board materials. Ms. Hildebrand noted that there are currently 12,011 active architects which is the highest number the agency has ever had – a 3% increase from last year. Mr. Giuliani inquired about the number of architects per capita across the country as compared to Texas.
- Ms. Hildebrand identified a 5% decrease in Registered Interior Designers registrants, which matches the decrease for the previous year. Ms. Hildebrand noted that there are approximately 1,200 registrants who will

be affected by the change in law on September 1, 2017 regarding the exam requirement.

Ms. Hildebrand stated that Landscape Architects registrants are at a historical peak at 1,505 active registrants, which is a 3½ % increase from 2015 to 2016.

Ms. Hildebrand noted that all three professions increased the number of new registrants from 2015 to 2016, and that new registrants are at a post-2009 peak.

Ms. Hildebrand presented figures and discussed the staffing, finance, and administrative trends as described on page 28.

Ms. Hildebrand discussed investigations and enforcement trends as described on page 29.

D. Texas Freedom by Design

The Board engaged in a discussion regarding the program implemented by NCARB – *Texas Freedom by Design*, discussed on page 31 of the Board materials.

3. Report on Conferences and Meetings

A. 2016 CLARB Annual Meeting – September 21-24, 2016

Ms. Hildebrand and Mr. Davis attended this meeting and she made a presentation on TBAE’s Strategic Plan, which was well received. Mr. Davis said that the meeting was very informative, especially a presentation from FARB regarding the North Carolina Dental Board case.

B. LRGV-AIA BCC Conference – Sep 29-Oct 1, 2016

Mr. Stamps attended and made a presentation at this course which he does on an annual basis. His class on enforcement cases is always well received by the registrants.

C. TDLR – Texas Accessibility Academy – Oct 11-12, 2016

Ms. Hildebrand and Mr. Stamps attended this two day conference. Ms. Hildebrand stated that the presentation was full of great information regarding accessibility and noted that she made a lot of networking contacts at TDLR.

D. Biennial Legislative Communication Conference – Oct 13

Ms. Hildebrand attended this conference and spoke with Lance Kinney, the Executive Director of the Professional Engineering Board, and other executive directors.

E. NCARB Member Board Chairs and Member Board

Ms. Dockery and Ms. Hildebrand attended this conference which is only held every 2 years. There was discussion regarding the ARE 5.0 effective November 1st.

**Executives Summit Oct
28-29, 2016**

**F. TxA Conference –
Nov 3-5, 2016**

Ms. Hildebrand stated that she attended the Texas Society of Architects Conference in San Antonio as well as Glenn Garry, Jack Stamps and Mike Alvarado. Jennifer Walker, Bob Wetmore and Debra Dockery also attended the conference and attended Jack Stamps' presentation. Mr. Stamps did a wonderful job on his presentation.

**G. 2016 Annual CIDQ
Council of Delegates
Meeting – Nov 11-12,
2016**

Ms. Hildebrand and Ms. Odell attended this meeting. She stated that CIDQ is amending their bylaws which is on the agenda for later this Board meeting. Ms. Odell stated that the two days were well-spent.

**3. Report on Upcoming
Conferences and
Meetings**

**A. NCARB Committee
Summit – Dec. 9-10,
2016**

Ms. Hildebrand stated that she would attend the upcoming meeting because she was on the procedures and documents committee and will be reviewing the organizational bylaws.

**B. Texas Legislature
Convenes – Jan. 10,
2017**

Ms. Hildebrand noted that the Texas Legislature convenes on January 10, 2017.

**4. General Counsel
Report**

Lance Brenton provided the General Counsel's report to the Board, as follows:

**A. Proposed Rule for
Adoption (Action)**

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

Mr. Brenton presented information on the proposed rule as described on page 33 of the Board materials and Staff's recommendation to approve the proposed rule for adoption.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §7.10 FOR FINAL ADOPTION, TO BE EFFECTIVE JANUARY 1, 2017. THE MOTION PASSED UNANIMOUSLY.

**B. Proposed Rule for
Adoption (Action)**

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

Mr. Brenton presented information on the proposed rule for adoption as described on page 44 of the Board materials. Mr. Brenton noted that the Texas Society of Architects commented in opposition to the proposed rule. Mr. Brenton encouraged the Board to act in accordance with their understanding of the legislative intent in adopting the amendments to Sec. 1015.351.

A MOTION WAS MADE AND SECONDED (Davis/Odell) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§5.31 AND 5.51 FOR FINAL ADOPTION.

Mr. Wetmore inquired what the purpose was to bring the architects under the RID registration. Information was provided that architects are not required to register as interior designers to practice, but are required to register if they use the title “registered interior designer.” Mr. Brenton clarified that the rule change will not have any effect on current registrants, and that the ARE will continue to be an acceptable examination until December 31, 2018.

Mr. Lancaster and Ms. Vining provided their recollections of the legislative history of this matter.

Mr. Davis stated that if a Board or state agency states that an individual is uniquely qualified in a discipline, it is important that that individual is qualified by unique education, unique experience, and unique examination. He stated that the consumer can then rely on the registration to show that the registrant is uniquely qualified in the field and has satisfied the specific requirements to become registered in the field. He also pointed out that the rule would not affect the actual work that can be done by an architect, only the communication that the person is or is not registered as an interior designer.

Mr. Wetmore communicated his belief that there is a different point of view and focus between an architect and an interior designer, and stated that he agreed with Mr. Davis’ point regarding the need for a unique examination for the two professions.

Ms. Dockery commented on the overlap between the two exams.

Ms. Dockery called a vote on the motion. THE MOTION PASSED UNANIMOUSLY.

Adoption of Proposed Rules Relating to Review of 22 Tex. Admin. Code Chapters 1 and 3 (Action)

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

- C. Revise Rule 3.5 relating to definition of “Landscape Architect’s Registration Law.”
- D. Repeal Rules 1.24 and 3.24 relating to Fees.
- E. Revise Rule 1.148 to replace obsolete reference to “Section 10 of the Act.”

Mr. Brenton presented information on the proposed rules for adoption as described on page 85 of the Board materials.

A MOTION WAS MADE AND SECONDED (Walker/Odell) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE §§1.5, 3.5, 1.24, 3.24, AND 1.148 FOR FINAL ADOPTION. THE MOTION PASSED UNANIMOUSLY.

Approval of Agency Review of 22 Tex. Admin. Code Chapters 5 and 7 and Proposal for Rules (Action)

- A. Revise Rule 5.5 relating to definitions of “Actual Signature,” “Architectural Barriers Act” (add), “Authorship” (repeal), “Consultant,” “E-mail Directory” (repeal), “Interior Designers’ Registration Law,” and “Registrant.”
- B. Repeal Rule 5.34 relating to Fees
- C. Readopt all other rules in 22 Tex. Admin. Code Chapters 5 & 7

Mr. Brenton presented information on the rule review and draft rules for adoption as described on page 102 of the Board materials.

A MOTION WAS MADE AND SECONDED (Davis/Bearden) TO APPROVE THE DRAFT AMENDMENTS TO 22 TEX. ADMIN. CODE 5.5 AND 5.34 FOR PUBLICATION AND PROPOSAL IN THE TEXAS REGISTER, WITH AUTHORITY FOR THE GENERAL COUNSEL TO MAKE EDITORIAL CHANGES AS NECESSARY TO CLARIFY RULE AND BOARD INTEND AND TO COMPLY WITH FORMATTING REQUIREMENTS OF THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO READOPT ALL OTHER RULES IN 22 TEX. ADMIN. CODE CHAPTERS 5 AND 7, AS AUTHORIZED UNDER TEXAS GOVERNMENT CODE §2001.039(c). THE MOTION PASSED UNANIMOUSLY.

The Board took a break @ 3:00 and reconvened at 3:15 p.m.

Regulatory Case Law Update (Information)

Mr. Brenton noted that FARB provides the agency with a regulatory case update every few months and that in the future, staff will share any pertinent cases with the Board. Mr. Brenton provided information on a case from the Oregon Board of Architect Examiners, as summarized on page 110 of the Board materials.

5. Enforcement Cases

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

A. Licensure Eligibility Determination

Hernandez, Rojelio (#031-17N)

Mr. Brenton presented a summary of this matter and the associated documents on pages 128-144 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO ACCEPT STAFF'S RECOMMENDATION AND ACCEPT THE AGREED ELIGIBILITY ORDER.

Mr. Bearden noted that there has been movement on both sides of the aisle to allow people who have made mistakes to get a second chance, and that he supported these opportunities. Mr. Bearden pointed out the responsibility that Mr. Hernandez will take on if he is granted a registration, to be a good example and a success that would allow the Board to make similar decisions in the future.

Ms. Dockery noted that she supported Mr. Hernandez's registration because he has provided strong mitigating evidence on every single factor the Board is required to consider in making determinations relating to criminal convictions under the Board's laws and rules.

Mr. Wetmore noted that Mr. Hernandez had a strong letter of recommendation from his employer.

Mr. Ryan expressed his appreciation for the Board's consideration of this matter and stated that his client was grateful for the opportunity. Mr. Ryan provided further discussion in favor of Mr. Hernandez's registration.

THE MOTION PASSED UNANIMOUSLY.

B. Registrant Cases

Barnett, Randolph C. (#076-15A)

Mr. Brenton presented a summary of this matter as described on page 145 of the Board materials. Mr. Brenton noted that Staff's recommendation was partly based on the fact that the Respondent's registration is canceled/non-renewable and will be required to retake the ARE in order to become re-registered as an architect in the State of Texas.

A MOTION WAS MADE AND SECONDED (Bearden/Walker) TO ACCEPT STAFF'S RECOMMENDATION OF A \$10,700 ADMINISTRATIVE PENALTY IN THE CASE AGAINST RANDLPH C. BARNETT (#076-15A). THE MOTION PASSED UNANIMOUSLY.

C. CE Cases

Mr. Brenton stated that the Board would hear the following cases regarding continuing education violations and vote on them together.

Bell, Matthew M. (#110-1610)

Brannan, Elizabeth Ann (#023-171)

Dumont, Edward Abdo (#025-171)

Hyndman, Dennis Emmanuel (#075-16A)
Jackson, Alana Colleen (#106-16I)
Jankowski, Paul Brian (#002-17I)
Landry, Barry Anthony (#093-16L)
Mendel, Stephen A. (#001-17I)
Murff, James A. (#003-17A)
Norman, Stephen T. (#094-16A)
Powers, Christopher J. (#022-17A)
Raffa, Anthony (#071-16I)
Scarborough, David C. (#081-16L)
Schulz, Cory (#091-16L)
Sheeley, Candace K. (#105-16A)

A MOTION WAS MADE AND SECONDED (Bearden/Wetmore) TO APPROVE STAFF'S RECOMMENDATION AND PENALTIES FOR ALL OF THE CASES LISTED ON THE AGENDA UNDER CE CASES. THE MOTION PASSED UNANIMOUSLY.

6. Proposed Revisions to the CIDQ Bylaws
(Action)

Ms. Hildebrand directed the Board to page 162 of the Board's materials and presented the proposed revisions to the CIDQ Bylaws. Ms. Hildebrand stated there will be an electronic vote on the revisions on January 20th and that the Board would need to designate Sonya Odell to vote on its behalf.

A MOTION WAS MADE AND SECONDED (Bearden/Davis) TO APPROVE THE CHANGES TO THE BYLAWS AND HAVE SONYA ODELL VOTE ON BEHALF OF THE BOARD. THE MOTION PASSED UNANIMOUSLY.

7. Legislative Committee Update
(Information)

Mr. Davis stated that the Committee met earlier in the day and discussed upcoming topics for the legislative session. He stated that interim report are being submitted and the Business & Commerce Committee published their report yesterday. The agency is currently waiting on the Licensing and Administrative Procedures Committee's report. Mr. Davis said the agency was ready and willing to participate in the process as needed. Ms. Hildebrand explained that the agency will be sending updates to the entire Board if we get any bills that need to be tracked.

8. Upcoming Board Meetings
(Information)

Thursday, February 16, 2017 – *Board Member Training*
Thursday, June 8, 2017
Thursday, August 17, 2017 – *FY18 Budget Approval & Executive Director Annual Performance Appraisal*
Wednesday, November 8, 2017

9. Chair's Closing Remarks

Ms. Dockery thanked the Board for their service. She has also created a budget committee comprised of Bob Wetmore, Anthony Giuliani and Paula Ann Miller. The committee will meet in February to look at trends and discuss their recommendation to the Board at the May meeting.

10. Adjournment

A MOTION WAS MADE AND SECONDED (Davis/Giuliani) TO ADJOURN THE MEETING AT 4:02 P.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

DEBRA J. DOCKERY, AIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Summary of Executive Accomplishments

February 16, 2017

Executive

1. 85th Legislative Session – Bills have begun to be assigned to committees and scheduled for hearings. I will be listening to the hearings on relevant bills and will continue to report on the progress of relevant bills. The Senate Business & Commerce Committee is chaired by Sen. Hancock and Sens. Creighton, Campbell, Estes, Nichols, Schwertner, Larry Taylor, Whitmire and Zaffirini are committee members. House committee assignments have not been made.
2. Post-Payment Audit – The audit is still in process. We have provided requested documents to the auditor and are scheduled to meet with her in our office February 6 – 10, 2017.
3. New Board Member appointments have not been made, but are expected to be made prior to the June Board Meeting.
4. I attended the Federation of Associations of Regulatory Boards Annual Forum in San Antonio held on January 26 – 29, 2017. Various topics were addressed, including data collection, sunset reviews, examinations, new legislation and case law, disciplinary actions, and reinstatements. The forum was informative and I was able to connect with fellow Executive Directors in Texas and other states.
5. The quarterly SDSI report was prepared and submitted.
6. I prepared for the Board Member training and budget and legislative committees.

NCARB

1. Joshua Batkin was selected as the new Council Relations Director. I was able to meet him at the FARB Forum and look forward to working with him in the future.
2. I participated in the NCARB Region 3 teleconferences on January 31 and February 13, 2017
3. The Regional Summit will be held on March 9 – 11, 2017, and Debra and I will be attending.
4. I have applied to serve on a committee for the upcoming 2017 – 2018 fiscal year.

CLARB

1. I participated in the webinar – “Better Understanding the Licensure Threat Level Across the CLARB Membership” on January 31, 2017.
2. I participated in the CLARB Survey on February 2, 2017.
3. I attended the Member Board Executive Committee Meeting on February 3 – 5, 2017, where the committee addressed several topics, including engagement of the Member Board Executive community, the Model Board program, and topics for the Annual Meeting.

Registered Interior Designers Who Have Not Completed the Examination

Active	725
Emeritus	137
Inactive	169
Total	1039

Summary of Registration Department Accomplishments

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Examination Applications Received	100	105	64	35								
Reciprocal Applications Received	31	40	35	44								
Total Applications Received	131	145	99	79								
Exam Scores Received/Entered	529	342	537	428								
Examination Registrations Issued	26	46	41	55								
Reciprocal Registrations Issued	49	35	28	42								
Total Registrations Issued	75	81	69	97								
Active Architects	12,040	12,079	12,095	12,118								
Active Reg. Interior Designers	3,586	3,574	3,554	3,561								
Active Landscape Architects	1,508	1,516	1,516	1,520								
Total Active Registrants	17,134	17,169	17,165	17,199								
CE Audits Conducted	119	122	123	128								
CE Audits Referred for Investigation	3	5	5	8								
Approved Scholarship Applications	6	3	3	4								
Certificates of Standing	15	20	20	15								

Summary of Enforcement Accomplishments

	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Cases Received and Opened	33	8	23	29								
Cases Closed by Investigations	4	11	4	4								
Cases Referred to Legal	5	15	13	17								
Average Number of Days to Investigate	86	57	81	61								
Notices of Violation by Legal	5	9	9	0								
Voluntary Surrenders by Legal	0	0	0	0								
Disciplinary Action Entered by the Board	0	0	17	0								
Warnings from Executive Director	0	3	4	10								
Complaints Filed at SOAH	2	0	0	0								
Informal Settlement Conferences Held	0	1	0	0								

**Texas Board of Architectural Examiners
Fiscal Year 2017 Budget**

	FY 2017 Approved Budget	FY 2017 Budget through 11-30-16	FY 2017 Percentage Spent
Revenues:			
Licenses & Fees	2,617,560	661,572	25.27%
Business Registration Fees	80,000	19,125	23.91%
Late Fee Payments	120,000	33,073	27.56%
Other	2,500	1,631	65.26%
Interest	2,000	1,684	84.18%
Potential Draw on Fund Balance	93,902		
Total Revenues	2,915,962	717,084	24.59%
Expenditures:			
Salaries and Wages	1,526,423	369,366	24.20%
Payroll Related Costs	525,897	128,476	24.43%
Professional Fees & Services	25,000	7,017	28.07%
Travel			
Board Travel	30,000	2,654	8.85%
Staff Travel	20,000	6,947	34.74%
Office Supplies	10,000	1,921	19.21%
Postage	13,000	2,519	19.38%
Communication and Utilities	13,000	2,967	22.82%
Repairs and Maintenance	1,000	-	0.00%
Office Rental	51,000	12,750	25.00%
Equipment Leases--Copiers	8,500	2,161	25.43%
Printing	15,000	686	4.57%
Operating Expenditures	30,000	19,721	65.74%
Registration Fees--Employee Training	11,000	3,564	32.40%
Membership Dues	21,000	12,610	60.05%
SWCAP Payment	65,142	16,286	25.00%
Payment to GR	510,000	127,500	25.00%
IT Upgrades	40,000	8,395	20.99%
Total Expenditures	2,915,962	725,539	24.88%
Excess/ (Deficiency) of Rev over Exp.	-	(8,455)	

Funding for 8 months	1,943,780
Excess Fund Balance	623,655
Total Fund Balance	2,567,435

Administrative Penalties Collected	\$	24,310
General Revenue Collected	\$	3,400

**Texas Board of Architectural Examiners
Fiscal Year 2017 Budget
Scholarship Fund**

	FY 2017 Budget	FY 2017 Actual Sept. 1, 2016-- November 30, 2016	FY 2017 Remaining Budget
Operating Fund Beginning Fund Balance:	-	-	59,455.86
Adjusted Beginning Balance	-	-	-
Scholarship Fund Beginning Balance	68,455.86		
Total Beginning Scholarship Fund Balance	68,455.86	68,455.86	59,455.86
Expenditures:			
Operating Expenditures-Scholarship Payments		9,000.00	-
Total Expenditures		9,000.00	-
Excess/(Deficiency) of Rev. over Exp.	68,455.86	59,455.86	-
Fund Balance	68,455.86	59,455.86	59,455.86

Number of Scholarships Awarded

18

Frequency per Fiscal Year----September 30, January 31, and May 31

Figure 1

Adoption of Proposed Rules Relating to Agency Review of

22 Tex. Admin. Code Chapters 5 and 7

Background

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

Rule Review

At the December Board Meeting, staff presented the review of Chapters 5 and 7 of the Board's rules. Pursuant to this review, Staff recommended, and the Board agreed, to propose amendments or repeals of the following rules in Chapter 5:

- Amendment of Rule 5.5 – Terms Defined Herein:
 - Repeal definition of “Actual Signature” and replace with identical definition of “Signature.”
 - The term “actual signature” does not appear in the Board’s rules for any profession. “Signature” is the term that is used.
 - Define “Architectural Barriers Act”
 - The rules for the other two professions define this term, which is used without definition in Chapter 5.
 - Repeal definition for “Authorship”
 - The terms “authorship” or “author” do not appear in the Board’s rules.
 - Revise definition for “Consultant”
 - The definition refers to “interior designer” instead of “registered interior designer,” which is the regulated term, and the term that is used elsewhere in the Board’s rules.
 - Repeal definition for “E-mail Directory”
 - This term does not appear in the Board’s rules for any profession
 - Revise definition for “Interior Designers’ Registration Law”
 - The current definition references Article 249e, Vernon’s Texas Civil Statutes, which was repealed in 2001
 - Revise definition for “Registrant”
 - The term is defined as “interior designer.” “Registered interior designer” is the appropriate definition for the term.
- Repeal Rule 5.34 – Fees:
 - This rule has become obsolete. The rule states that the Board shall establish a schedule of fees, and that such fee schedule shall be published and copies made available at the Board’s office. This rule was adopted at a time, prior to 2005, when the Board did not adopt a fee schedule by rule. Under the current practice, in which the fee schedule is adopted and published under Rule 7.10, this rule is inaccurate and unnecessary.

The proposed amendments, which are attached to this summary, were published in the Texas Register on December 23, 2016 (41 TexReg 10058). No comments were received.

Staff's Recommendation

Move to approve the proposed amendments to 22 Tex. Admin. Code §5.5 and §5.34 for final adoption.

RULE §5.5 Terms Defined Herein

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

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

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

(2[3]) Administrative Procedure Act (APA)--Texas Government Code §§2001.001 et seq.

(3[4]) APA--Administrative Procedure Act.

(4[5]) Applicant--An individual who has submitted an application for registration or reinstatement but has not yet completed the registration or reinstatement process.

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

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

(7[8]) Barrier-Free Design--The design of a facility or the design of an alteration of a facility which complies with the Texas Accessibility Standards, the Americans with Disabilities Act, the Fair Housing Accessibility Guidelines, or similarly accepted standards for accessible design.

(8[9]) Board--Texas Board of Architectural Examiners.

(9[10]) Cancel, Cancellation, or Cancelled--The termination of a Texas Interior Design registration certificate by operation of law two years after it expires without renewal by the certificate-holder.

(10[11]) Candidate--An Applicant approved by the Board to take the Interior Design registration examination.

(11[12]) CEPH--Continuing Education Program Hour(s).

(12[13]) Chair--The member of the Board who serves as the Board's presiding officer.

(13[14]) CIDA--The Council for Interior Design Accreditation.

(14[15]) Construction Documents--Drawings; specifications; and addenda, change orders, construction change directives, and other Supplemental Documents prepared for the purpose(s) of Regulatory Approval, permitting, or construction.

(15[16]) Consultant--An individual retained by a Registered Interior Designer who prepares or assists in the preparation of technical design documents issued by the Registered Interior Designer for use in connection with the Registered Interior Designer's Construction Documents.

(16[17]) 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[18]) Continuing Education Program Hour (CEPH)--At least fifty (50) minutes of time spent in an activity meeting the Board's continuing education requirements.

(18[19]) Council for Interior Design Accreditation (CIDA)--An agency that sets standards for postsecondary Interior Design education and evaluates college and university Interior Design programs.

(19[20]) 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.

(20[21]) Direct Supervision--The amount of oversight by an individual overseeing the work of another whereby the supervisor and the individual being supervised work in close proximity to one another and the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

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

~~—(A) used to advertise Interior Design services; and~~

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

(21[23]) 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.

(22[24]) 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.

(23[25]) 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.

(24[26]) 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.

(25[27]) Governmental Jurisdiction--A governmental authority such as a state, territory, or country beyond the boundaries of Texas.

(26[28]) Inactive--A registration status signifying that a Registered Interior Designer may not practice Interior Design in the State of Texas.

(27[29]) Interior Design--The identification, research, or development of creative solutions to problems relating to the function or quality of the interior environment; the performance of services relating to interior spaces, including programming, design analysis, space planning of non-load-bearing interior construction, and application of aesthetic principles, by using specialized knowledge of interior construction, building codes, equipment, materials, or furnishings; or the preparation of Interior Design plans, specifications, or related documents about the design of non-load-bearing interior spaces.

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

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

(30[32]) Licensed--Registered.

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

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

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

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

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

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

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

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

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

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

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

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

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

(44[46]) Rules of Procedure of SOAH--1 Texas Administrative Code §§155.1 et seq.

(45[47]) 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.

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

(47[48]) SOAH--State Office of Administrative Hearings.

(48[49]) 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.

(49[50]) 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.

(50[51]) 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.

(51[52]) Supplemental Document--A document that modifies or adds to the technical Interior Design content of an existing Construction Document.

(52[53]) Surrender--The act of relinquishing a Texas Interior Design registration certificate along with all privileges associated with the certificate.

(53[54]) 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.

(54[55]) 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).

(55[56]) TBAE--Texas Board of Architectural Examiners.

(56[57]) TDLR--Texas Department of Licensing and Regulation.

(57[58]) Texas Department of Licensing and Regulations (TDLR)--A Texas state agency responsible for the implementation and enforcement of the Texas Architectural Barriers Act.

(58[59]) Texas Guaranteed Student Loan Corporation (TGSLC)--A public, nonprofit corporation that administers the Federal Family Education Loan Program.

(59[60]) TGSLC--Texas Guaranteed Student Loan Corporation.

(~~60~~[61]) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

REPEAL [~~RULE §5.34 Fees~~

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

Draft New Rule 7.11 – Enhanced Contract and Performance Monitoring

Background

During the 84th session, the Texas Legislature passed SB 20, which made a number of changes to state agency contracting laws. Among these changes is a requirement in Tex. Govt. Code §2261.253 that 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. Currently, the Board does not have a rule relating to contract management.

Draft Rule

The draft rule includes the following provisions:

- The rule requires the finance manager to complete a risk assessment for all contracts over \$25,000, and authorizes the finance manager 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 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.

Attached for your consideration is a copy of draft rule §7.11.

Staff Recommendation

Move to approve draft rule 22 Tex. Admin. Code §7.11 for publication in the Texas register, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

DRAFT RULE

§7.11 Enhanced Contract and Performance Monitoring

(a) The Board will complete a risk assessment to identify procurement contracts for goods or services from a private vendor that require enhanced contract or performance monitoring.

(b) For all contracts with a value greater than \$25,000, the finance manager will complete a risk assessment to evaluate whether enhanced contract or performance monitoring may be required. For contracts of a lesser value, the finance manager may complete a risk assessment to evaluate whether enhanced contract or performance monitoring is indicated. The risk assessment may consider the following factors:

- (1) total cost of the contract, including contract renewals;
- (2) risk of loss to the agency under the contract;
- (3) risk of fraud, waste or abuse;
- (4) scope of the goods or services provided;
- (5) availability of agency resources;
- (6) complexity of the contract;
- (7) business process impact of failure or delay;
- (8) vendor past performance; and
- (9) whether the vendor is a foreign or domestic person or entity.

(c) Contracts identified for enhanced contract and/or performance monitoring will be reported to the Board at the first regular Board meeting after the contract is executed. The report shall include:

- (1) the basis for the determination that enhanced contract or performance monitoring is appropriate;
- (2) any serious issues or risks identified with the contract, if applicable; and
- (3) the plan for carrying out the enhanced contract or performance monitoring.

(d) For any contract subject to enhanced contract or performance monitoring, the finance manager shall provide the Board with progress reports, as directed by the Board.

(e) This section does not apply to a memorandum of understanding, interagency contract, interlocal agreement, or contract for which there is not a cost.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

Case Number: 151-14N
SOAH Docket Number: 459-17-0272
Respondent: Robert "Bob" A. Sanchez
Location of Respondent: Tomball, Texas
Date of Complaint Received: July 15, 2014
Instrument: Order of the Board

Action Recommended by Executive Director:

- The Executive Director recommends that the Board moves to accept the attached Order of the Board, which incorporates the Staff's First Amended Notice of Hearing and Formal Charges and Order No. 2 – Conditional Order of Default Dismissal and Remand entered by ALJ Roy G. Scudday on December 14, 2016, and imposes an administrative penalty in the sum of \$40,000 and Orders the Respondent to cease-and-desist from any and all activity which constitutes the unlawful offering of, or practice of, architecture, or otherwise violates Texas Occupations Code Chapter 1051, or the Board's rules contained in 22 Texas Administrative Code Part 1.

IN THE MATTER OF THE	§	BEFORE THE STATE OFFICE
	§	
COMPLAINT AGAINST	§	OF
	§	
ROBERT "BOB" A. SANCHEZ, JR.	§	ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: ROBERT "BOB" A. SANCHEZ, JR.
19306 EVENING GLEN DR.
TOMBALL, TX 77375

ROBERT "BOB" A. SANCHEZ, JR.
C/O CLASSIC INNOVATIONS LLC
11425 HUFSMITH-KUYKENDAHL
TOMBALL, TX 77375

HONORABLE ROY G. SCUDDAY
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TX 78701

At the regularly scheduled public meeting on February 16, 2017, the Texas Board of Architectural Examiners (Board) considered the following items in the above-cited matter: (1) Staff's First Amended Notice of Hearing and Formal Charges; and (2) Order No. 2 – Conditional Order of Default Dismissal and Remand.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who entered a Conditional Order of Default Dismissal and Remand (Order), based upon Respondent's failure to appear. The Board adopts the Order and all findings therein, which is attached hereto and incorporated by reference for all purposes. The Order was properly served on all parties and Respondent was given an opportunity

to file a motion to set aside the default not later than 20 days from the date of the Order signed on December 14, 2016. No motion to set aside the default was filed by Respondent. The Board finds that it is authorized to enter a default order pursuant to Texas Government Code §2001.056.

The Board, after review and due consideration of the Order and Respondent's presentation during the open meeting, if any, adopts the proposed findings of fact and conclusions of law as stated in Staff's First Amended Notice of Hearing and Formal Charges, which are attached hereto and incorporated by reference for all purposes. The Board also adopts Staff's recommended sanction of an administrative penalty in the amount of \$40,000 and the entry of a cease and desist order.

WHEREFORE, Respondent is ORDERED to pay an administrative penalty in the amount of \$40,000 and is further ORDERED to cease-and-desist from any and all activity which constitutes the unlawful offering of, or practice of, architecture, or otherwise violates Texas Occupations Code Chapter 1051, or the Board's rules contained in 22 Texas Administrative Code Part 1. Not later than the 30th day after the date this ORDER becomes final Respondent shall pay the administrative penalty and come into compliance with the cease-and-desist order.

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 16th day of February, 2017.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

JULIE HILDEBRAND
EXECUTIVE DIRECTOR FOR THE BOARD

APPROVED:

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

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



November 16, 2016

Docketing Division
 State Office of Administrative Hearings
 P.O. Box 13025
 Austin, TX 78711-3025

Filed Electronically

Re: SOAH Docket No. 459-17-0272
 Texas Board of Architectural Examiners vs. Robert "Bob" A. Sanchez

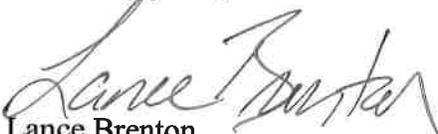
Dear Judge:

Enclosed is *Staff's First Amended Notice of Hearing* in the above-entitled matter. This case is scheduled for an administrative hearing on Wednesday, December 14, 2016 at 9:00 a.m.

Please feel free to contact me at 512-305-8519 should you have any questions and/or concerns regarding this matter.

Thank you in advance for your time and assistance.

Very truly yours,


 Lance Brenton
 General Counsel

Cc: Mr. Robert "Bob" A. Sanchez
 19306 Evening Glenn Dr.
 Tomball, TX 77375
 CM/RRR#9171999991703057067216

91 7199 9991 7030 5706 7216

Mr. Robert "Bob" A. Sanchez
 c/o Classic Innovations, L.L.C.
 11425 Hufsmith-Kuykendahl
 Tomball, TX 77375
 CM/RRR#9171999991703057067209

91 7199 9991 7030 5706 7209

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

In the Matter of

ROBERT "BOB" A. SANCHEZ, JR.

STAFF'S FIRST AMENDED NOTICE OF HEARING

SOAH Docket No. 459-17-0272

Respondent: ROBERT "BOB" A. SANCHEZ, JR.
19306 Evening Glen Dr.
Tomball, TX 77375

ROBERT "BOB" A. SANCHEZ, JR.
C/o Classic Innovations, L.L.C.
11425 Hufsmith-Kuykendahl
Tomball, TX 77375

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ) on December 14, 2016 beginning at 9:00 a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 West 15th Street, 4th Floor, Austin, TX 78701, regarding the Formal Charges filed by the Texas Board of Architectural Examiners and attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq; Title I Part 1 Texas Administrative Code Chapter 1; Texas Occupations Code §1051.401 and §1051.451 through §1051.455; and Board Rules 1.231 and 1.232 at 22 Texas Administrative Code.

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

You are requested to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the Staff (General Counsel), Texas Board of Architectural Examiners, 333 Guadalupe, Ste. 2-350, Austin, Texas 78701). Continuances are set by the Administrative Law Judge.

You are the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE**

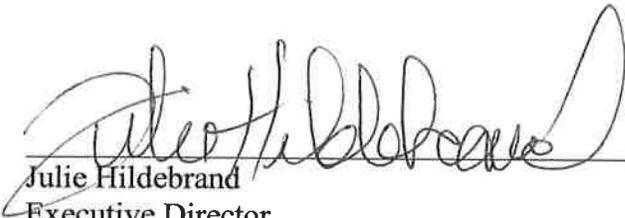
FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.

If it is determined that the Formal Charges are substantiated, then any prior disciplinary findings against you by the Texas Board of Architectural Examiners will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this, the 16th day of November, 2016.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

By:



Julie Hildebrand
Executive Director

In the Matter of	§	BEFORE THE TEXAS
	§	
ROBERT "BOB" A. SANCHEZ, JR.	§	BOARD OF ARCHITECTURAL
	§	
Respondent	§	EXAMINERS

FORMAL CHARGES

This is a disciplinary proceeding under Sections 1051.451 and 1051.455, Texas Occupations Code. Respondent, ROBERT "BOB" A. SANCHEZ, JR., does not hold a registration with the Texas Board of Architectural Examiners.

Written notice of the facts and conduct alleged to warrant imposition of an administrative penalty was sent to Respondent at Respondent's address of record and Respondent was given an opportunity to respond to the allegations prior to commencement of this proceeding.

CHARGE I.

On or about March 19, 2013, Respondent engaged in the unauthorized use of an architect's seal, or a copy or replica of an architect's seal, in that Respondent attached the seal of J. Allan Hensley, Jr. to eight pages of construction documents for the project identified as "Champions Academy (a.k.a. Mitch Moore Daycare)" located in Cypress, Texas, despite the fact that Mr. Hensley did not consent to the use of his architectural seal on the project, was unaware of the existence of the project, and in no way participated in the production of the construction documents for the project. Mr. Hensley had previously provided architectural services and sealed construction documents to the Respondent for the project "Frey's Backyard Restaurant." The Respondent copied the seal image from construction documents for "Frey's Backyard Restaurant," and attached it to the construction documents for "Champion's Academy."

The above action constitutes grounds for disciplinary action in accordance with Sections 1051.702(b) and 1051.752(1) Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE 1.104(c).

CHARGE II.

On or about March 19, 2013, Respondent engaged in the unregistered practice of architecture or offered or attempted to engage in the practice architecture, in that Respondent prepared architectural plans and specifications for the project identified as "Champions Academy (a.k.a. Mitch Moore Daycare)" located in Cypress, Texas, while utilizing the business title "J. Allan Hensley, Jr. Architect." despite the fact that Mr. Hensley in no way participated in the production of the construction documents for the project.

The above action constitutes grounds for disciplinary action in accordance with Sections 1051.701(a) and 1051.752(1), Texas Occupations Code.

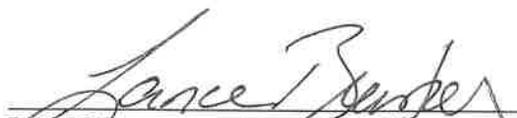
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of a cease and desist order and administrative penalty in the amount of \$40,000, pursuant to the Architects' Practice Act, Chapter 1051, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE Chapter 1.

NOTICE IS GIVEN that, Staff will rely upon the Board's rules relating to disciplinary sanctions, including 22 TEX. ADMIN. CODE §§ 1.173, 1.177, and 1.232.

NOTICE IS GIVEN that the Board's statutes and rules are incorporated as part of this pleading and can be found at the Board's website: <http://www.tbae.state.tx.us/LawsAndEnforcement/StatutesAndRules>.

Filed this the 26th day of September, 2016.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS



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

**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: 004-17L
Respondent: Lawrence C. Estes
Location of Respondent: Houston, TX
Date of Complaint Received: May 25, 2016
Instrument: Revised Report and Notice of Violation

Findings:

- Lawrence C. Estes (hereafter "Respondent") is a registered landscape architect in Texas with registration number 735.
- On September 7, 2016, the Board received a complaint and construction documents regarding a project entitled the "M.K. Stalder Residence" located in Houston, Texas.
- On March 5, 2015, Respondent issued a plan sheet to his client. However, he failed to seal the document or indicate that it was not for regulatory approval, permitting or construction.

Applicable Statutory Provisions and Rules:

- By failing to affix his seal or indicate on the plan sheets that they were not for regulatory approval, permitting or construction, Respondent violated Board Rule 3.101.

Action Recommended by Executive Director:

- The Executive Director recommends, and Respondent is prepared to accept the imposition of an administrative penalty in the sum of **\$1,000**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number: 116-16A
Respondent: Tien Thu Nguyen
Location of Respondent: Houston, Texas
Location of Projects: Rosenberg, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Tien Thu Nguyen (hereafter “Respondent”) is registered as an architect in Texas with registration number 11644.
- Previous Disciplinary History:
 - On February 28, 2007, Respondent agreed to a Report and Notice of Violation in TBAE Case No. 202-06A and paid a \$700 administrative penalty, based on findings that he had failed to timely submit plans to TDLR for accessibility review.
 - On October 30, 2009, Respondent agreed to a Report and Notice of Violation in TBAE Case No. 126-09A and paid a \$1700 administrative penalty, based on findings that he had failed to timely submit plans to TDLR for accessibility review.
- On August 12, 2016, 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 “Retail Building & Convenience Store” located in Rosenberg, Texas to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on March 9, 2016, and were submitted to TDLR on June 15, 2016.

Applicable Statutory Provisions and Rules:

- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated §1051.252(2) of the Architect Registration Law and Board Rule 1.170(a).
- Because Respondent has disciplinary history with the Board, he is subject to increased penalties under Board Rule 1.177.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$5,000 plus mandatory attendance at the Texas Accessibility Academy within one (1) year of the Board’s Order.**

**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: 121-16A
Respondent: Louis Kent Spurgin
Location of Respondent: McKinney, Texas
Location of Projects: McKinney, Texas and Wichita Falls, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Louis Kent Spurgin (hereafter “Respondent”) is registered as an architect in Texas with registration number 11723.
- Previous History
 - On November 7, 2012, the Executive Director issued a Warning to the Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review.
- On August 12, 2016, 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 “Dentistry by Design” located in McKinney, 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 April 11, 2016, and were submitted to TDLR on June 20, 2016.
- On August 12, 2016, TBAE received a referral from TDLR indicating that Respondent had failed to submit plans for a project known as “Community Med Wichita Falls” located in Wichita Falls, 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 October 14, 2015, and were submitted to TDLR on July 29, 2016.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,000** per project for a total administrative penalty of **\$2,000**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	059-16A
Respondent:	Carmen Beatriz Carrasco
Location of Respondent:	Los Angeles, CA
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Carmen Beatriz Carrasco (hereafter “Respondent”) is registered as an architect in Texas with registration number 13928.
- On October 15, 2015, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2014 through December 31, 2014.
- On November 3, 2016, Respondent replied that she could not locate her continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2014 through December 31, 2014, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$700**.

**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:	032-17A
Respondent:	James William Evans
Location of Respondent:	Saginaw, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- James William Evans (hereafter “Respondent”) is a registered architect in Texas with registration number 11500.
- 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.

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**.

**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:	026-17A
Respondent:	Matthew Charles Faure
Location of Respondent:	Bozeman, MT
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Matthew Charles Faure (hereafter "Respondent") is registered as an architect in Texas with registration number 22964.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2015 through December 31, 2015.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board's standard assessment for providing false information is **\$700**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board Rule 1.69(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,200**.

**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:	088-17A
Respondent:	Joseph Robert Haver
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Joseph Robert Haver (hereafter “Respondent”) is a registered architect in Texas with registration number 17719.
- 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**.

**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:	037-171
Respondent:	Jo Ann Laitkep
Location of Respondent:	Pearland, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Jo Ann Laitkep (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 4585.
- Based upon the results of a random continuing education audit, it was determined that she failed to timely complete her continuing education requirements for the audit period of January 1, 2015 through December 31, 2015.
- In addition to completing the required continuing education hours outside of the continuing education period, she falsely certified completion of her CE responsibilities in order to renew her interior design registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 5.69(g). The Board’s standard assessment for providing false information is **\$700**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board Rule 5.69(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,200**.

**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:	036-17A
Respondent:	Allen James Terrill
Location of Respondent:	Huntingdon, PA
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Allen James Terrill (hereafter "Respondent") is registered as an architect in Texas with registration number 8624.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete continuing education requirements for the audit period of January 1, 2015 through December 31, 2015, but completed them prior to the renewal of his architectural registration

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500**.

TBAE Event Calendar 2017

- 02 New Year's Day Holiday *(Skeleton Crew)*
- 10 **Legislative Session Convenes**
- 16 M.L. King Day *(Agency Closed)*
- 19 Confederate Heroes Day *(Skeleton Crew)*
- 26 41st Annual FARB Forum San Antonio *(Julie)*

JANUARY						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JULY						
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23	24	25	26	27	28	29
30	31					

- 04 Independence Day

- 04 CLARB MBE Committee Meeting *New York, NY (Julie)*
- 16 **Board Meeting - Member Training**
- 20 Presidents Day *(Agency Closed)*

FEBRUARY						
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AUGUST						
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27	28	29	30	31		

- 08 Bldg. Officials Assoc. of TX (BOAT) Conference *Hilton, Dallas*
- 10 METROCON17 - *Dallas Market Hall*
- 17 **Board Meeting**
FY18 Budget Approval/EO Annual Performance Evaluation
- 21 **First Day of School**

- 02 TX Independence Day *(Skeleton Crew)*
- 08 NCARB 2017 Regional Summit/ MBE Workshop *Jersey City, NJ*
- 13 **Spring Break**

MARCH						
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SEPTEMBER						
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24	25	26	27	28	29	30

- 04 Labor Day *(Agency Closed)*
- 13 2017 CLARB Annual Meeting *Boise, Idaho*
- TBD 2017 LRGV-AIA BCC Conf. *(South Padre Island)*

- 14 Good Friday *(4 hrs. Skeleton Crew)*
- 21 San Jacinto Day *(Skeleton Crew)*
- 25 ASLA TX Conference *Palmer Event Center, Austin, TX*

APRIL						
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23	24	25	26	27	28	29
30						

OCTOBER						
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29	30	31				

- 01 Personal Financial Statement electronic filing Due to the Ethics Commission
- 29 Memorial Day *(Agency Closed)*

MAY						
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28	29	30	31			

NOVEMBER						
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26	27	28	29	30		

- 08 **Board Meeting**
- 09 **TxA Conference, Austin, TX**
- 10 **2017 CIDQ Council of Delegates Meeting**
Hilton Hotel, Old Town, Alexandria, VA
- 11 Veterans Day
- 23 Thanksgiving Day *(Agency Closed)*
- 24 Day after Thanksgiving *(Agency Closed)*

- 01 **Last day of the School Year**
- 08 **Board Meeting**
- 19 Emancipation Day *(Skeleton Crew)*
- 22 NCARB Annual Business Meeting - *Boston, MA*

JUNE						
S	M	T	W	Th	F	S
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25	26	27	28	29	30	

DECEMBER						
S	M	T	W	Th	F	S
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- 22 Christmas Eve Holiday *(Agency Closed)*
- 25 Christmas Day *(Agency Closed)*
- 26 Day after Christmas *(Agency Closed)*