

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102

333 Guadalupe Street

Austin, Texas

Thursday & Friday, August 18, 2011

9:00 a.m.

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

2. **Approval of the June 16, 2011, Board Meeting Minutes (Action)** Alfred Vidaurri

3. **Audit Findings of the Accounting Management Review (Information)** Cathy Hendricks

4. **Presentation of Budget (Action)** Cathy Hendricks
 - A. Presentation of 2011 end-of-year expenditures/revenue through June 30, 2011
 - B. Presentation of 2012 proposed budget for consideration of the Board

5. **Consideration of Future Revenue Stream (Information)** Cathy Hendricks

6. **Adoption of proposed rules (Action)** Scott Gibson
 - A. Repeal Rule §1.12 relating to the joint advisory committee on architecture and engineering
 - B. Amend Rule §7.10 to include an application fee for engineers to apply for exempt status to engage in the practice of architecture under HB 2284.

Proposed Rule for Later Adoption (Action)
Repeal Rule §3.12, relating to the Joint Advisory Committee on the Practices of Architecture, Engineering and Landscape Architecture

7. **Review and possibly adopt ED's recommendation in the following enforcement cases: (Action)** Michael Shirk
 - A. **Non-Registrants:**
Hand, Brian (#109-11N); VALLA Design Group (#074-11I)
 - B. **Registrants:**
Carruthers, James (#090-11A); Reed, Phillip (#096-11A);
Windle, David (#102-11A)
 - C. **Continuing Education:**
Baum, David (#120-11A)

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8. **Report on conferences and meetings** (*Information*) Cathy Hendricks
A. NCARB Annual Conference, June 22-25, 2011,
Washington, D.C.
B. METROCON10 Expo & Conference, August 11-12, 2011,
Dallas, TX
9. **Executive Director Review Committee Report** (*Action*) Alfred Vidaurri
A. Report on findings based upon performance evaluation
B. Consider and possibly act upon recommended personnel action
that may be proposed by the committee
- The Board may meet in closed session pursuant to TEX. GOV'T
CODE ANN. §551.074 to confer on personnel matters***
10. **Upcoming Board Meeting** Alfred Vidaurri
October 20-21, 2011
11. **Chair's Closing Remarks** Alfred Vidaurri
12. **Adjournment** Alfred Vidaurri
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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.*
- ◆ *An electronic version of the Board meeting notebook can be accessed from our website at <http://www.tbae.state.tx.us/documents/AUG2011BOARDNOTEBOOK.pdf>*

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services (such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille), are required to contact Glenda Best at (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 (Formerly FIDER)
CLARB	Council of Landscape Architectural Registration 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
MBA	Member Board Administrator (within NCARB)
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
NCIDQ	National Council for Interior Design Qualification
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
TSA	Texas Society of Architects
TSPE	Texas Society of Professional Engineers

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of June 16, 2011 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower I, Conference Room 225

Austin, TX 78701

9:00 a.m. until completion of business

1. Preliminary Matters

A. Call to Order

Chair Alfred Vidaurri called the meeting of the Texas Board of Architectural Examiners to order at 9:04 a.m.

B. Roll Call

Secretary/Treasurer, Chase Bearden, called the roll.

Present

Alfred Vidaurri, Jr.	Chair
Charles H. (Chuck) Anastos	Vice-Chair
Chase Bearden	Secretary/Treasurer
Bert Mijares, Jr.	Member
Brandon Pinson	Member
Diane Steinbrueck	Member
Debra Dockery	Member
Paula Miller	Member
Sonya Odell	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administrative Manager
Christine Brister	Staff Services & Human Resources Officer
Katherine Crain	Legal Assistant
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Kenneth Liles	Accounting Manager
Julio Martinez	Network Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

C. Excused and unexcused absences

None.

D. Determination of a quorum

A quorum was present.

E. Recognition of Guests

Guests were as follows: James Perry, Executive Director for the Texas Society of Architects, Kathy Grant, Texas Society of Architects, Michael Chad Davis, Texas Landscape Architect and Texas Chapter of American Society of Landscape Architects, Priscilla Pipho, Deputy Executive Director for the Texas Board of Professional Engineers, David Howell, Director of Licensing for the Texas Board of Professional Engineers, Ted Ross, Counsel to the Board from the Attorney General's Office, Donna Vining, Texas Association for Interior Design.

F. Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He stated that he was pleased that the Texas Board of Architectural Examiners and the Texas Board of Professional Engineers had reached a viable compromise during the legislative session on the overlap issue between the two professions. He stated that the Board had recently had a changing of the guards with three outgoing board members and three new ones coming on Board.

Furthermore, he stated that the staff had suffered a great loss this past spring with the passing of one of the agency's employees, Karla Burkett. He offered condolences over her loss.

He reminded the Board members that they had modified Robert's Rules of Order to reflect that staff may introduce an item, then the Board will entertain it for open discussion, followed by a proposed motion and concluding with a verbal vote. He reminded Board members to recommit to housekeeping resolutions for the Board: arrive on time, do not interrupt a member who has the floor, and always remember everything said in a meeting is recorded even if it is under your breath.

Please remember to obtain the floor before speaking and follow the rules of procedure for orderly and efficient meetings.

He introduced the new board members as follows:

Debra J. Dockery, AIA – San Antonio, Texas. Ms. Dockery is an architect replacing former board member James A. Walker.

Paula Ann Miller – The Woodlands, Texas. Ms. Miller is a public member replacing former board member Rosemary Gammon.

Sonya Odell, FASID, RID – Dallas, Texas. Ms. Odell is a registered interior designer replacing former board member Lew Vassberg.

Each new board member gave a synopsis of their background to the board and audience.

3. Approval of the January 24, 2011 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE JANUARY 24, 2011 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

G. Public Comment

The Chair recognized two people who registered for public comment:

Donna Vining, Texas Association for Interior Design. Ms. Vining is a registered interior designer and stated that she wanted to compliment Cathy Hendricks and her Legislative team, Scott Gibson, Glenda Best, and Glenn Garry. She said that the agency had a great culture and organization and her organization appreciated all the help throughout the legislative session.

Priscilla Piphon, Deputy Executive Director for the Texas Board of Professional Engineers. Ms. Piphon stated that the Texas Board of Professional Engineers was here to help on HB 2284 and looked forward to collaboration in making sure that the program was successful.

4. Executive Director Report – Legislative Report/Update

B. Senate Bill 652 – Relating to Governmental Entities subject to the Sunset review process

The Executive Director addressed the Board and stated that Sunset review was scheduled for each agency every 12 years. It is called sunset to determine whether or not the agency needs to be maintained and continued or it needs to be sunsetted. TBAE originally had a sunset date of 2015, but the SB 652 changed that date to 2013. In addition, SDSI will also undergo Sunset review in 2013. The Executive Director stated that she was glad both of these would be done at the same time. She encouraged the Board members go to Sunset's website and look at the previous report. She stated that Sunset's review gives the agency an opportunity to improve regulatory processes.

A. House Bill 2284 – Relating to the Practice of Architecture and Engineering

The Executive Director explained to the Board that the Texas Society of Architects and the Texas Society of Professional Engineers actively worked on this bill together. The bill clarifies the distinctions between the professions of architecture and engineering and creates a process for engineers to be permitted to engage in the practice of architecture. The Executive Director addressed a flow chart depicting the engineer application process. Under the bill, engineer applicants must submit evidence of completely designing three building projects. The flow chart envisions a committee of the Board reviewing the applicants' design materials. The Board determined the committee will consist of two architects and one public member and it was decided there should be alternates. If the Board declines an application, the applicant can take his case forward to the State Office of Administrative Hearings (SOAH). SOAH would make the final decision on the application. The case would not be presented to the Board for their vote. If SOAH denies the application, the applicant would have the opportunity to file an appeal at the Travis County District Court.

The Board discussed the number of applications that were anticipated to be filed. The General Counsel stated that he had heard that 30 applications may be filed, but the Deputy Executive Director from the TBPE stated that it could be around 100.

The Chair proposed that the reviewing committee be made up of the following board members: Charles (Chuck) Anastos (architect); Debra J. Dockery (architect) and Brandon Pinson (public member). Alternate board members would be Bert Mijares (architect) and Chase Bearden (public member). He asked the Board members to consider those proposed appointments and let him know if they seemed acceptable. A motion was introduced for the acceptance of staff's flowchart on HB 2284 and the committee makeup of 2 architects and one public member.

A MOTION WAS MADE (Mijares/Anastos) TO ACCEPT STAFF'S FLOWCHART REGARDING HB 2284 AND ACCEPT THE COMMITTEE MAKEUP CONSISTING OF TWO (2) ARCHITECTS AND ONE PUBLIC MEMBER. THE MOTION PASSED UNANIMOUSLY.

The Board recessed at 10:48 a.m. for a break.

The Board reconvened at 11:00 a.m.

5. Prospective rule revisions to implement HB 2284 upon taking effect

- A. Amend Rule §7.10 to include an application fee to recover the costs of review and processing applications filed by engineers to engage in architecture under the bill

A MOTION WAS MADE (Anastos/Mijares) TO PROPOSE THE AMENDMENT TO §7.10 TO CHARGE A \$150.00 APPLICATION FEE TO ENGINEERS SEEKING PLACEMENT ON THE LIST OF ENGINEERS WHO APPLY TO PRACTICE ARCHITECTURE. THE MOTION PASSED UNANIMOUSLY.

- B. Repeal Rule §1.12 relating to the joint advisory committee on architecture and engineering

A MOTION WAS MADE (Steinbrueck/Mijares) TO REPEAL RULE 1.12 CONTINGENT UPON HB 2284'S PASSAGE. THE MOTION PASSED UNANIMOUSLY.

- C. Amend or repeal Rule §1.210 relating to the meaning of the term "architectural plans and specifications" under certain circumstances

A MOTION WAS MADE (Anastos/Mijares) TO AMEND §1.210 TO COINCIDE WITH THE LANGUAGE WITH PASSAGE OF HB 2284 IN ORDER TO KEEP THE RULE AND MODIFY THE LANGUAGE.

Board member Debra J. Dockery questioned whether the Board should repeal the rule or replace the rule. She wanted to know if there were parts of the rule that the Board wanted to retain. The General Counsel stated that the Chair could

delegate this issue to staff for further clarification on the amendment. The Chair agreed.

THE PROPOSED MOTION WAS WITHDRAWN (Anastos/Mijares). Recommendation was to direct staff to develop amendments to the rule. No formal action was required.

7. Enforcement Cases

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

The Chair recognized TBAE Managing Litigator, Michael Shirk, to present the enforcement cases. Mr. Shirk directed the Board members to the enforcement cases which involved proposed Agreed Orders and/or Settlements previously entered into with the Respondents.

A. Registrants

Bogges, David (#027-11A – TDLR)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$500.00 IN VIOLATION OF TBAE RULE 1.170. THE MOTION PASSED UNANIMOUSLY.

Cowan, Stanley R. and MESA Design (#018-10L)

A MOTION WAS MADE AND SECONDED (Steinbrueck/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$8,000.00 IN VIOLATION OF TBAE RULES 3.144 and 3.146. THE MOTION PASSED UNANIMOUSLY.

Walker, David L. (#107-09A) – Board member Charles (Chuck) Anastos recused himself from the case.

A MOTION WAS MADE AND SECONDED (Mijares/Bearden) TO APPROVE THE PROPOSED AGREED SETTLEMENT RECOMMENDING THAT RESPONDENT'S ARCHITECTURAL REGISTRATION BE SUSPENDED FOR A PERIOD OF ONE YEAR DURING WHICH HE MAY NOT ENAGE IN THE PRACTICE OF ARCHITECTURE, BUT THAT THIS SUSPENSION BE ABATED FOR A PERIOD OF 18 MONTHS CONTINGENT UPON HIS COMPLIANCE WITH ALL TERMS OF THE AGREED ORDER ISSUED BY TDLR AND COMPLIANCE WITH ALL STATUTORY AND REGULATORY RESPONSIBILITIES WHICH ARISE OUT OF HIS STATUS AS A REGISTERED ARCHITECT IN VIOLATION OF TBAE RULE 1.142(a).

The Board questioned the language of the terms of the agreed settlement.

A MOTION WAS MADE AND SECONDED (Mijares/Bearden) TO AMEND THE LANGUAGE IN THE AGREED SETTLEMENT FOR HIS ARCHITECTURAL REGISTRATION TO BE ABATED FOR 12 MONTHS RATHER THAN 18 MONTHS.

THE MOTION AS AMENDED PASSED WITH 7 MEMBERS VOTING IN FAVOR OF THE MOTION AND ONE OPPOSED (Steinbrueck) AND ONE RECUSAL (Anastos).

The Board recessed at 12:02 a.m. for lunch and reconvened at 1:02 p.m.

B. Continuing Education:

Engel, Douglas L. (#048-11A)

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$1,200.00 FOR VIOLATION OF BOARD RULES 1.69(f) and 1.69(g). THE MOTION PASSED UNANIMOUSLY.

Epperson, Donald (#060-11A)

A MOTION WAS MADE AND SECONDED (Pinson/Odell) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$500.00 FOR VIOLATION OF BOARD RULE 1.69(f). THE MOTION PASSED UNANIMOUSLY.

Kennedy, Michael (#081-11A) – Board member Sonya Odell recused herself from the case.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$500.00 FOR VIOLATION OF BOARD RULE 1.69(f). THE MOTION PASSED UNANIMOUSLY BY MEMBERS VOTING (Odell did not vote due to contact with Respondent.)

Key, Delores (#111-08I)

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$250.00 IN VIOLATION OF BOARD RULE 5.181. THE MOTION PASSED UNANIMOUSLY.

Kuan, Niann-Chyi (#058-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$1,200.00 IN VIOLATION OF BOARD RULES 1.69(f) and 1.69(g). THE MOTION PASSED UNANIMOUSLY.

Lawrence, Charles Mell (#183-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$250.00 IN VIOLATION OF BOARD RULE 1.171. THE MOTION PASSED UNANIMOUSLY.

McCracken, William Laurin (#053-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$1,200.00 IN VIOLATION OF BOARD RULES 1.69(f) and 1.69(g). THE MOTION PASSED UNANIMOUSLY.

Rabke, Perry Dale (#084-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY

OF \$250.00 IN VIOLATION OF BOARD RULE 1.171. THE MOTION PASSED UNANIMOUSLY.

Zickler, Anissa (#045-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY OF \$1,200.00 IN VIOLATION OF BOARD RULES 1.69(f) and 1.69(g). THE MOTION PASSED UNANIMOUSLY.

Board member Chase Bearden asked questions regarding random audits and their compliance and whether there was a need to increase the amount of audits. The Executive Director stated that the agency was currently auditing 5% of each profession, but the agency was going to begin a pilot program increase the audits to 8%.

8. National Council of Architecture Registration Boards (NCARB) Resolutions to be acted upon at the 2011 Annual Meeting and Conference, May 2011 – Direction to TBAE delegates

- A. Resolution 2011-01 -- *Legislative Guidelines, Model Law and Model Regulations* Amendments – changes to Continuing Education Requirements**
- B. Resolution 2011-02 – *Model Regulations* Amendment – Changes to the IDP Training Requirements for Initial Registration Standards**
- C. Resolution 2011-03 – *Handbook for Interns and Architects* Amendment – Modifications to BEA Requirements**
- D. Resolution 2011-04 – *Handbook for Interns and Architects* Amendment – Requirements for Certification of Foreign Architects**
- E. Resolution 2011-05 – *Handbook for Interns and Architects* Amendment – Correction of ARE 4.0 Exam Equivalents**
- F. Resolution 2011-06 – *Handbook for Interns and Architects* Amendment – Reinstatement of Revoked Certificate**
- G. Resolution 2011-07 – *Handbook for Interns and Architects* Amendment – Definition of “In Process”**
- H. Resolution 2011-08 – *Bylaws* Amendment – Membership Dues**
- I. Resolution 2011-09 – *Bylaws* Amendment – Audit Committee**
- J. Resolution 2011-10 – *Bylaws* Amendment – Treasurer’s Responsibilities**
- K. Resolution 2011-11 – *Bylaws* Amendment – Committee Descriptions**
- L. Resolution 2011-12 – *Bylaws* Amendment – Reinstatement of Membership**
- M. Resolution 2011-13 – *Bylaws* Amendment – Omnibus Incidental Bylaw Changes**

The Chair explained to the Board that he would like to consider voting for the NCARB Resolutions as one item in the nature of a consent agenda. The Chair asked if there were any resolutions any Board member would like to take up separately, outside of the consent agenda, for additional discussion. Board member Diane Steinbrueck disagreed and requested that NCARB Resolution 2011-01 be discussed and voted on separately. He agreed.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO ACCEPT AND SUPPORT NCARB RESOLUTIONS 2011-02-2011-13 AS WRITTEN. THE MOTION PASSED UNANIMOUSLY.

The Chair explained that by passing this motion, Texas has instructed our delegates to vote in support of those resolutions at the NCARB meeting.

The Board discussed NCARB Resolution 2011-02 at length. The Resolution amends NCARB's Model Law to require architects to complete 12 hours of continuing education training annually. It also describes in greater detail the substance of required continuing education. It also would require reporting continuing education on a calendar year basis. Chad Davis noted TBAE often applied a uniform standard to all three professions and he disagreed with supporting this resolution to the extent that it might be applied to landscape architects. Board member Sonya Odell also disagreed with supporting the resolution. The Chair noted that the Resolution calls for NCARB to modify NCARB's model law and would have no effect on the law in Texas or the standards applied by TBAE. He noted that NCARB had conducted a study and learned that the states are anything but uniform in required continuing education but 12 hours seemed to be requirement imposed by a plurality of states. NCARB is seeking to find and encourage uniformity when it can to aid in reciprocal licensure.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO INSTRUCT THE TEXAS DELEGATES FROM THIS BOARD APPROVE AND SUPPORT NCARB RESOLUTION 2011-01 FOR ARCHITECTS ONLY, NOT FOR LANDSCAPE ARCHITECTS AND REGISTERED INTERIOR DESIGNERS. A MOTION PASSED WITH SEVEN VOTING IN FAVOR AND ONE IN OPPOSITION (Odell).

4. Executive Director Report – Agency Update

A. Budget Review

The new Accounting Manager, Kenneth Liles, introduced himself to the Board and directed the Board to the budget for review. He stated that this was the budget that the Board approved in January 2011. In addition, he gave the Board background information on the audit which was requested through the Executive Committee. He explained to the Board that the audit, which the auditing firm would refer to as a management review, had been completed and a report is due on or before June 30, 2011. He stated that he and the General Counsel have an exit interview scheduled with the auditors on June 20, 2011. He indicated that none of the discussions with the auditors have indicated that there are any serious issues or concerns in the agency's processes. The Chair said that he would like the auditors to attend the next Board meeting scheduled for August to explain to the Board members the extent and the findings of the audit. Board member Paula Miller agreed that the auditors should make a presentation to the full Board. Board member Bert Mijares said that he wanted a full copy of the audit report prior to the August Board meeting if they plan on making their presentation at that time.

The Board recessed at 2:45 p.m. for a break and reconvened at 3:00 p.m. in closed session to confer with legal counsel regarding pending litigation against the Board.

9. Legal counsel briefing on recent developments regarding litigation

A. TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director

B. Richardson, Rogers and Winton v. TBAE

The Board adjourned the closed meeting at 4:07 p.m. and reconvened in open meeting at that time.

4. Executive Director Report

Report on Conferences and Meetings

C. CLARB 2011 Spring Meeting (February 25-26, 2011)

Board member Diane Steinbrueck and Executive Director, Cathy Hendricks attended the meeting in Denver, Colorado. They reported that the meeting focused on the definition of the term "welfare." Ms. Hendricks explained that the organization had hired a consultant to research the meaning of welfare. They are also doing a study on LARE and practice analysis. The meeting was only one and one-half days. The fall meeting scheduled in September will be held in Chicago, IL.

D. NCARB Mid-Atlantic Conference (March 10-12, 2011)

The Chair and Mr. Mijares attended this meeting. Mr. Vidaurri was re-elected as Treasurer for Region 3. They reported that there was discussion about eliminating Region I. They stated that the Board was going to reduce 6 regions to 4 or 5 regions. Also, they announced that Lenore Lucey would be leaving the council and the new CEO would be Michael J. Armstrong. He is an attorney who has specialized in land use planning. They said that the next meeting will take place in June in Minnesota, MN. Also the 2013 Joint Regional Meeting will be hosted by Texas, but held in Alabama.

The Executive Director thanked the three professional societies for collaborating on common interests during the legislative session. In addition, she thanked the legislative team at TBAE which included Scott Gibson, Glenda Best and Glenn Garry for their contributions during the session.

12. Chair's Closing Remarks

The Chair thanked the audience for attending the meeting and the Board for being so efficient in their work and getting through the agenda in one day.

11. Adjournment

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO ADJOURN THE MEETING AT 4:20 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

ALFRED VIDAURRI, JR., AIA, NCARB, AICP
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

(512) 380-0799 608 Morrow Street, Suite 101, Austin, Texas 78752 Fax (512) 380-0797
Member: American Institute of Certified Public Accountants

Independent Accountants' Report on Applying Agreed-upon Procedures

To the Management of the Texas Board of Architectural Examiners
333 Guadalupe, Suite 2-350
Austin, TX 78701

We have performed the procedures described below, which were agreed to by the management of

Texas Board of Architectural Examiners (TBAE) solely to assist you in evaluating the agency's specific accounting records and processes for the period beginning September 1, 2010 and ending

April 30, 2011. The management of the TBAE is responsible for the accounting records and processes. This agreed-upon procedures engagement was performed in accordance with the attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures will be solely the responsibility of the TBAE. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Procedures performed

Procedure #1

- Select a sample of 15 travel vouchers and determine the adequacy of supporting documentation, specifically, that payments were made in accordance with agency policies and procedures and State of Texas laws and regulations. Also determine proper recording in the Uniform State Accounting System (USAS).

Finding

The TBAE uses the State Comptroller's State of Texas Travel Allowance Guide in processing travel vouchers. The TBAE has written Travel Guidelines and Policies and also TBAE Travel Expense Report Guidelines for staff to use in the preparation of travel vouchers. Travel vouchers are reviewed and signed by the claimant, supervisor, Accounting personnel, and Executive Director before being paid. All of the travel vouchers tested had supporting documentation attached. The front of each travel voucher is stamped PAID with the date, warrant number, and initialed by Accounting staff. Of the 15 travel vouchers tested, one voucher for \$73.50 did not have a supervisor's signature approving the voucher. The travel voucher was approved and signed by the Executive Director. Another travel voucher was not stamped when paid and also lacked the warrant information, date, or the Accounting personnel's initials.

Recommendation

We recommend that the TBAE review its Travel Expense Report Guidelines to make sure that the information is still current. Also duties should be reviewed periodically to ensure continued adequate segregation of duties and that policies and procedures are followed consistently.

Procedure #2

- Gain an understanding of the processes and procedures in the creation and maintenance of non-travel voucher log, the payment of non-travel vouchers, and non-travel accounts payable and determine significant strengths and weaknesses.

Finding

The TBAE uses the State Comptroller's Office Uniform State Accounting System as their accounting system. The agency uses the USAS manual's guidelines in processing nontravel vouchers. The TBAE has written purchasing procedures for the staff to follow in making purchases. All purchase requisitions are approved by the Manager of each department. The TBAE has a management dollar amount payment threshold for payment of purchases. According to the TBAE's purchasing procedures, if the amount of the purchase requisition is over \$5,000 the department Manager submits the purchase requisition to the Deputy Director for final approval. The Executive Director's approval is required on all purchases over \$5,000. The Accountant inputs purchase voucher information into USAS and the Accounting Manager releases the purchase voucher information into USAS for payment. The Accounting Manager is also authorized to release TBAE funds from the State Comptroller's trust fund for payment of the purchase vouchers released to USAS.

Recommendation

Due to the small size of the agency, the lack of segregation of duties becomes an inherent factor. In order to improve operational controls, the TBAE's Executive Director should review and initial the Accounting Department's monthly expenditure reconciliation statement between the TBAE and USAS. Additionally, two signatures should be required during the transfer of funds to USAS to pay for purchase vouchers processed. The TBAE should review the current written procedures to make sure established policies are still valid in light of any procedural or personnel changes. The TBAE should establish a threshold amount the Executive Director is authorized to approve. Any purchase request in excess of this amount should be presented to the Board of Directors for action.

Procedure #3

- Gain an understanding of the processes and procedures over the agency's physical property inventory. Select a sample of 20 items and determine that each exists and in the right location; still is in-use and not obsolete; properly assigned; properly tagged, and traced to the State Property Accounting (SPA) report.

Finding

The TBAE follows the State Comptroller's Office *State Property Accounting (SPA) User's Guide* to account for fixed assets. All the TBAE's fixed assets are located on the same floor of the office building. The Accounting Manager is the designated Property Manager for the TBAE. The Accounting Department personnel are responsible for conducting the annual physical property inventory and also responsible for accounting for it on a day-to-day basis. A physical property inventory is conducted annually. The last annual inventory conducted was on February 2, 2011. The TBAE has submitted the required Certification of Physical Inventory to the State Comptroller's Office. All TBAE employees who are assigned fixed asset property are required to sign an employee responsibility form (SPA0006). All of the twenty (20) fixed asset items selected for testing existed, still in use and not obsolete, were properly tagged, and traced to the SPA documents. However eight (8) of the SPA0006 forms had the signature of employees who were no longer with the TBAE. One of the SPA0006 forms had the signature of an employee who had been assigned the asset but the fixed asset was in the possession of another employee.

Recommendation

The annual physical inventory should be taken by someone who does not have responsibilities for entering or reporting personal property on a day-to-day basis as required by the SPA Process User Guide. TBAE property inventory records should be updated to reflect accurate information. The property should be physically inventoried and transferred to the Property Manager or someone designated by the Executive Director.

Procedure #4

- Select a sample of 30 non-travel purchase vouchers and determine the adequacy of supporting documentation, specifically, that payments were made in accordance with agency policies and procedures and State of Texas laws and regulations. Also determine proper recording in USAS.

Finding

The TBAE uses the Office of the State Comptroller's Uniform State Accounting System as their accounting system and also uses the USAS manual's guidelines in processing non-travel purchase vouchers. Non-travel purchase vouchers are processed by the Accountant and Accounting Manager. All of the non-travel purchase vouchers tested had supporting documentation attached. However, we noted that two \$500 TBAE Scholarship voucher payments had been approved for disbursement on (12/17/2010) by the Accounting Department, with the warrants cut (12/22/2010) days before the scholarship awards were certified and recommended by the Executive Director (1/6/2011).

(512) 380-0799 608 Morrow Street, Suite 101, Austin, Texas 78752 Fax (512) 380-0797

Recommendation

The TBAE should adhere to the Accounting Department's purchasing guidelines of all purchases having prior approval before TBAE funds will be used to pay. In addition, supporting documentation should also be received in the Accounting Department before any payment is made. We were not engaged to and did not conduct an examination, the objective of which would be the expression of an opinion on the TBAE accountings records and processes. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you. This report is intended solely for the information and use of the Board of Directors and management of the Texas Board of Architectural Examiners and should not be used by anyone who has not agreed to the procedures and taken responsibility for the sufficiency of the procedures enumerated above.

June 28, 2011 Austin, Texas

Texas Board of Architectural Examiners Fiscal Year 2009 - 2012 Budget	FY 2009 Actual	FY 2010 Actual	FY 2011 Budget	FY 2011 Actual Rev. & Exp. Sep 1, 2010-- June 30, 2011	FY 2012 Proposed Budget
Total Beginning Reserve Fund Balance	1,518,884.00	1,635,878.00	1,664,332.63	1,664,332.63	1,664,332.63
Revenues:					
Licenses & Fees	2,563,278.00	2,537,912.00	2,512,268.77	2,046,522.40	2,499,707.00
Enforcement Penalties	95,003.00	102,393.00	102,393.00	49,191.96	92,153.00
Penalties - Late Fee Payments	257,437.00	249,338.00	239,391.67	195,107.50	229,816.00
Other	2,716.00	2,506.00	2,000.00	1,950.54	2,000.00
Interest	21,828.00	15,998.00	14,000.00	8,839.39	12,000.00
Draw on Reserve Fund			192,985.18	192,985.18	50,000.00
Total Revenues	2,940,262.00	2,908,147.00	3,063,038.62	2,494,596.97	2,885,676.00
Expenditures:					
Salaries and Wages	1,399,675.00	1,359,193.28	1,435,004.98	1,074,862.78	1,432,654.93
Payroll Related costs	351,006.00	357,965.45	380,808.50	255,067.69	361,768.08
Professional fees & Services	136,945.00	52,045.60	67,290.00	23,616.21	52,486.20
Travel	41,267.00				
Board Travel		34,799.93	40,008.11	8,949.27	40,008.11
Staff Travel		27,808.89	27,808.89	25,082.96	31,980.22
Office Supplies (1)	43,969.00	48,841.76	48,434.00	16,778.63	19,355.49
Postage	25,785.00	24,055.67	25,797.40	17,859.49	23,217.66
Communication and Utilities	24,252.00	17,541.06	23,420.00	13,452.68	19,907.00
Repairs and Maintenance	4,351.00	6,847.13	7,050.00	373.90	4,545.00
Office Rental and Equipment Leases (2)	9,715.00	27,408.40	82,675.00	27,637.01	60,907.50
Printing and Reproduction	19,087.00	14,253.11	15,676.00	6,762.21	15,676.00
Operating Expenditures	35,409.00	52,085.80	60,222.40	37,184.51	54,200.16
Conference Registration Fees	8,635.00	8,407.50	11,115.25	4,706.96	8,561.35
Membership Dues (3)	19,095.00	18,400.00	70,690.00	14,190.00	20,069.30
Fees for Receiving Electronic Payments	104,679.00	97,482.62	98,000.00	77,160.19	98,000.00
Staff Training	8,119.00	27,243.08	12,000.00	4,706.95	27,000.00
SWCAP Payment	55,339.00	52,563.00	55,339.00	38,332.75	55,339.00
Payment to GR	510,000.00	510,000.00	510,000.00	-	510,000.00
Exceptional Items: Accounting System 2012	25,940.00	6,464.00	91,699.09	-	50,000.00
Total Expenditures	2,823,268.00	2,743,406.28	3,063,038.62	1,646,724.19	2,885,676.00
Excess/(Deficiency) of Rev over Exp.			-	847,872.78	0.00
Scholarship Fund Balance			0.00	-	
Potential Draws on Reserve Fund:					
* Funding for 6 months			1,664,332.63	-	1,664,332.63
Ending Reserve Fund Balance	1,635,878.00	1,800,618.72	0.00	2,512,205.41	0.00

(1) Computers were bought in 2009 and 2010 from this line item, (2) Office rents have been less due to the HVAC expenses credited back to the TBAE.

(3) The Membership Dues line item was increased by \$50K in January 2011, the actual amount needed for 2011 was \$20K.

* Includes \$1.5M plus \$164K for Disaster Recovery

Figure 1

**Texas Board of Architectural Examiners
Fiscal Year 2011 Budget
Scholarship Fund**

	FY2011 Budget	FY 2011 Actual Rev. and Exp. Sep 1, 2010- Aug 31, 2011	FY2012 Budget
Total Beginning Reserve Fund Balance	219,970.00	219,970.00	191,681.00
Revenues:			
Draw on Reserve Fund	28,289.00	28,289.00	-
Total Revenues	28,289.00	28,289.00	-
Expenditures:			
Operating Expenditures	28,289.00	28,289.00	-
Total Expenditures	28,289.00	28,289.00	-
Excess/(Deficiency) of Rev over Exp.	-	-	-
Ending Reserve Fund Balance	191,681.00	191,681.00	191,681.00

Number of Scholarships Awarded

56

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

Figure 2

Recommended Revenue Streams for 2012-2013

1. Continuing Education courses on TBAE website
 - a. Topics
 - i. Accessibility ADA 2012
 - ii. Sustainability
 - iii. Ethics
 - iv. Welfare
 - b. Programming time and costs is unknown (TBD)
 - c. Projected Cost recovery \$35 per course
 - d. Register on line

2. Business Registration (presently on the Rules Committee's schedule)
 - a. Firm registration fee \$50
 - b. Firm registration late fee based on others \$75 in first 90 days and \$100 after
 - c. Projected time to program
 - d. Projected Revenue: $2527 \times \$50 = \$126,350.00$

3. Electronic Credit Card Renewal Fees
 - a. Cost per transaction regardless of amount \$1.00
 - b. Projected Revenue $19,000 \times 1.00 = \$19,000.00$

4. CEU Summit Austin, TX (presently in the planning stages for Spring 2012)
 - a. Provide five courses
 - i. 9:30 registration
 - ii. 10:00-11:00; 11:00-12:00; lunch break; 1:00-2:00; 2:00-3:00; 3:00-4:00;
 - b. Inexpensive continuing education
 - i. \$20 per course = \$100 (register on line?)
 - ii. Total number of registrants = 300 (50 per class) \$30,000
 - c. Fire Marshall; TDLR TAS, TBAE Enforcement, Sustainability course by City of Austin, TBAE: Welfare/Ethics course

5. Registration Fees
 - a. Increase by \$5.00
 - i. Projected Revenue $19,158 \times \$5.00 = \$95,790.00$

Summary
Implementation of House Bill 2284
Rule Amendments for Adoption

Background

The 82nd Legislature adopted House Bill 2284 which draws clearer, more specific distinctions between the professions of architecture and engineering. It also provides a process for engineers who can demonstrate experience in designing certain buildings to be listed on a roster of engineers who may practice architecture. The Bill abolishes the joint advisory committee on the practice of architecture, engineering and landscape architecture and replaces it with a smaller task force to aid in the implementation of the bill. The Governor signed the Bill into law. It will take effect on September 1, 2011.

Proposed Rule Amendments for Adoption

At its meeting in June, the Board proposed two amendments to implement House Bill 2284.

- The Board proposed an amendment to Rule 7.10, to charge a cost-recovery fee of \$150 to engineers who apply to be placed upon the list of engineers who may practice architecture.
- The Board proposed the repeal of Rule 1.12, relating to the membership, responsibilities and expiration of the joint advisory committee. Effective September 1, 2011, the committee's enabling legislation is repealed. Therefore the rule has no purpose.

Prospective Repeal for Proposal

Rule 3.12, relating to the joint advisory committee, is published in the rules and regulation of the practice of landscape architecture. The rule is identical to Rule 1.12. The Board did not propose the repeal of the rule at the June meeting. Consideration of a proposal to repeal the rule is on the Board's agenda.

Public Comment

The proposals to amend Rule 7.10 and repeal Rule 1.12 were published in the July 1, 2011, edition of the *Texas Register* for public comment. To date, the agency has not received any comment from the public.

**RULE §1.12 Joint Advisory Committee of the Texas Board of
Architectural Examiners and the Texas Board of
Professional Engineers**

- 1 (a) The Chairman shall appoint three members of the Board and one Architect who is not a
2 member of the Board to serve on a joint advisory committee on the practices of engineering,
3 architecture, and landscape architecture. The three members of the Board to be appointed by the
4 Chairman shall include one Architect, one landscape architect, and one other member of the
5 Board.
- 6 (b) Members of the joint advisory committee shall serve staggered six-year terms. The terms of
7 one or two of the members appointed by the Chairman must expire each odd-numbered year.
- 8 (c) The joint advisory committee shall meet at least twice each year to address issues resulting
9 from the overlap between activities that constitute the practices of engineering and architecture
10 and the practices of engineering and landscape architecture.
- 11 (d) The joint advisory committee shall issue advisory opinions to the Board and the Texas Board
12 of Professional Engineers (TBPE) on subjects including:
- 13 (1) whether certain activities constitute the practice of engineering, the practice of architecture,
14 and/or the practice of landscape architecture;
- 15 (2) specific disciplinary proceedings initiated by the Board or by TBPE; and
- 16 (3) the need for persons working on particular projects to be registered by the Board or licensed
17 by TBPE.
- 18 (e) The Board shall notify the joint advisory committee of the final action taken by the Board
19 with regard to a matter addressed in an advisory opinion issued to the Board.
- 20 (f) The Board shall enter into a memorandum of understanding with TBPE regarding the joint
21 advisory committee.
- 22 (g) The mission of the joint advisory committee shall be to assist the Board and TBPE in
23 protecting the public rather than advancing the interests of either agency or the profession(s) it
24 regulates.
- 25 (h) The joint advisory committee will expire on September 1, 2011, unless extended by rule.

Prospective Fee – Administrative finding of engineering experience for placement on list

Figure: 22 TAC §7.10(b)

Fee Description	Architects	Landscape Architects	Interior Designers
Exam Application	\$100	\$100	\$100
Examination	****	***	**
Registration by Examination--Resident	155	*355	*355
Registration by Examination--Nonresident	180	*380	*380
Reciprocal Application*****	150	150	150
Reciprocal Registration	*400	*400	*400
Active Renewal--Resident	*305	*305	*305
Active Renewal--Nonresident	*400	*400	*400
Active Renewal 1-90 days late--Resident	*457.50	*457.50	*457.50
Active Renewal greater than 90 days late--Resident	*610	*610	*610
Active Renewal 1-90 days late--Nonresident	*600	*600	*600
Active Renewal greater than 90 days late--Nonresident	*800	*800	*800
Emeritus Renewal--Resident	10	10	10
Emeritus Renewal--Nonresident	10	10	10
Emeritus Renewal 1-90 days late--Resident	15	15	15
Emeritus Renewal greater than 90 days late--Resident	20	20	20
Emeritus Renewal 1-90 days late--Nonresident	15	15	15
Emeritus Renewal greater than 90 days late--Nonresident	20	20	20
Inactive Renewal--Resident	25	25	25
Inactive Renewal--Nonresident	125	125	125
Inactive Renewal 1-90 days late--Resident	37.50	37.50	37.50
Inactive Renewal greater than 90 days late--Resident	50	50	50
Inactive Renewal 1-90 days late--Nonresident	187.50	187.50	187.50
Inactive Renewal greater than 90 days late--Nonresident	250	250	250
Reciprocal Reinstatement	610	610	610
Change in Status--Resident	65	65	65
Change in Status--Nonresident	95	95	95

Prospective Fee – Administrative finding of engineering experience for placement on list

Reinstatement--Resident	685	685	685
Reinstatement--Nonresident	775	775	775
Certificate of Standing--Resident	30	30	30
Certificate of Standing--Nonresident	40	40	40
Replacement or Duplicate Wall Certificate--Resident	40	40	40
Replacement of Duplicate Wall Certificate--Nonresident	90	90	90
Duplicate Pocket Card	5	5	5
Reopen Fee for closed candidate files	25	25	25
Examination--Administrative Fee	-	40	-
Examination--Record Maintenance	25	25	25
Returned Check Fee	25	25	25
Application by Prior Examination	-	-	100

*These fees include a \$200 professional fee required by the State of Texas and deposited with the State Comptroller of Public Accounts into the General Revenue Fund. The fee for initial architectural registration by examination does not include the \$200 professional fee. Under the statute, the professional fee is imposed only upon each renewal of architectural registration.

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

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

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

*****Applies to engineers seeking an administrative finding of experience pursuant to House Bill 2284 as passed by the 82nd Legislature. This administrative fee as applied to engineers takes effect September 1, 2011 and expires December 31, 2011.

For Proposal: Repeal Rule §3.12

**RULE §3.12 Joint Advisory Committee of the Texas Board of
Architectural Examiners and the Texas Board of
Professional Engineers**

1 (a) The Chairman shall appoint three members of the Board and one architect who is not a
2 member of the Board to serve on a joint advisory committee on the practices of engineering,
3 architecture, and landscape architecture. The three members of the Board to be appointed by the
4 Chairman shall include one architect, one Landscape Architect, and one other member of the
5 Board.

6 (b) Members of the joint advisory committee shall serve staggered six-year terms. The terms of
7 one or two of the members appointed by the Chairman must expire each odd-numbered year.

8 (c) The joint advisory committee shall meet at least twice each year to address issues resulting
9 from the overlap between activities that constitute the practices of engineering and architecture
10 and the practices of engineering and landscape architecture.

11 (d) The joint advisory committee shall issue advisory opinions to the Board and the Texas Board
12 of Professional Engineers (TBPE) on subjects including:

13 (1) whether certain activities constitute the practice of engineering, the practice of architecture,
14 and/or the practice of landscape architecture;

15 (2) specific disciplinary proceedings initiated by the Board or by TBPE; and

16 (3) the need for persons working on particular projects to be registered by the Board or licensed
17 by TBPE.

18 (e) The Board shall notify the joint advisory committee of the final action taken by the Board
19 with regard to a matter addressed in an advisory opinion issued to the Board.

20 (f) The Board shall enter into a memorandum of understanding with TBPE regarding the joint
21 advisory committee.

22 (g) The mission of the joint advisory committee shall be to assist the Board and TBPE in
23 protecting the public rather than advancing the interests of either agency or the profession(s) it
24 regulates.

AN ACT

1 relating to the practice of architecture and engineering.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Subchapter A, Chapter 1001, Occupations Code, is
4 amended by adding Section 1001.0031 to read as follows:

5 Sec. 1001.0031. PRACTICES OF ENGINEERING AND ARCHITECTURE.

6 (a) Except as provided by Subsection (d) or (e), the practice of
7 engineering does not include, and engineers may not engage in or
8 offer to engage in, the practice of architecture as defined by
9 Sections 1051.001(7) (A), (B), and (C), as that definition existed
10 on April 1, 2011, and by Section 1051.0016(a).

11 (b) An engineer may not prepare or provide a complete,
12 comprehensive set of building plans for a building designed for
13 human use or occupancy unless:

14 (1) the plans and specifications as described by
15 Section 1051.001(7) (A) or (B) are prepared by, or under the
16 supervision of, an architect;

17 (2) the building is part of a project described by
18 Section 1051.601(b) or a building described by Section
19 1051.606(a) (4); or

20 (3) the engineer has received administrative approval
21 by the Texas Board of Architectural Examiners to practice
22 architecture under Section 1051.607.

1 (c) An engineer is responsible for the engineering plans
2 and specifications of a building unless the work is exempt under
3 Section 1001.053 or 1001.056. In this section, the term
4 "engineering plans and specifications" means:

5 (1) plans for a structural, mechanical, electrical,
6 electronic, fire suppression, or geotechnical system in a
7 building;

8 (2) specifications of structural elements and
9 connections of a building;

10 (3) foundation design;

11 (4) hydrologic management calculations and design of
12 surface water control and detention necessary for compliance with
13 ordinances and regulations;

14 (5) design of building drain and waste system
15 plumbing, fresh water plumbing, graywater systems, and mechanical
16 aspects of moving water in and out of a structure, other than
17 simple roof drainage;

18 (6) evaluation of structural framing members before
19 the addition of roof-mounted equipment or a heavier roof
20 covering;

21 (7) design of changes in roof pitch by the addition of
22 structural framing members;

23 (8) evaluation and repair of damaged roof structural
24 framing;

1 (9) design of electrical and signal and control
2 systems;

3 (10) shop drawings by manufacturers or fabricators of
4 materials and products to be used in the building features
5 designed by the engineer; and

6 (11) specifications listing the nature and quality of
7 materials and products for construction of features of the
8 building elements or systems designed by an engineer.

9 (d) The preparation of engineering plans and specifications
10 for the following tasks is within the scope of practice of both
11 engineering and architecture:

12 (1) site plans depicting the location and orientation
13 of a building on the site based on:

14 (A) a determination of the relationship of the
15 intended use with the environment, topography, vegetation,
16 climate, and geographic aspects; and

17 (B) the legal aspects of site development,
18 including setback requirements, zoning and other legal
19 restrictions, and surface drainage;

20 (2) the depiction of the building systems, including
21 structural, mechanical, electrical, and plumbing systems, in:

22 (A) plan views;

23 (B) cross-sections depicting building components
24 from a hypothetical cut line through a building; and

1 (C) the design of details of components and
2 assemblies, including any part of a building exposed to water
3 infiltration or fire-spread considerations;

4 (3) life safety plans and sheets, including
5 accessibility ramps and related code analyses; and

6 (4) roof plans and details depicting the design of
7 roof system materials, components, drainage, slopes, and
8 directions and location of roof accessories and equipment not
9 involving structural engineering calculations.

10 (e) The following activities may be performed by either an
11 engineer or an architect:

12 (1) programming for construction projects, including:

13 (A) identification of economic, legal, and
14 natural constraints; and

15 (B) determination of the scope of functional
16 elements;

17 (2) recommending and overseeing appropriate
18 construction project delivery systems;

19 (3) consulting with regard to, investigating, and
20 analyzing the design, form, materials, and construction
21 technology used for the construction, enlargement, or alteration
22 of a building or its environment; and

1 (4) providing expert opinion and testimony with
2 respect to issues within the responsibility of the engineer or
3 architect.

4 SECTION 2. Subchapter A, Chapter 1051, Occupations Code, is
5 amended by adding Section 1051.0016 to read as follows:

6 Sec. 1051.0016. PRACTICES OF ARCHITECTURE AND ENGINEERING.

7 (a) In this chapter, "architectural plans and specifications"
8 include:

9 (1) floor plans and details:

10 (A) depicting the design of:

11 (i) internal and external walls and floors,
12 including simple foundations;

13 (ii) internal spaces of a building; and

14 (iii) vertical circulation systems,
15 including accessibility ramps, stair systems, elevators, and
16 escalators; and

17 (B) implementing programming, regulatory, and
18 accessibility requirements for a building;

19 (2) general cross-sections and detailed wall sections
20 depicting building components from a hypothetical cut line
21 through a building to include the building's mechanical,
22 electrical, plumbing, or structural systems;

23 (3) reflected ceiling plans and details depicting:

1 (A) the design of the location, materials, and
2 connections of the ceiling to the structure; and

3 (B) the integration of the ceiling with
4 electrical, mechanical, lighting, sprinkler, and other building
5 systems;

6 (4) finish plans or schedules depicting surface
7 materials on the interior and exterior of the building;

8 (5) interior and exterior elevations depicting the
9 design of materials, locations, and relationships of components
10 and surfaces;

11 (6) partition, door, window, lighting, hardware, and
12 fixture schedules;

13 (7) manufacturer or fabricator drawings that are
14 integrated into the construction documents; and

15 (8) specifications describing the nature, quality, and
16 execution of materials for construction of the elements of the
17 building depicted in the plans prepared by the architect.

18 (b) The preparation of architectural plans and
19 specifications for the following tasks is within the scope of
20 practice of both engineering and architecture:

21 (1) site plans depicting the location and orientation
22 of a building on the site based on:

1 (A) a determination of the relationship of the
2 intended use with the environment, topography, vegetation,
3 climate, and geographic aspects; and

4 (B) the legal aspects of site development,
5 including setback requirements, zoning and other legal
6 restrictions, and surface drainage;

7 (2) the depiction of the building systems, including
8 structural, mechanical, electrical, and plumbing systems, in:

9 (A) plan views;

10 (B) cross-sections depicting building components
11 from a hypothetical cut line through a building; and

12 (C) the design of details of components and
13 assemblies, including any part of a building exposed to water
14 infiltration or fire-spread considerations;

15 (3) life safety plans and sheets, including
16 accessibility ramps and related code analyses; and

17 (4) roof plans and details depicting the design of
18 roof system materials, components, drainage, slopes, and
19 directions and location of roof accessories and equipment not
20 involving structural engineering calculations.

21 (c) The following activities may be performed by either an
22 engineer or an architect:

23 (1) programming for construction projects, including:

1 (A) identification of economic, legal, and
2 natural constraints; and

3 (B) determination of the scope of functional
4 elements;

5 (2) recommending and overseeing appropriate
6 construction project delivery systems;

7 (3) consulting with regard to, investigating, and
8 analyzing the design, form, materials, and construction
9 technology used for the construction, enlargement, or alteration
10 of a building or its environment; and

11 (4) providing expert opinion and testimony with
12 respect to issues within the responsibility of the engineer or
13 architect.

14 SECTION 3. Subchapter F, Chapter 1051, Occupations Code, is
15 amended by adding Section 1051.308 to read as follows:

16 Sec. 1051.308. INTERN DEVELOPMENT PROGRAM. The board shall
17 allow a graduate student engineer enrolled in an accredited
18 architectural professional degree program in this state to enroll
19 concurrently in the intern development program required by board
20 rules before an applicant may take the examination under this
21 chapter.

22 SECTION 4. Subchapter L, Chapter 1051, Occupations Code, is
23 amended by adding Section 1051.607 to read as follows:

1 Sec. 1051.607. LIST OF ENGINEERS PERMITTED TO ENGAGE IN
2 PRACTICE OF ARCHITECTURE. (a) The board shall maintain a list
3 of engineers licensed under Chapter 1001 who are authorized to
4 engage in the practice of architecture based on an administrative
5 finding of experience under this section. The board shall post
6 the list on the board's Internet website.

7 (b) An engineer may not engage or offer to engage in the
8 practice of architecture unless:

9 (1) the engineer is listed under Subsection (a); and

10 (2) the engineer is in good standing with the Texas
11 Board of Professional Engineers.

12 (c) The board shall list each engineer who:

13 (1) applies for placement on the list not later than
14 January 1, 2012;

15 (2) was licensed to practice engineering under Chapter
16 1001 before January 1, 2011; and

17 (3) provides to the board documentation of at least
18 three projects that:

19 (A) were prepared by the engineer;

20 (B) were adequately and safely built before
21 January 1, 2011; and

22 (C) are described by Section 1051.703(a) or were
23 not exempt under Section 1051.606(a)(4).

1 (d) Documentation that is sufficient to satisfy the
2 requirement of Subsection (c)(3) includes plans, specifications,
3 photographs, and other records establishing that the
4 architectural design work was performed by the engineer. The
5 documentation is subject to verification by the board. The board
6 shall complete the verification not later than the 120th day
7 after the date the board receives the documentation.

8 (e) The board shall issue written confirmation to each
9 engineer listed under this section that, notwithstanding the
10 requirements of Section 1051.701, the engineer may lawfully
11 engage and offer to engage in the practice of architecture
12 without a license under this chapter.

13 (f) If the board declines to list an engineer who applies
14 under this section, the engineer may request a contested case
15 hearing to be conducted under Chapter 2001, Government Code. The
16 motion for rehearing required by Chapter 2001, Government Code,
17 shall be filed with the State Office of Administrative Hearings.
18 The decision of the administrative law judge in the contested
19 case is final and may be appealed in a Travis County district
20 court.

21 (g) The board and the Texas Board of Professional Engineers
22 shall pay equally the costs of a contested case.

1 (h) The Texas Board of Professional Engineers has exclusive
2 regulatory oversight over an engineer listed under Subsection
3 (a).

4 SECTION 5. Section 1051.703(b), Occupations Code, is
5 amended to read as follows:

6 (b) This section does not prohibit an owner of a building
7 from contracting with [~~choosing~~] an architect or engineer as the
8 prime design professional for a building construction,
9 alteration, or addition project. Designation as the prime design
10 professional does not expand the scope of practice of an
11 architect or engineer beyond the scope of practice that the
12 architect or engineer is authorized to practice under Chapter
13 1001 or 1051.

14 SECTION 6. (a) The Texas Board of Professional Engineers
15 and the Texas Board of Architectural Examiners shall establish a
16 joint task force of members of each board and license and
17 registration holders regulated by each board to make
18 recommendations to the boards regarding whether certain
19 activities should be within the scope of practice of architecture
20 or engineering, or both.

21 (b) This section expires August 31, 2013.

22 SECTION 7. An engineer who applies for listing under
23 Section 1051.607, Occupations Code, as added by this Act, may
24 continue to practice under the law as it existed immediately

1 before the effective date of this Act until the date the
2 application is finally approved or denied, or if appealed after
3 denial, a final decision is entered by an administrative law
4 judge, and the former law is continued in effect for that
5 purpose.

6 SECTION 8. Sections 1001.216 and 1051.212, Occupations
7 Code, are repealed.

8 SECTION 9. This Act takes effect September 1, 2011.

9 President of the Senate Speaker of the House

10 I certify that H.B. No. 2284 was passed by the House on May
11 5, 2011, by the following vote: Yeas 144, Nays 2, 1 present, not
12 voting; and that the House concurred in Senate amendments to H.B.
13 No. 2284 on May 25, 2011, by the following vote: Yeas 143, Nays
14 0, 2 present, not voting.

15 Chief Clerk of the House

16 I certify that H.B. No. 2284 was passed by the Senate, with
17 amendments, on May 24, 2011, by the following vote: Yeas 31,
18 Nays 0.

19 Secretary of the Senate

20 APPROVED:

21 Date

Governor

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: 108-11N
Respondent: Brian Hand d/b/a BH Planning, Inc.
Location of Respondent: Decatur
Date of Complaint Received: March 25, 2011
Instrument: Report and Notice of Violation

Findings:

- Brian Hand d/b/a BH Planning, Inc. (Respondent) is not, and never has been, registered to engage in the practice of architecture.
- In late 2009, Respondent prepared and issued six sheets of architectural plans and specifications.
- The project was an addition to a church which only involved 2,950 square feet.

Statutory Provisions and Rules:

- A person may not engage in the practice of architecture unless he or she is registered with the Board. TEX. OCC. CODE ANN. §§1051.701, 1051.752 , 1051.801 (West 2004 and Supp. 2009).
- The Board may impose an administrative penalty upon a nonregistrant who violates the Architects' Practice Act such as Respondent. TEX. OCC. CODE ANN §1051.451, *et seq.* (West 2004 & Supp. 2009).

Action Recommended by Executive Director:

- Based upon the facts of this case and Respondent's full cooperation in the investigation, the Executive Director recommends, and Respondent is prepared to accept, the imposition of a total administrative penalty in the sum of **\$1,500.00**.

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:	074-111
Respondent:	Valla Design Group
Location of Respondent:	San Antonio, Texas
Nature of Violation:	Title Violation – Architects’ Practice Act
Instrument:	Report and Notice of Violation

Findings:

- Valla Design Group is registered with the TBAE as an interior design firm in San Antonio, Texas. It has never employed architects nor entered into any written Agreements of Association with architects.
- From March 8, 2011 through April 4, 2011, Valla Design Group’s website indicated that the firm was able to offer or provide architectural services.

Applicable Statutory Provisions and Rules:

- A firm or business may not use any form the word “architect” or “architectural” in its name or to describe the services it offers or provides in Texas unless it employs, or associates with, at least one architect pursuant to Board rule 1.123 and registers in compliance with Board rule 1.124; Tex. Occ. Code §§ 105.701, 1051.752, 1051.801.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of \$500.00 per day during which the Respondent violated the title provisions of the Architects’ Practice Act for a total administrative penalty of **\$10,000.00**.

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: 090-11A
Respondent: James Carruthers
Location of Respondent: Richardson, TX
Location of Projects: League City, TX and Fort Worth, Texas
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- James Carruthers (hereafter “Respondent”) was registered as an architect in Texas with architectural registration number 9854.
- On April 13, 2011, 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 commercial building in League City, Texas to TDLR for accessibility review within twenty days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on August 5, 2010, and were submitted to TDLR on October 22, 2010.
- Again, on April 13, 2011, 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 commercial building in Fort Worth, Texas to TDLR for accessibility review within twenty days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on August 5, 2010, and were submitted to TDLR on October 22, 2010.

Applicable Statutory Provisions and Rules:

- By failing to submit the plans and specifications for accessibility review no later than the twentieth day after issuance, Respondent violated § 1051.752(2) of the Architects’ Practice Act and Board rule 1.170 on two separate occasions.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$4,000.00 (\$2,000.00 per project)**.

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: 096-11A
Respondent: Phillip Reed
Location of Respondent: Austin, TX
Location of Project: Austin, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Phillip Reed (hereafter "Respondent") was registered as an architect in Texas with architectural registration number 13562.
- On April 12, 2011, 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 T3-Parking Structure to be located on MLK Blvd. in Austin, Texas to TDLR for accessibility review within twenty days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on February 4, 2010, and were submitted to TDLR on September 28, 2010.
- During the investigation of this case, the Board subsequently learned that the project was never built.

Applicable Statutory Provisions and Rules:

- By failing to submit the plans and specifications for accessibility review no later than the twentieth day after issuance, Respondent violated § 1051.752(2) of the Architects' Practice Act and Board rule 1.170.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

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: 188-06A
Respondent: David Windle
Location of Respondent: Irving, Texas
Location of Project: Arlington, Texas
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- David Windle (hereafter "Respondent") is registered as an architect in Texas with architectural registration number 11122.
- On May 24, 2010, and again on July 28, 2010, Respondent issued architectural plans for two separate restaurant projects. Neither of these was submitted for accessibility review until November 1, 2010.
- Respondent entered into an Agreed Order with the Board in 2007, and paid an administrative penalty of \$700.00 for a previous failure to timely submit plans and specifications for accessibility review.

Applicable Statutory Provisions and Rules:

- By failing to submit architectural plans and specifications to the Texas Department of Licensing and Regulation (TDLR) within 20 days after issuance as required by the Elimination of Architectural Barriers Act, Texas Government Code §469.102(b), Respondent violated § 1051.752(2) of the Architects' Practice Act and Board rule 1.170.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$4,000.00** per project, for a total administrative penalty of **\$8,000.00** in light of Respondent's previous enforcement history.

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: 120-11A
Respondent: David Baum
Location of Respondent: Chicago, IL
Nature of Violation: Failure to Respond to Board's Inquiry
Instrument: Report and Notice of Violation

Findings:

- David Baum (hereafter "Respondent") is registered as an architect in Texas with registration number 17164.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written requests for information.
- Respondent submitted materials which showed he was in compliance with his continuing education requirements.
- Respondent is currently in compliance with his continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of \$250.00.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

APPENDIX 1

Rules Committee Meeting

Minutes

August 19, 2010

APPENDIX 2

Executive Review Committee Meeting

Minutes

August 19, 2010

APPENDIX 3

Executive Committee Meeting

Minutes

April 15, 2011

APPENDIX 4

2011 TBAE Calendar of Events