

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower II, Room 225

333 Guadalupe Street

Austin, Texas

Thursday August 23, 2012

9:00 a.m.

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

Alfred Vidaurri
Chase Bearden

Alfred Vidaurri

2. Approval of Minutes (Action)

- A. May 17, 2012, Board Meeting
- B. May 18, 2012 Board Member Training Meeting

Alfred Vidaurri

3. Confer with legal counsel regarding recent developments in pending litigation in the cases (Action)

- A. TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director
- B. Rogers, Richardson, and Winton v. TBAE

Ted Ross

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

4. Presentation of Budget & Strategic Plan (Action)

- A. Presentation of FY2012 end-of-year expenditures/revenue
Presentation of FY2013 proposed budget for consideration of the Board
- B. FY2013-2017 Strategic Plan for approval

Cathy Hendricks

5. Executive Director Report (Information)

Sunset Review Update

Cathy Hendricks

6. General Counsel Report (Action)

- A. Consideration of public comment and possible adoption of proposed amendments to rules 1.210, 1.211, 1.212, 1.214 and 1.217 relating to the requirement for an architect to design and observe the construction of certain buildings

Scott Gibson

- B. Consideration of public comment and possible adoption of

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proposed amendments to rules 1.5, 3.5 and 5.5 defining the term "sole practitioner" for purposes of business registration rules

- C. Consideration of public comment and possible adoption of proposed amendments to rule 3.69 increasing continuing education requirements for landscape architects

7. Architecture/Engineering Taskforce Update (*Information*)

Chuck Anastos
Scott Gibson

8. Review and possibly adopt ED's recommendation in the following enforcement cases: (*Action*)

Michael Shirk

A. CONTINUING EDUCATION CASES:

Atkins, Jack Alan (#207-12A)
Burt, John Vincent (#224-12A)
Butler, Frank Arthur (#209-12A)
Flemons, Jerry Brent (#169-12A)
Guedry, Timothy P. (#213-12A)
Hodgkins, Robbin G. (#173-12A)
Hooper, Glenn P. (#215-12A)
Hunt, Eugene Lee (#227-12A)
Levrier, Fulgencio (#210-12I)
Phares, Stephanie M. (#160-12I)
Pickens, David Jackson (#222-12A)
Rogers, Sandra (#212-12I)
Solomon, Phillip R. (#206-12L)
Wilson, Peter R. (#216-12A)

B. CASES INVOLVING TDLR VIOLATIONS:

Shepherd, Phillip (#197-12A)

9. Report on conferences and meetings (*Information*)

Cathy Hendricks
Alfred Vidaurri

- A. NCARB Annual Meeting, June 20-23, Minneapolis, MN
B. METROCON12 Expo & Conference, August 9-10, Dallas, TX

10. Executive Committee Report (*Action*)

Alfred Vidaurri

- A. Report on findings based upon Executive Director

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performance evaluation

- B. Consider and possibly act upon recommended Executive Director personnel action

The Board may meet in closed session pursuant to TEX. GOV'T CODE ANN. §551.074 to confer on personnel matters

- | | |
|--|-----------------|
| 11. Approval of the Proposed 2013 Board Meeting Dates (<i>Action</i>) | Alfred Vidaurri |
| January 24, 2013 | |
| June 20, 2013 | |
| August 22, 2013 | |
| October 24, 2013 | |
| 12. Approval of Resolution Honoring (<i>Action</i>) | Alfred Vidaurri |
| Steven Franz | |
| 13. Upcoming Board Meeting | Alfred Vidaurri |
| October 17, 2012 | |
| 14. Chair's Closing Remarks | Alfred Vidaurri |
| 15. Adjournment | Alfred Vidaurri |

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 Chapter 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.

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
CLARB	Council of Landscape Architectural Registration Boards
IDCEC	Interior Design Continuing Education Council
IDEC	Interior Design Educators Council
IDEP	Interior Design Experience Program
IDP	Intern Development Program
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
NCIDQ	National Council for Interior Design Qualification
TAID	Texas Association for Interior Design
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 May 17, 2012 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 102

Austin, TX 78701

9:00 a.m.

1. Preliminary Matters

A. Call to Order

Chair Alfred Vidaurri called the meeting of the Texas Board of Architectural Examiners to order at 9:07 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
Sonya Odell	Member
Paula Miller	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Jackie Blackmore	Registration Coordinator
Katherine Crain	Legal Assistant
Dale Dornfeld	Programmer
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Director of Registration
Matthew Li	Programmer
Ken Liles	Finance Manager
Julio Martinez	Network Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator
Tony Whitt	Continuing Education Coordinator

C. Excused and unexcused absences

None

D. Determination of a quorum

A quorum was present.

E. Recognition of Guests

Guests were as follows: Ted Ross, Counsel to the Board from the Attorney General's Office, Donna Vining, Executive Director for Texas Association for Interior Design, David Lancaster, Texas Society of Architects, Brent Luck, Landscape Architect/Texas ASLA, Carrie Holley-Hurt, Policy Analyst, Sunset Commission, Chad Davis, Landscape Architect/Texas ASLA (arrived 9:15 a.m.), Nancy Fuller, Counsel from the Attorney General's Office, Hunter Oliver, Office of the Attorney General, and Jeri Morey, Architect from Corpus Christi, Mark Davis, Dallas Attorney for Respondent, Irene Nigaglioni, Matthew Ryan, Austin Attorney for James Ian Powell, Jeff Jury, Austin Attorney for Joel Hernandez, Tony Canales, Corpus Christi Attorney for Raymond Gignac, John Scales, Engineer with Scales Engineering, Cynthia Scales, and Curt Olson, Texas Budget Source.

F. Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He reflected upon the 8 years he has served on the Board. He acknowledged that Diane Steinbrueck has served as a Board member for 11 years and thanked her for her service. Serving as Chair of the Texas Board of Architectural Examiners was a great opportunity as well as a challenge. It is rewarding and fulfilling and serving with some great people. He stated that as a Board member one must take everything into consideration and hope to make the right decision at the end of the day. The Chair noted that usually the members of the Board do make the right decisions and over time we have made great improvements for the people of the State of Texas.

G. Public Comment

None.

2. Approval of the February 2, 2012 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE FEBRUARY 2, 2012, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Board review of House Bill 2284 Committee Decisions

Mr. Anastos, Committee Chair, gave an overview of the HB 2284 Engineer Review Committee Decisions. There were three meetings of the Committee. He stated that there were 78 applicants and 21 of those were approved to be put on the list. There is zero in committee review. Fifty-four applicants were disqualified, either for failing to file three qualifying projects or because the projects did not meet the standards under the law. There was one rejection for missing the deadline. Finally, there are two pending Board review today. The General Counsel gave some background on the application process and review.

081-12E – John Scales, P.E.

The General Counsel directed the Board to a memo on page 16 in the notebook describing details of Mr. Scales' application. He applied to be on the list on December 22, 2011, and staff determined that one of his projects did not qualify under HB2284. In order to make it on the list, each engineer must file evidence of having designed three buildings over the statutory thresholds in the law. The deadline for filing was January 1, 2012. The agency extended that deadline to January 3, 2012, to compensate for delays due to the holidays. Staff did its review of the three projects submitted by the applicant and determined that one of them, the design of a Credit Union, a commercial building, was well below the 20,000 square

foot threshold. The applicant was notified that his application would not go before the committee because the application did not include three qualifying projects. Mr. Scales requested permission to file a substitute project, but by that time the deadline had passed. The Committee considered Mr. Scales' request to submit a substitute project and denied it. Mr. Scales is asking the Board to reverse the Committee's decision and allow him to submit a substitute project in lieu of the one project that was below the thresholds. General Counsel noted staff's recommendation is to deny the requested permission. Staff's position is that the statute lays out the criteria for applying and specifies a deadline for application. General Counsel opined that it is unfortunate, but Mr. Scales simply has not met the deadline.

Mr. Scales made a presentation to the Board. He stated he had applied before the deadline and believed the three projects he presented were qualifying. He did not believe the credit union was a commercial building because it is owned by a non-profit. He also noted a flow chart published by the agency stated applicants may file substitute projects for disqualified projects and it does not state the substitution must be made before the deadline. The Board discussed Mr. Scales' request and posed questions to Mr. Scales and staff. General Counsel noted that if the original application is merely a marker and applicants could submit substitute projects after the deadline, the deadline would be meaningless and the application process would continue indefinitely, contrary to legislative intent.

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) THAT THE BOARD STAND BY THE COMMITTEE'S VOTE ON THE APPLICATION OF JOHN SCALES IN CASE NUMBER 081-12E. THE MOTION PASSED BY A VOTE OF 7 – 1 (STEINBRUECK OPPOSED).

The Board took a break at 9:55 a.m. and reconvened at 10:08 a.m.

016-12E – Delbert F. Richardson, P.E.

The Chair stated the applicant is not at the meeting and does not have a representative at the meeting on his behalf. The Committee denied his application for placement on the exempt engineer list because it found the plans he submitted as his application did not establish his ability to design safe and adequate buildings. The Committee noted significant building code violations. Mr. Richardson requested the Board to readdress his application and reverse the Committee's determination.

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO ACCEPT THE COMMITTEE'S DETERMINATION TO DENY THE APPLICATION SUBMITTED BY DELBERT F. RICHARDSON, P.E., TBAE CASE NUMBER 016-12E.

The General Counsel gave background on the reason for the committee's decision to deny his application. The project identified as "The First Baptist Church of Hemphill" caused the committee its greatest concern. The project had a gymnasium with a stage and a kitchen adjoining the gymnasium. The occupancy load for the gymnasium was misclassified and as a result did not include mandated fire sprinklers. On the plans for another project, there was very little amount of information which the committee also found problematic.

Mr. Anastos, Chair of the Committee, stated that two of the three buildings should have included sprinkler systems and did not. There were also life-safety issues with firewalls fire-rated doors.

The Chair restated the motion and put it to a vote. THE MOTION PASSED UNANIMOUSLY.

4. 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 vs. TBAE

At 10:13 a.m., the Board convened in closed session, pursuant to Section 551.071(1), Government Code, to confer with legal counsel on pending litigation and proposed settlement of pending litigation. The Chair adjourned the closed session at 11:24 a.m.

The Chair convened the Board in public meeting at 11:24 a.m.

The Chair directed the members of the Board to vote on pending litigation outlined in A. and B., above.

A MOTION WAS MADE AND SECONDED (Steinbrueck/Anastos) TO ACCEPT THE PROPOSED SETTLEMENT IN *TSPE V. TBAE AND CATHY L. HENDRICKS, IN HER OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR*. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Steinbrueck/Anastos) TO ACCEPT THE PROPOSED SETTLEMENT IN *RICHARDSON, ROGERS, AND WINTON VS. TBAE*. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO PROPOSE AMENDMENTS TO RULES §1.210, §1.211, §1.212, §1.214, AND §1.217 TO CONFORM THE RULES TO RECENT LEGISLATION. THE MOTION PASSED UNANIMOUSLY.

The Board took a lunch break at 11:30 a.m. and reconvened at 12:17 p.m.

5. Executive Director Report

A. Budget Review

The Executive Director reported that the budget was updated through the end of February. The total revenue received through February is roughly 47% of the total projected revenue for the year. The Board members questioned the Accounting Manager regarding a previously approved draw on the reserve fund to pay for an accounting program. The Accounting Manager reported that the program is being paid from available revenues in the operating fund. A draw on the reserve will be shown only if it is necessary to use funds from the reserve to cover any of the cost.

B. State Auditor Report

The Executive Director outlined the agency's plan for the implementation of recommendations made in the State Auditor's report. The written implementation plan outlines the policies and procedures which have been completed, those which are currently under development and target dates for completion. The report also

includes a print-out showing the transfer of money from the agency's fund to the scholarship fund to correct an error cited in the State Auditor's report. The Board discussed placing agency policies and procedures on the agency's Web site.

C. Survey of Employee Engagement

The Executive Director reported that the standard format for the survey report is to identify the three lowest scores and three highest scores on the survey. There are always three low scores in each report. For all scores, the agency averaged over 375 points. The three low scores focused on pay, diversity and internal communications. The Executive Director stated the agency's employees are paid above average and the agency does well on the longevity of employee tenure, possibly because of pay.

Report on conferences and meetings

A. NCARB Region 3 2012 Board Member & Educator's Conference – February 11, 2012

The Chair summarized the conference. There was a presentation on grants and educational programs. The Louisiana Board presented an outline of its outreach program. None of the other regions have called a meeting of educators and members. It was well-attended. There were educators present from each state. Possible future locations for this meeting were discussed -- Atlanta, Dallas, Houston and New Orleans.

B. 7 Habits of Highly Effective People – TBAE Staff, February 15-17, 2012

The Executive Director gave a brief summary of the training that the staff received. She stated that the staff enjoyed the training and some personnel were continuing to use the training to improve their communication skills and agency performance.

C. CLARB Spring Meeting – February 24-25, 2012

Diane Steinbrueck reported on the meeting. CLARB outlined its strategic plan. CLARB is developing programs in China and Mexico. California is developing a landscape architecture degree program. The Landscape Architectural Registration Examination will be entirely computerized after the June administration. The last grading session will be in July in Scottsdale, Arizona and she planned to attend. CLARB is evaluating the structure and substance of landscape architectural internship.

D. NCARB Region 3 Meeting – March 8-11, 2012

Bert Mijares stated that the Chair, Ms. Dockery, and the Executive Director attended the meeting with him. He reported that they broke out into groups for "blue sky" discussions on IDP, testing, and standardizing architectural education programs and other subjects. There was discussion of doing away with IDP and whether continuing education on sustainability is excessive. He said they toured the Seattle Public Library which includes many cutting edge materials and designs for sustainability. Elections were held and the TBAE chair was re-elected as Vice Chair of the Region. Ms. Dockery reported the blue sky discussions on international practice were very forward thinking.

E. CLARB Board of Directors Meeting – May 7-8, 2012

The Executive Director reported that she had been appointed to be Chair of the Member Board Executive's Committee.

F. Sunset Advisory Commission Meeting – April 10, 2012

The Executive Director introduced Ms. Carrie Holley-Hurt as the analyst at the Sunset Commission who is assigned to the agency. She reported that Sunset

Commission staff is scheduled to begin its review of the agency in July 2012 and will be finished with their report by the end of October. The agency will encourage people to write or otherwise contact the Sunset Commission on the agency's Web site.

G. TDLR Texas Accessibility Academy – April 25-27, 2012

The Executive Director stated that there were a number of changes to the statute of the American with Disabilities Act. She attended the Academy with staff members Tony Whitt and Steven Franz. The new standards became effective March 15, 2012. Accessibility standards are expanded into new areas of public accommodation, including outdoor recreational areas. The Executive Director briefed the Board on agency efforts to inform licensees of the new standards.

The Board took a recess at 1:35 p.m. and reconvened at 1:55 p.m.

The Chair drew to the Board's attention a letter written by Mr. Delbert Richardson supporting Mr. Richardson's argument that the Committee's decision on his application should be reversed. Since no mention was made of it when the matter was before the Board earlier the Chair wanted to ensure that the Board was aware of it and had read it. After the Board members read the letter, the Chair asked if any member wished to make a motion to reconsider the previous action on the application in order to put the question before the Board again. There was no motion to reconsider.

6. Report on Implementation of House Bill 2284

A. Engineer Applications

The Chair thanked members of the Engineer Application Review Committee for their great job on evaluating the applications. He explained that at least two hours of research was spent on every application. There were 78 total applications which were reviewed and investigated by staff. Of the 78 applications, 21 went before the committee for an analysis to determine if the submitted design plans were safe and adequate.

B. Implementation of the Task Force

House Bill 2284 created a task force to include representatives of the Board and the Texas Board of Professional Engineers, as well as representatives of both professions. The task force is to make recommendations to the Boards on whether certain practices are architecture, engineering, or both. Members have been appointed to the task force and it is scheduled to meet in June.

7. General Counsel Report

The General Counsel gave a brief summary of the following proposed rules which had been published in the *Texas Register*. They are before the Board for the consideration of public comment and adoption.

A. Proposed (or committee referral rules)

I. A MOTION WAS MADE AND SECONDED (Steinbrueck/Odell) TO AMEND §3.69 TO INCREASE CONTINUING EDUCATION HOURS FOR LANDSCAPE ARCHITECTS FROM 8 TO 12 HOURS AND TO MAKE CONFORMING CHANGES TO THE NUMBER OF SELF-STUDY HOURS PERMITTED AND DIRECTED-STUDY HOURS REQUIRED. THE MOTION PASSED UNANIMOUSLY.

II. A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO AMEND §§1.5, 3.5, AND 5.5 TO DEFINE THE TERM “SOLE PRACTITIONER” AS THAT TERM IS USED IN RULES RELATING TO BUSINESS REGISTRATION. THE MOTION PASSED UNANIMOUSLY.

III. Proposed review of Texas Administrative Code, Title 22, Chapter 1, relating to the practice of architecture, Chapter 3, relating to the practice of landscape architecture, Chapter 5, relating to the practice of interior design, and Chapter 7, relating to the administration of the Texas Board of Architectural Examiners. The proposed review is conducted pursuant to Section 2001.039, Texas Government Code, to assess whether the original justification for the rules continues to exist.

The General Counsel explained that each agency must review rules every 4 years. The last time TBAE completed a rules review process was in 2009. A review of the rules determines whether the rule should continue to exist. This process will be referred to the Rules Committee before the March 2013 deadline.

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO PUBLISH NOTICE OF THE PROPOSED RULES REVIEW IN THE TEXAS REGISTER. THE MOTION PASSED UNANIMOUSLY.

B. Rules for Adoption:

I. A MOTION WAS MADE AND SECONDED (Pinson/Dockery) TO AMEND §1.191 TO REVISE REQUIREMENTS TO COMPLETE THE ARCHITECTURAL INTERN DEVELOPMENT TRAINING PROGRAM. THE MOTION PASSED UNANIMOUSLY.

II. A MOTION WAS MADE AND SECONDED (Pinson/Dockery) TO AMEND §1.192 TO ALLOW APPLICANTS TO BEGIN EARNING CREDIT UNDER THE INTERN DEVELOPMENT PROGRAM UPON COMMENCING EDUCATION OR EXPERIENCE AND OTHER REVISIONS. THE MOTION PASSED UNANIMOUSLY.

8. Enforcement Cases

Review and possibly adopt the Executive Director’s recommendations to resolve the following enforcement cases. The Executive Director’s recommendations are to resolve the following cases in accordance with agreements reached with the Respondents. The Chair recognized the Managing Litigator to present the enforcement cases.

A. Continuing Education Cases

A MOTION WAS MADE AND SECONDED (Pinson/Steinbrueck) TO TAKE UP ALL CONTINUING EDUCATION CASES IN ORDER TO APPROVE THE EXECUTIVE DIRECTOR’S RECOMMENDATION FOR SETTLEMENT:

Alexander, Anthony Lovell (#155-12A)

Atwood, Robert O. (#140-12L)

Fly, Everett Lowell (#161-12A)

Griego, Arturo (#152-12A)

Huff, James F. (#149-12A)

Massock, Shawn William (#130-11L)

Porter, Marley (#154-12A)

Schroeder, David E. (#139-12A)

Senelly, Richard (#156-12A)

Spears, Susan Jo (#141-12A)
Wu, Xiang B. (#150-12A)
Yuan, Ding (#144-12L)
THE MOTION PASSED UNANIMOUSLY.

B. Other:

Hogan, Kimberly (#059-12I)
A MOTION WAS MADE AND SECONDED (Pinson/Bearden) TO ACCEPT THE RECOMMENDED PENALTY IN CASE NUMBER 059-12I INVOLVING A TDLR VIOLATION BY KIMBERLY HOGAN. THE MOTION PASSED UNANIMOUSLY

Board member Chuck Anastos recused himself from voting on the following cases.

Gignac, Raymond (#139-11A)
Hernandez, Joel (#005-12A)
Nigaglioni, Irene (#006-12A)
Powell, James Ian (#007-12A)

The Managing Litigator made a presentation to the Board of proposed agreed settlements of the cases. He stated these cases involve violations of §1.147 which prohibits architects from providing information about the cost of architectural services to prospective governmental clients prior to selection on the basis of qualification. The cases arose from an August 5, 2011, meeting where the Corpus Christi Independent School District (hereafter CCISD) heard presentations from three architectural teams competing for a school building project. The Agreed Order finds the respondents violated the rule in the course of a presentation made to CCISD during the selection process for architectural firms to design a new school.

Matt Ryan, Attorney for James Ian Adams Powell approached the Board on behalf of all respondents and urged the Board to accept the proposed settlements. Mr. Ryan stated the Respondents acknowledge the gravity of the situation but emphasized the violations were not deliberate. Mr. Ryan also noted this is a case of first impression by the Board. He urged the Board to accept the settlement offer as a just result under the circumstances. General Counsel and members of the Board questioned Mr. Ryan on many points about the case and the project.

A MOTION WAS MADE AND SECONDED (Pinson/Steinbrueck) THAT THE BOARD ACCEPTS THE PROPOSED SETTLEMENT AGREEMENTS.

The Board went into closed session at 3:17 p.m. to confer with legal counsel regarding settlement proposals pursuant to §551.071(1), Government Code. The Board adjourned the closed session at 4:22 p.m. and reconvened in open session.

The Board took a 5 minute break and returned in open session at 4:28 p.m.

THE BOARD VOTED ON THE MOTION. THE MOTION FAILED (0-7, ANASTOS RECUSED AND DID NOT VOTE).

A MOTION WAS MADE AND SECONDED (Miller/Steinbrueck) TO REFER THE CASES TO STAFF TO RE-EVALUATE THE FACTS TO ASCERTAIN THE EXTENT TO WHICH OTHER RULES MAY HAVE BEEN VIOLATED, THE ADEQUACY OF PROPOSED

SANCTIONS, AND WHETHER PROSPECTIVE SANCTIONS SUPPORT THE PROFESSIONAL SERVICES PROCUREMENT ACT AND TO CONSIDER NEGOTIATION OF AN ALTERNATIVE SETTLEMENT AGREEMENT. THE MOTION PASSED UNANIMOUSLY.

9. National Council of Architectural Registration Boards (NCARB) Resolutions to be acted upon at the 2012 Annual Meeting and Conference, June 2012 – Direction to TBAE delegates

A. Resolution 2012-01 – *Bylaws* Amendment – Allows a member board to transfer voting rights from one delegate to the next via a letter of credentials

B. Resolution 2012-02 – *Bylaws* Amendment – Provides that officers and directors of regions, member board executive committee, and council board of directors may be removed from office by majority vote of those who elected them

C. Resolution 2012-03 – *Bylaws* Amendment – Clarifies that it is the Chief Executive Officer who designates Chief Financial Officer of the council and executive council reviews but does not prepare council budget

D. Resolution 2012-04 – *Bylaws* Amendment – Grants explicit authority to incoming president/chair of board to develop committee charges for his/her year as president

E. Resolution 2012-05 – *Bylaws* Amendment – Allows annual membership dues to be raised by adopting a resolution at an annual meeting, effective July 2018 and thereafter

F. Resolution 2012-06 – *Bylaws* Amendment – Replaces the term “Regional Conferences” with the term “Regions” in the *Bylaws*

G. Resolution 2012-07 – *Legislative Guidelines* Amendment – Adds authority in the *Guidelines* for member boards to reject an application or take disciplinary action against an applicant for misconduct in connection with the ARE and IDP

H. Resolution 2012-08 – *Model Regulations and Rules of Conduct* Amendments – requires architect supervisors to verify work experience for IDP in a timely manner and ensure reports do not include false or misleading information

I. Resolution 2012-09 – *Handbook for Interns and Architects* Amendment – Allows acceptance of Canadian Architectural Certification Board evaluation of a foreign degree to satisfy education standard for an intern

J. Resolution 2012-10 -- *Handbook for Interns and Architects* Amendment – Technical correction to remove a redundant reference to Canadian Intern Architect Program

K. Resolution 2012-11 -- *Handbook for Interns and Architects* Amendment – Allows exam credit for the Quebec provincial exam taken between 1977 and 2001

L. Resolution 2012-12 -- *Handbook for Interns and Architects* Amendment – Requires NCARB, in lieu of a Canadian provincial association, to determine if education, experience and examination of a Canadian architect are equivalent to NCARB standards

The Chair listed each resolution and proposed that the Board consider and vote upon them as a single motion in the manner of a consent agenda, unless any Board member wanted to discuss any particular resolution. Without objection regarding any specific resolution, the Board showed unanimous consent to consider all the resolutions jointly.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO INSTRUCT THE DELEGATE TO APPROVE RESOLUTIONS 2012-A THROUGH 2012-F. THE MOTION PASSED UNANIMOUSLY.

10. Chair's Closing Remarks

The Chair stated that members of the HB 2284 Committee (Anastos/Mijares/Dockery) did a great job, working proactively and energetically. The Chair presented certificates of appreciation to each Committee member. The Chair also thanked the Board members for their work at the Board meeting.

11. Adjournment

A MOTION WAS MADE AND SECONDED (Steinbrueck/Pinson) TO ADJOURN THE MEETING AT 4:45 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of May 18, 2012 Board Member Training Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street
Tower III, Conference Room 350L
Austin, TX 78701
9:00 a.m.

Present

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

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Mike Alvarado	Registration Records Coordinator
Jennifer Barrett	Accountant
Jackie Blackmore	Registration Coordinator
Christine Brister	Human Resources
Nelly Clayton	Accountant
Katherine Crain	Legal Assistant
Dale Dornfeld	Programmer
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Director of Registration
Gail Hile	Registration Renewal Coordinator
Matthew Le	Programmer
Beatriz Lewellen	Receptionist
Ken Liles	Finance Manager
Julio Martinez	Network Specialist
Nancy Rodriguez	Investigations Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator
Tony Whitt	Continuing Education Coordinator
Anita Wilkerson	Administrative Assistant

9:00 a.m. Welcome and Introduction of Staff
Presentation by Cathy L. Hendricks, RID
TBAE Organization Chart

Staff Director – Who to Contact

- 9:30 a.m. Employment Law**
Presentation by Kathy Wilson
Office of the Attorney General
- 9:45 a.m. Ethics**
Presentation by Karen Lundquist
Office of the General Counsel, University of Texas
- 10:40 a.m. Break**
11:00 a.m. Reconvene
- 11:00 a.m. Legislative and Quasi-Judicial Functions of the Board**
Presentation by Michael Shirk
Due to limitations on time, this presentation was not made.
- 11:30 a.m. Open Meetings/Open Records/Robert’s Rules of Order**
Presentation by Scott Gibson
Due to limitations on time, this presentation was not made.
- 12:00 p.m. Break**
12:15 p.m. Reconvene
- 12:15 p.m. Board Communications**
Presentation by Glenda Best
1. EA-005 Travel Policy & Procedures
2. Board/Agency Policies and Procedures
3. Board Cyclical Calendar
- 12:45 p.m. Question & Answer – Cathy L. Hendricks, RID**
- 12:55 p.m. Closing Remarks – Cathy L. Hendricks/Alfred Vidaurri**
- 1:00 p.m. Adjournment – Cathy Hendricks**
The meeting adjourned at 1:15 p.m.

Approved by the Board:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS - FISCAL YEAR 2012 BUDGET

	FY 2012 Approved Budget	FY 2012 Projected Rev. and Exp. Sep 1, 2011--- Aug 31, 2012	FY 2012 Actual Rev. Earned & Exp. as a Percentage	FY 2013 Proposed Budget
Total Beginning Fund Balance	1,929,213.90			1,817,817.82
Revenues:				
Licenses & Fees	2,499,707.00	2,512,235.00	100.50%	2,510,000.00
Enforcement Penalties	92,153.00	74,885.95	81.26%	75,000.00
Late Fee Payments	229,816.00	215,519.21	93.78%	215,000.00
Other	2,000.00	9,035.09	451.75%	5,000.00
Interest	12,000.00	7,548.11	62.90%	7,500.00
<i>Draw on Fund Balance</i>	50,000.00		0.00%	166,635.00
Total Revenues	2,885,676.00	2,819,223.36	97.70%	2,979,135.00
Expenditures:				
Salaries and Wages (1)	1,432,654.93	1,390,837.80	97.08%	1,523,700.00
Payroll Related costs (2)	361,768.08	364,916.59	100.87%	392,220.00
Professional Fees & Services	52,486.20	44,523.01	84.83%	35,060.00
Travel				
Board Travel	40,008.11	32,098.33	80.23%	37,000.00
Staff Travel (3)	31,980.22	23,628.19	73.88%	28,000.00
Office Supplies	19,355.49	14,020.85	72.44%	15,000.00
Postage	23,217.66	15,244.59	65.66%	15,000.00
Communication and Utilities	19,907.00	16,508.53	82.93%	17,500.00
Repairs and Maintenance	4,545.00	1,479.29	32.55%	1,500.00
Office Rental and Equipment Leases	60,907.50	60,907.50	100.00%	60,910.00
Printing	15,676.00	7,136.50	45.53%	7,000.00
Operating Expenditures	54,200.16	54,200.16	100.00%	55,000.00
Conference Registration Fees	8,561.35	5,599.16	65.40%	7,000.00
Membership Dues	20,069.30	20,145.00	100.38%	21,000.00
Fees for Receiving Electronic Payments	98,000.00	108,000.00	110.20%	108,000.00
Staff Training (4)	27,000.00	22,449.92	83.15%	23,000.00
SWCAP Payment	55,339.00	76,609.00	138.44%	76,610.00
Payment to GR	510,000.00	510,000.00	100.00%	510,000.00
Exceptional Items: IT Upgrades in 2013	50,000.00	45,680.02	91.36%	45,635.00
Total Expenditures	2,885,676.00	2,813,984.44	97.52%	2,979,135.00
Excess/(Deficiency) of Rev over Exp.	0.00	5,238.92		-
* Funding for 6 months	1,442,838.00			1,489,567.50
Ending Fund Balance	486,375.90			328,250.32

Budget adjustments resulting from actions taken by the Executive Committee on July 30, 2012.

(1) Added \$80K for IT Manager
(2) Added \$20K for IT Manager

(3) Added \$3K for Travel
(4) Added \$18K for Staff Training

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
FISCAL YEAR 2012 BUDGET
SCHOLARSHIP FUND

	FY 2012 Budget	FY 2012 Actual Expenditures Sept 1, 2011---August 31, 2012	FY 2012 Remaining Budget
Total Beginning Scholarship Fund Balance	191,681.00	191,681.00	164,181.00
Expenditures:			
Operating Expenditures-Scholarship Payments		27,500.00	-
Total Expenditures		27,500.00	-
Excess/(Deficiency) of Rev over Exp.	191,681.00	164,181.00	-
Ending Reserve Fund Balance	191,681.00	164,181.00	164,181.00

Number of Scholarships Awarded

55

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

Strategic Plan At-a-Glance

1. The Texas Board of Architectural Examiners prepares a strategic plan every even-numbered year pursuant to §2056.002, Government Code.
2. The plan is developed and formatted according to detailed and formulaic instructions provided by the Legislative Budget Board and the Governor's office
3. Approval process:
 - Executive Team and Communications Manager develop guidelines
 - Communications Manager writes draft
 - Executive Team review
 - Staff review (departmental managers)
 - Executive Committee review/edits/approval
 - Board review/edits/approval (today)
 - Strategic Plan submission (shortly after this meeting)
4. As planned for this report, TBAE focused very closely on the "heart" of the Strategic Plan: its Performance Measures (or PMs)

Performance Measures Verification & Validation At-a-Glance

1. TBAE went the extra mile to ensure that its Performance Measures (PMs) are correctly formulated, accurately calculated, and securely archived for future review
2. A private sector firm performed an assessment of newly revised PMs
3. Assessment results were good, and the agency's PMs (which are officially housed in the Strategic Plan) are well constructed, accurate, and meaningful

Excerpt from the report that follows:

“The following table provides a summary of the results of the verification and validation activities undertaken to review the PMs in scope for this project. Recommendations are also provided in the table for each PM.

Performance Measure	Verification Result	Validation Result	Recommendations
Number of Examination Candidates	Verified	0% difference	Monitor data quality relating to licensee status and application type
Number of Registrants	Verified	0% difference	
Number of Cases Opened within the Quarter	Verified	0% difference	
Number of Cases Closed within the Quarter	Verified	0% difference	
Recidivism Rate	Verified	0% difference	

Table 1 Summary of PMs Review and Recommendations

The verification process indicated that the definitions of all PMs match the calculation methodologies implemented in their SQL. The validation process indicated that the PMs are accurate.”

AGENCY STRATEGIC PLAN

FOR THE FISCAL YEARS 2013-2017 PERIOD

BY

THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS



TEXAS Board of
Architectural Examiners

Architects ▪ Interior Designers ▪ Landscape Architects

Board Member	Term ends	Hometown
Alfred Vidaurri Jr., AIA, AICP—Chair	1/31/15	Aledo
Charles H. (Chuck) Anastos—Vice Chair	1/31/13	Corpus Christi
Chase Bearden—Sec./Treas.	1/31/15	Austin
Debra Dockery, AIA	1/31/17	San Antonio
Bert Mijares, AIA	1/31/15	El Paso
Paula Ann Miller	1/31/17	The Woodlands
Sonya B. Odell, RID	1/31/17	Dallas
Brandon Pinson	1/31/13	Midland
Diane Steinbrueck, RLA	1/31/13	Driftwood

AUGUST 23, 2012

SIGNED:

APPROVED:

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Statewide Vision, Mission, and Philosophy

The Mission of Texas State Government

Texas state government must be limited, efficient, and completely accountable. It should foster opportunity and economic prosperity, focus on critical priorities, and support the creation of strong family environments for our children. The stewards of public trust must be men and women who administer state government in a fair, just, and responsible manner. To honor the public trust, state officials must seek new and innovative ways to meet state government priorities in a fiscally responsible manner.

Aim high... we are not here to achieve inconsequential things!

The Philosophy of Texas State Government

The task before all state public servants is to govern in a manner worthy of this great state. We are a great enterprise, and as an enterprise, we will promote the following core principles:

- First and foremost, Texas matters most. This is the overarching, guiding principle by which we will make decisions. Our state, and its future, is more important than party, politics, or individual recognition.
 - Government should be limited in size and mission, but it must be highly effective in performing the tasks it undertakes.
 - Decisions affecting individual Texans, in most instances, are best made by those individuals, their families, and the local government closest to their communities.
 - Competition is the greatest incentive for achievement and excellence. It inspires ingenuity and requires individuals to set their sights high. Just as competition inspires excellence, a sense of personal responsibility drives individual citizens to do more for their future and the future of those they love.
 - Public administration must be open and honest, pursuing the high road rather than the expedient course. We must be accountable to taxpayers for our actions.
 - State government has a responsibility to safeguard taxpayer dollars by eliminating waste and abuse and providing efficient and honest government.
 - Finally, state government should be humble, recognizing that all its power and authority is granted to it by the people of Texas, and those who make decisions wielding the power of the state should exercise their authority cautiously and fairly.
- Relevant Statewide Goals and Benchmarks

Priority Goal: Regulatory

To ensure Texans are effectively and efficiently served by high-quality professionals and businesses by:

- Implementing clear standards;
- Ensuring compliance;
- Establishing market-based solutions; and
- Reducing the regulatory burden on people and business.

Benchmarks:

- Percent of state professional licensee population with no documented violations
- Percent of new professional licenses as compared to the existing population
- Percent of documented complaints to professional licensing agencies resolved within six months
- Percent of individuals given a test for professional licensure who received a passing score
- Percent of new and renewed professional licenses issued via the Internet

TBAE Mission

The mission of the Texas Board of Architectural Examiners is to protect the public health, safety, and welfare through the regulation of the practice of the professions of architecture, landscape architecture, and interior design.

TBAE Philosophy

We approach our work with a deep sense of purpose to serve and protect the public.

External/Internal Assessment

→Agency overview.

Created by the Texas Legislature in 1937, the Texas Board of Architectural Examiners (TBAE) operates under the aegis of the Self-Directed, Semi-Independent (SDSI) pilot program established by the 77th Texas Legislature. Along with a number of other regulatory agencies, TBAE's participation in SDSI removes the agency from the appropriations process, ensures accountability to stakeholders, and requires the agency to operate as a business. SDSI agencies must adopt their own budgets and establish registration fees to cover all operational costs. Additionally, each agency must submit an annual payment (\$510,000 in TBAE's case) to the general revenue fund.

Finally, \$200 of every registration renewal is passed through to the same fund. In a typical fiscal year, the agency contributes around \$3.5 million to the state of Texas' General Revenue and Foundation School funds.

TBAE is overseen by a Board of nine appointees. Four Board members are registered architects, two are public members, and one is a registered interior designer, and one is a registered landscape architect. The Chair is selected by the Governor from among the

Board members, and the group meets four times a year to craft new rules and decide enforcement cases.

TBAE has a staff of 22.5 full-time equivalents (FTEs), divided into three broad functional units: Registration, Central Administration and Enforcement. Each division is responsible for executing particular operational aspects of the Board's statutory charge and mission. While separation of the units allows staff to fully engage in their respective areas of expertise, close collaboration and cross-training allows the agency as a whole to remain flexible for most any event. TBAE's staffing level and program structure serve its target population (registrants, building officials, design students and professors, the public who uses and inhabits the built environment, and other stakeholders) effectively. While various forces drive changes in target populations to a small extent (chiefly, economic factors), the agency expects to maintain its level of service and retains the flexibility to address any significant changes.

As a Self-Directed, Semi-Independent agency, TBAE continues to improve and streamline operations. As a result, measuring performance is an evolving process. Old methods and processes are continually updated to reflect current best practices. In 2013 and ongoing, the agency will continue evaluating its performance and workload to identify emerging trends to better guide agency executive management. In fact, much of 2011 and 2012 was spent closely examining and heavily revising the agency's own performance measures, which are detailed below in the List of Measure Definitions. Customer service survey data have shown and continue to show a very high degree of satisfaction among all the agency's key constituencies, and while TBAE is proud of those results, the agency remains focused on the future. Key concepts viewed by Executive Management as critical in this regard are the best uses of technology and the emerging professionals poised to join the design professions in the near future.

→An end to the architecture/engineering "overlap" controversy

In perhaps the biggest news in decades touching the agency and its stakeholders, events in 2011 brought the likely conclusion of the longstanding "overlap" dispute among some members of the architecture and engineering professions. Legislation signed into law in 2011 created a simple one-time process by which certain qualified engineers may apply for placement on an "excepted engineers list," which allows those engineers to engage in the practice of architecture under certain circumstances. The bill also provides for a task force of both architects and engineers to convene to iron out any remaining areas in need of clarification. That task force already has convened to discuss those clarifications, and by all accounts the meeting was the most successful and productive in years.

In coming months, agency staff will undertake an outreach effort to inform building officials and city plan examiners of the results of HB 2284 and its task force. This outreach effort likely will utilize both in-person and electronic means, and intends to further enhance statewide understanding of the newly clarified practice areas resulting from the bill.

→Sunset review of the agency

Also as a result of 2011 legislation, the agency is undergoing review by the Sunset Commission of Texas at the time of this writing. TBAE welcomes such a chance to look at how it operates with fresh eyes and a skilled outside perspective, and looks forward to working with Sunset staff, and the Legislature to craft a Sunset bill that will shore up any weak areas and further streamline the way the agency does business.

→Customer Service Survey results and overview

The 2012 TBAE Report on Customer Service was submitted in May, 2012. The results of the survey showed that the agency maintained its remarkably high (92.6 percent) overall satisfaction rate among registrants, building officials, emerging professionals, and other stakeholders surveyed.

→Ensuring accurate and meaningful Performance Measures (PMs)

In 2012 the agency took upon itself a project to gain independent verification of the accuracy and meaningfulness of its PMs, housed later in this Strategic Plan. The PM assessment verified the agency's data structures, report queries, and PM construction, which provides an additional layer of assurance that the PMs reported in the future will serve as an accurate reporting and strategic planning tool. Further information is available upon request.

Agency Goals, Objectives, and Strategies

GOAL: TBAE will administer a licensing program to ensure that only qualified professionals and firms practice the regulated professions in Texas.
--

Objective

Ensure that all practitioners and users of restricted titles within the regulated professions earn and maintain a valid registration.

Strategies

- Provide registrants, applicants, and firms useful tools for record-keeping, account maintenance, and renewals.
- Accurately evaluate applications for registration and maintain documentation.
- Identify and reach out to lapsed registrants facing cancellation to provide help in renewing registrations.

- Provide useful, informative continuing education courses for registrants.

GOAL: TBAE will protect the public health, safety, and welfare with an effective enforcement program.

Objective

Promote compliance and the use of professional standards by registrants.

Strategies

- Maximize stakeholder exposure to regulatory requirements and developments via an aggressive communications/outreach program.
- Investigate and prosecute enforcement cases in a thorough and timely manner.

Objective

Ensure due process and fairness for respondents facing enforcement action.

Strategies

- Adhere to Robert's Rules of Order and "open meetings" statutes in all public meetings.
- Adhere to all applicable statutory and administrative requirements throughout the course of any investigation or enforcement activity.

GOAL: TBAE will seek to draw upon historically underutilized businesses (HUBs) in its procurement of goods and services.

Objective

To include historically underutilized businesses in at least 20% of the professional services contracts, 33% of other services contracts, and 12.6% of commodities contracts awarded annually by the agency.

Strategies

- Send requests for bids to at least two HUB vendors when purchasing
- All routine office supply purchases made from HUB vendors

Technology Resource Planning, Part 1: Technology Assessment Survey

TBAE uses the State's TEX-AN communication service and the Texas Online Payment Portal, Texas.gov., for processing online transactions. All other services are handled in-house by TBAE's IT Department, including programming, database administration, email services, network administration, and desktop services.

Statewide Technology Goal 1: Strengthen and Expand the Use of Enterprise Services and Infrastructure

TBAE is very small; therefore, no enterprise applications, etc. are envisioned. The agency plans to continue to utilize the Department of Information Resources' (DIR) Information and Communications Technology (ICT) Cooperative Contracts program when possible. TBAE also has established relationships with other smaller agencies, and resource sharing will continue as needed.

The agency utilizes industry standard database systems with custom applications. These applications are written in standard programming languages such as Microsoft Access and Visual Basic for internal applications and Microsoft ASP for Internet applications. By utilizing standard programming languages, the applications do not require expensive software license agreements or vendor maintenance contracts. As an added benefit, data easily interfaces with other agency systems.

TBAE utilizes the State of Texas Payment Processing Portal, Texas.gov, for processing all online payments. Recently, in order to meet more stringent PCI compliance requirements, TBAE changed the payment processing methodology to be a redirect rather than an information pass-through.

Statewide Technology Goal 2: Secure and Safeguard Technology Assets and Information
TBAE conducts annual risk assessments, as well as annual controlled penetration tests and application scans.

The agency plans to increase the number of penetration tests that are conducted per year over the next five years.

TBAE is compliant with current requirements for submitting monthly incident reports. TBAE has also added security-specific training requirements to employee performance evaluations. The agency has a strict policy in place prohibiting the acceptance of credit card numbers via the phone. TBAE requires that all new employees complete Information Security and Nondisclosure agreements before gaining access to agency information systems. IT Policies are refreshed at least every three years. Agency-supported email passes through a spam appliance to reduce/remove suspicious emails. Virus protection is provided at the server level with daily deployment of virus updates.

Agency equipment is configured to prevent users from installing any non-approved software that may cause service interruptions. Agency supported remote services utilize a secure socket layer certificate so that data transfer is secure.

Statewide Technology Goal 3: Serve Citizens Anytime, Anywhere TBAE's Web site is currently being revamped. The focus of the project is to ensure accessibility and usability of the agency Web site content to create a better user experience for our customers. TBAE's online system supports individuals who desire to apply, take the examination and become licensed. Once an account is created, individuals can go online and update their contact information, complete an application, view their exam scores, renew a license and pay any fee with a credit card. Registrants can also maintain their continuing education log from their TBAE account.

The agency's Web site is highly utilized by both licensees and the public for information gathering. The Web site's "Find a Design Professional" search feature gives all site users the ability to check the registration status of Architects, Landscape Architects and Registered Interior Designers to find out whether a design professional is a licensed professional in good standing.

TBAE has moved from paper-based communication to email as the primary means of communication with our registrants. The agency augments paper renewal reminders with email messages, as well as announcements of profession specific news. Business processes that support the continuing education program as well as the application process rely heavily on email communication.

Statewide Technology Goal 4: Pursue Excellence and Foster Innovation across the Enterprise

TBAE is migrating to Office365 cloud services, largely as a part of agency Business Contingency Planning and to provide greater security. Office365 offers an intranet using SharePoint that will serve as a repository for all agency forms. It will also be a sharing spot for employees to share accomplishments as well as the agency's department-specific accomplishments. TBAE believes that the implementation of an intranet, which allows employees to share information, will foster better employee relationships, which in turn makes the entire atmosphere more positive and team-oriented. Office365 will have versioning features to track when documents are changed or updated.

Technology Resource Planning, Part 2: Technology Alignment Initiative

Technology Initiative	Related Agency Objective	Status	Related SSP Strategy/ (IES)	Anticipated Benefits	Innovation, Best Practice, Benchmarking
Provide an effective licensing renewal process	Objective 2 Enable registrants to conduct their business with TBAE online.	Current	3.1	Reduced paper consumption, reduced staff time, more efficient customer service via secure online transactions	Positive feedback in customer service survey
Enhance privacy and security of online registrant data	Objective 2 Enable registrants to conduct their business with TBAE online.	Current	3.1	Enhanced protection of personal data and financial data	Excellent results on penetration tests and audits of the online system
Provide online continuing education	Objective 2 Communicate effectively with the public to increase awareness of state regulations.	Current	3.2	Added value for all registrants, enhanced understanding among registrants of Board rules and regulations	Positive feedback among course-takers, increased usage or popularity of the course

Appendices

Description of Agency's Planning Process

The Executive Director provided overall direction to staff to develop the strategic plan.

March 2012

- Executive team meets to determine planning objectives and strategies for including staff in the planning process
- Preliminary Performance Measures are developed

April 2012

- Goals, objectives, and strategies refined by management team

May 2012

- Customer Service Survey compiled and released

June 2012

- Workforce plan written
- Customer service report submitted
- Performance Measures assessment by independent firm begins
- First draft of strategic plan written for executive review

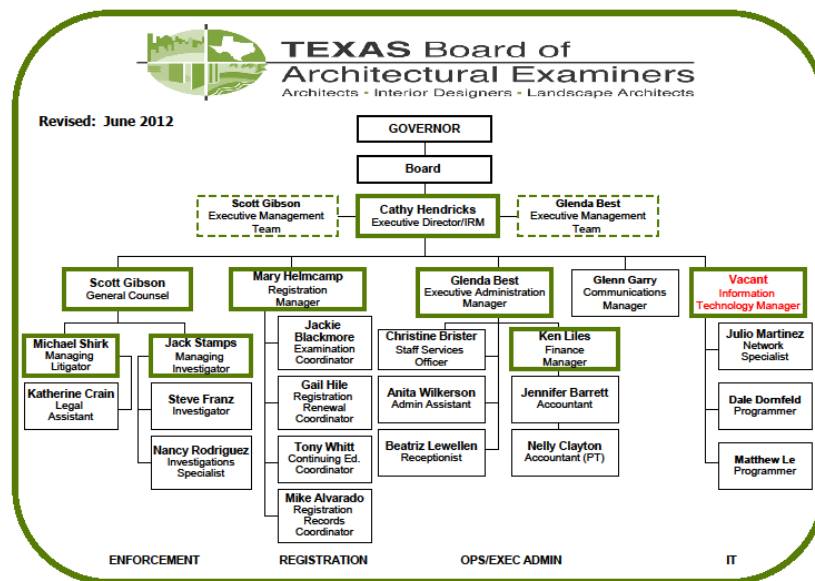
July 2012

- Second draft of strategic plan written for executive director review
- Performance measures assessment by independent firm finished
- Executive Committee approves Strategic Plan for submittal to full Board

August 2012

- Final refinements
- Board approval of Strategic Plan
- Plan submitted

Current Organizational Chart



Five-year Projections for Outcomes

All performance measures have been revised thoroughly according to instructions by the State Auditor’s Office, and will be tracked closely to measure progress and note areas of improvement. These metrics will be reviewed periodically as part of normal business.

List of Measure Definitions

Number of examination candidates

Purpose:	The measure indicates workload and helps to project number of possible eligible registrants, viewed against previous reports with an eye toward trending.
Methodology:	The agency's database (TBAsE) will automatically run a snapshot report quarterly, in the first hours after the end of each quarter. The data and "roster" information will be saved for future review and audit. TBAsE will run a head count of all records with an application type of "Exam Candidate" and a registration status of "Open."
Data Limitations:	Data are limited to those captured in TBAsE.
Calculation Type:	Non-cumulative.
New Measure:	No, but thoroughly revised.

Number of licensees/certificate-holders

Purpose:	The measure indicates workload for agency staff, and also may help project future workload when viewed against previous reports.
Methodology:	The agency's database (TBAsE) will automatically run a snapshot report quarterly, in the first hours after the end of each quarter. The data and "roster" information will be saved for future review and audit. TBAsE will run a head count of all records with an application type of "Registrant" and a registration status of "Active," "Inactive," or "Emeritus."
Data Limitations:	Data are limited to those captured in TBAsE.
Calculation Type:	Non-cumulative.
New Measure:	No, but thoroughly revised.

Number of enforcement cases opened during the quarter

Purpose:	The measure indicates workload and effectiveness, and also may help project future workload when viewed against previous reports.
Methodology:	A TBAsE query will be run automatically in the first hours after the end of each quarter. The query will return all results with a “case open date” field within the quarter. The data and “roster” information will be saved for future review and audit.
Data Limitations:	Data are limited to those captured in TBAsE.
Calculation Type:	Cumulative.
New Measure:	No, but thoroughly revised.

Number of enforcement cases closed during the quarter

Purpose:	The measure indicates efficiency and effectiveness in handling enforcement cases.
Methodology:	A TBAsE query will be run automatically in the first hours after the end of each quarter. The query will return all results with a “case closed date” field within the quarter. The data and “roster” information will be saved for future review and audit. Note that the “closed” date is to be defined in accordance with agency Policies and Procedures; that is, a case is “closed” as of the date that the Board takes final action on it, not on the date a final payment is made or other requirement is fulfilled.
Data Limitations:	Data are limited to those captured in TBAsE.
Calculation Type:	Cumulative.
New Measure:	No, but thoroughly revised.

Recidivism rate

Purpose:	The measure indicates the effectiveness of the deterrent effect of the Board’s enforcement activities upon previously disciplined respondents.
Methodology:	TBAsE will run a report each quarter to search through the current quarter and the previous 11 quarters for instances of certain “final dispositions” (a field in each enforcement case record). Those flagged final dispositions are: Agreed Order, Cease & Desist, Consent Order, Formal Reprimand, Informal

Reprimand, Notice of Violation, Order of the Board, Penalty Notice, Revocation, Suspension/Probation, and Warning Letter.

$$\frac{\text{Number of respondents with multiple instances of flagged final dispositions during the period}}{\text{Number of respondents with any number of instances of flagged final dispositions during the period}} \times 100 = _\%$$

Data Limitations: Data are limited to those captured in TBAsE.

Calculation Type: Non-cumulative.

New Measure: Yes.

Workforce Plan

Overview

The Texas Board of Architectural Examiners (TBAE) is a small state agency operating under the Self-Directed Semi-Independent Pilot Project Program (SDSI). At the end of June 2012, TBAE employs 23 staff members. TBAE's commitment to high standards for excellence and customer service requires the agency to recruit and maintain a highly skilled staff.

In FY 2005 the agency implemented an on-line renewal process which still continues to evolve and improve business operations. As the use of technology becomes more important to the agency's business, employees must have the technical skills along with customer service skills. As the agency moves forward, it will be necessary to ensure employees are provided with training opportunities to enhance their skill sets and to develop recruitment practices that will aid in hiring highly qualified staff.

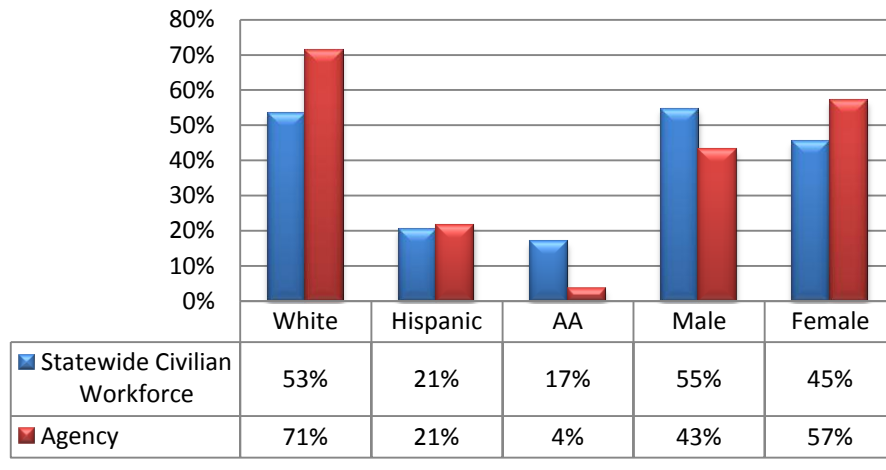
Workforce Demographics

Due to the small size of TBAE and its low turnover rate, the agency struggles to meet various diversity targets. For most job categories, the agency is comparable to or above statewide work force statistics however, the agency will continue to pursue recruitment efforts to draw highly qualified African Americans and Hispanics. Note that totals do not equal 100% because the "Other" category is not included.

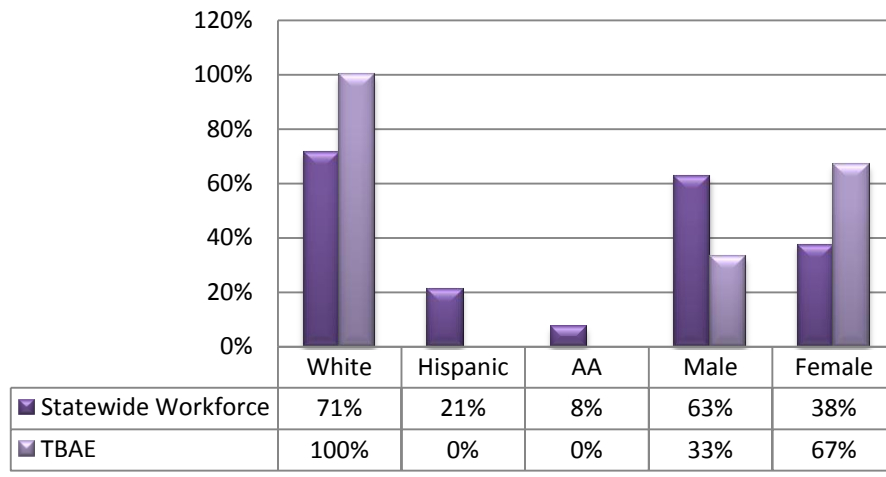
The following charts reflect the agency workforce as of 8/31/2011.

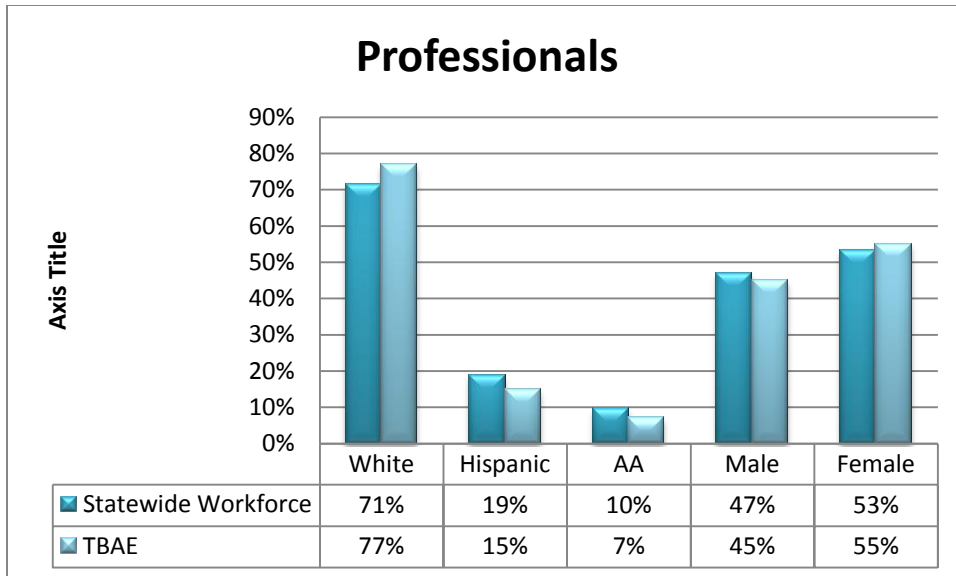
Race and Sex - The following graphics compares the demographic profile of TBAE's workforce to that of the statewide civilian workforce.

Comparison of Statewide Workforce to TBAE

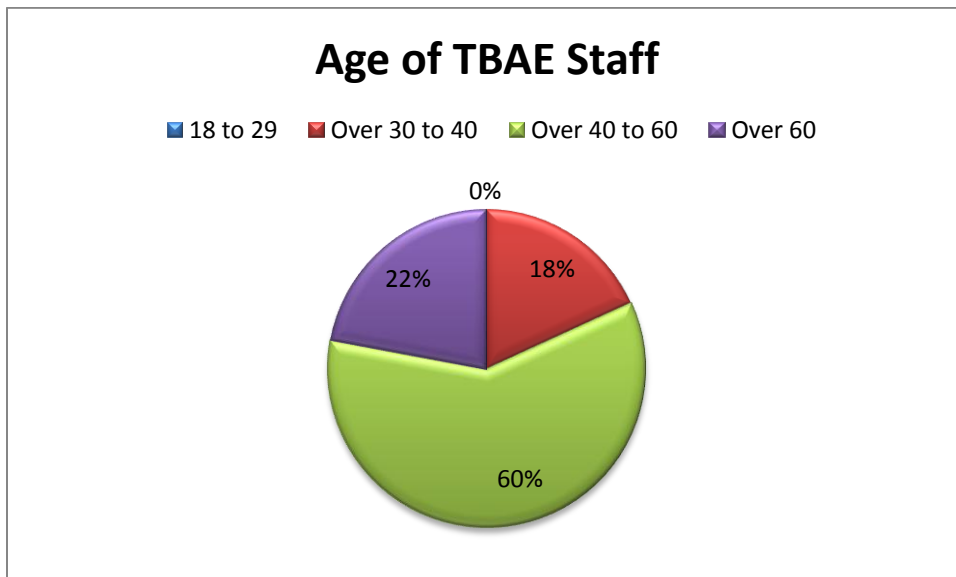


Officials & Administrators

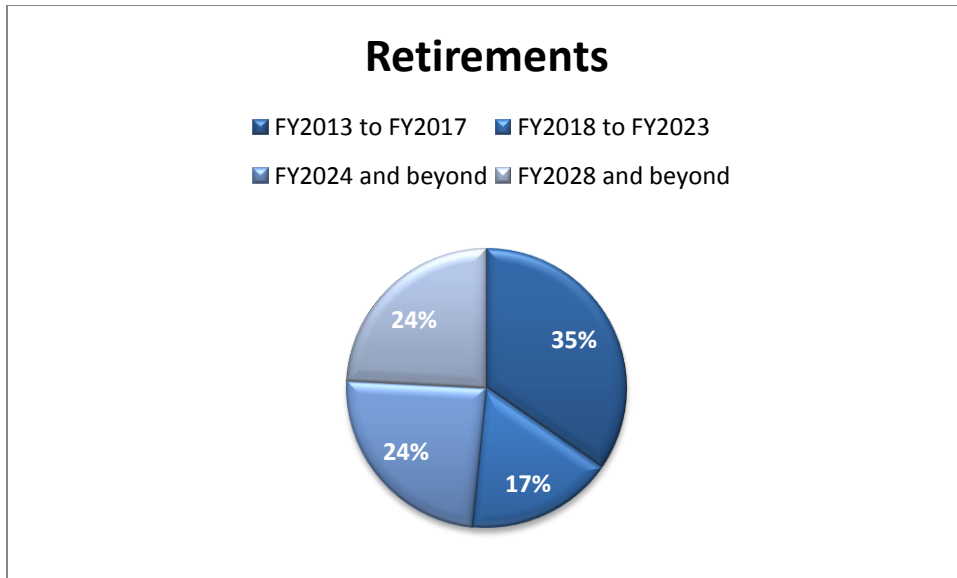




Age - Due to the small workforce and low turnover, the agency is an older workforce.



Retirement and Succession Planning - Approximately 35% of employees will be eligible to retire between FY2013 and FY2017. This increases the urgency in which the agency must plan for the potential loss of expertise and institutional knowledge.



Skills Inventory

Although the agency has many talented and qualified employees, there are a number of critical skills that are important to the agency’s ability to operate. TBAE could not effectively accomplish basic business functions without these skills:

- Customer service
- Analysis/research
- Problem solving
- Communication (verbal and written)
- Computer proficiency (skills requirements range from basic to expert)
- Investigation
- Accounting
- Management

TBAE’s work force currently has the necessary skills to do the required work. In the next five years the agency could experience a shortage of required skills, particularly in management due to potential retirements and normal attrition. The agency will also need to focus on succession planning strategies due to the number of employees eligible to retire over the next five years.

Workforce Strategies

To address the loss of experience and institutional knowledge the agency will focus on the following:

1. Continue to develop skills of current employees by developing training plans for employees by analyzing staff to determine which employees demonstrate the

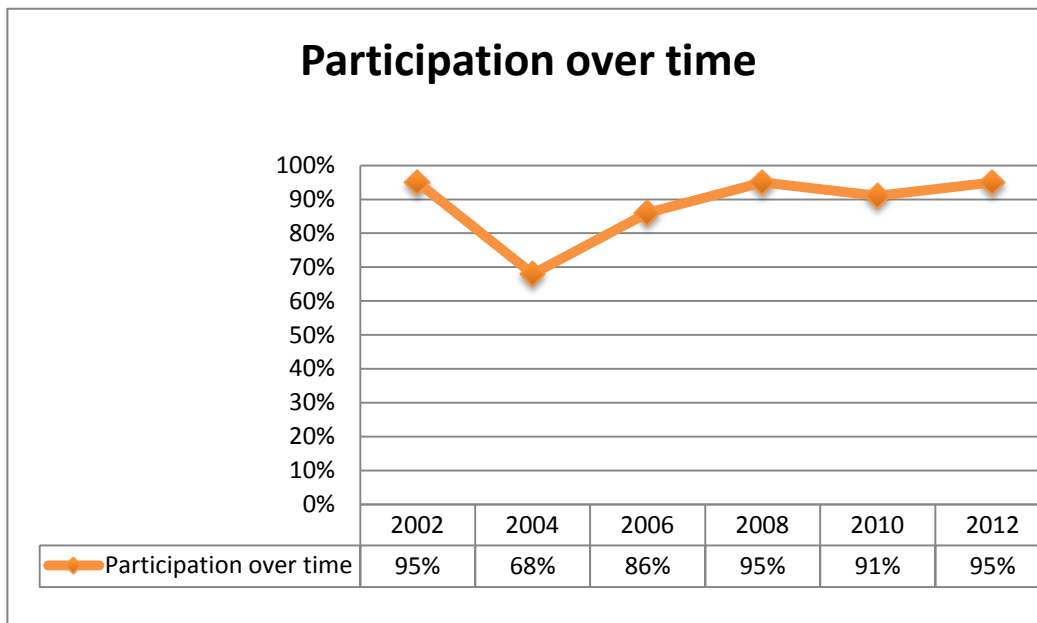
potential to develop new competencies and match the correct employee with the proper training best suited to develop his or her skills.

2. Continue to develop and maintain division policies and procedures manuals.
3. Promote cross training to ensure that institutional job knowledge is retained.
4. Review and revise current positions as new skills are identified due to program changes or technological advancements.
5. Recruit the right employees for the right jobs by carefully identifying the necessary skill sets and matching to the most highly qualified person.

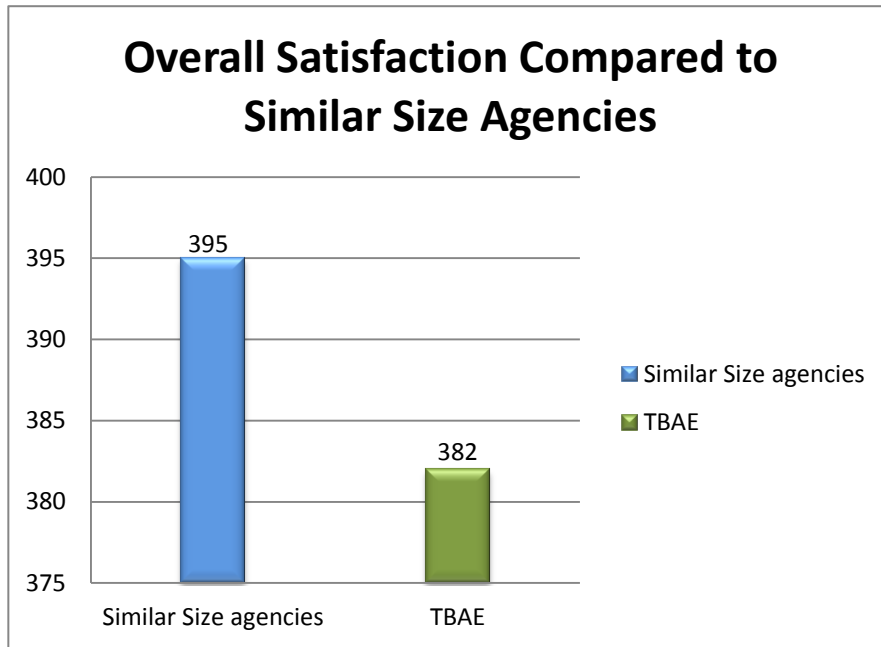
The agency's Workforce Plan will be implemented with the Strategic Plan. It will be reevaluated biennially to determine if adjustments need to be made due to changes in the agency's regulatory role or changes in technology. The Staff Services Officer and Executive Administrative Manager will work closely with the Executive Director and managers to ensure that planned or unexpected turnover and/or retirements do not leave the agency without the knowledge or skill shortages that would prevent the agency from achieving its strategic goals.

Survey of Employee Engagement Results

During the month of February 2012, 95% of staff participated in the 2012 Survey of Employee Engagement (SEE). This is a slight increase from the 2010 Survey.



During this survey period, the overall satisfaction decreased to 382. When compared to other similarly sized agencies, TBAE is slightly below, but scores typically range from 325 to 375.



This survey period found these areas to be TBAE’s strengths and areas for improvement:

Highest Scores

- Information Systems
- Physical Environment
- Supervision

Lowest Scores

- Pay
- Internal Communications
- Diversity

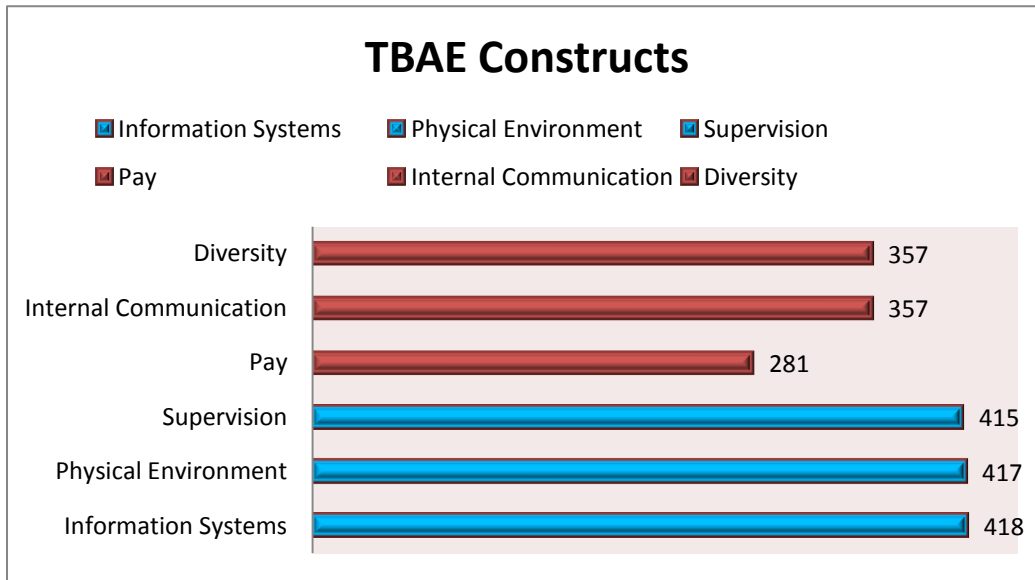
As shown below in the table below, the lowest scores continue to be the Pay and Diversity constructs. The score for the Pay construct may be an ongoing reaction to the struggling economy.

During this survey period, the Pay construct remains the lowest score. Low scores suggest that pay is a central concern or reason for satisfaction or discontent. The higher cost of living in Austin is a main driver in the perception that pay is not keeping up with expenses.

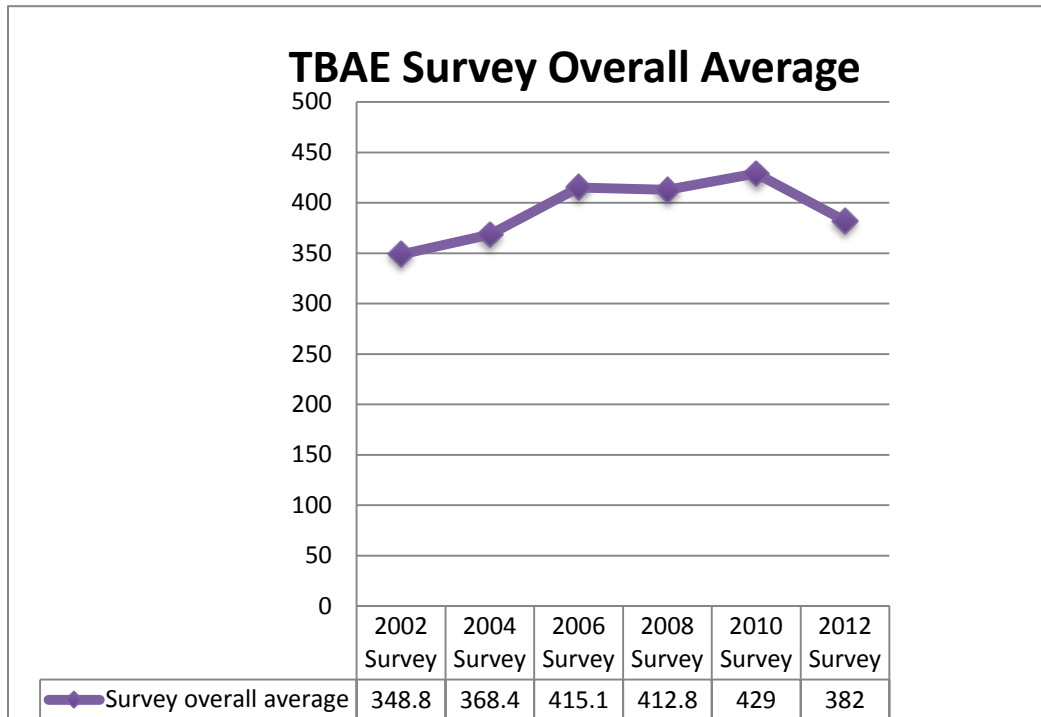
The small of size of TBAE has an impact on the diversity of staff. Compared to the statewide civilian workforce, TBAE matches the State in the Hispanic category, but needs improvement in the AA category. There is no “Other” category included.

Low turnover and consolidations of positions limits opportunities for recruitment. TBAE remains committed to recruiting and retaining a highly skilled staff.

Information Systems received the highest score. Employees find that information resources are complete and accessible. The agency will need to remain vigilant about determining future information needs and meeting those needs.



Over time, TBAE's overall score continued to climb until this year. While the score dropped to 382, it is still higher than the lower score of 368.4 received in 2004. Considering the participation rate along with the overall score indicates the employees want to see the organization improve, and generally have a sense of responsibility to the organization. TBAE plans to seek input from staff in the areas of concern during the next survey period.



The Texas Board of Architectural Examiners (TBAE) participates in the Survey of Employee Engagement every two years. The survey results provide agency management with information on improving the well being of agency employees and improving agency operations. The information provided is an important during the strategic planning process, and provides direction for more successful management of our most critical resource: our workforce.

A complete compilation of results is available upon request.

TBAE contact information

Texas Board of Architectural Examiners
 333 Guadalupe P.O. Box 12337
 Suite 2-350 Austin, TX 78711
 Austin, TX 78701

Tel. 512.305.9000
 Fax 512.305.8900
www.tbae.state.tx.us

Cathy L. Hendricks, ASID/IIDA – Executive Director
 Scott Gibson – General Counsel
 Christine Brister – Staff Services Officer

Summary
Rules 1.210, 1.211, 1.212, 1.214 & 1.217
Amendments to the term “architectural plans and specifications”
Amendments to overlap construction documents
Allowances for the Excepted Engineer List

Current Disposition of Rules

Subchapter K of the architectural Rules and Regulations of the Board implement the provisions of the Architectural Practice Act which require an architect to prepare the architectural plans and specifications for certain buildings. Many of these rules were challenged and upheld in *Texas Society of Professional Engineers v. Texas Board of Architectural Examiners*. The legislature, in enacting House Bill 2284, subsequently amended the laws implemented by Subchapter K by drawing a clearer line of demarcation between architecture and engineering. The new laws are very similar to the pre-existing text of Subchapter K. However, there are some differences between the new law and Subchapter K. The draft amendments conform the rules to the new law.

Prospective Amendments

Rule 1.210 describes the nature of plans and specifications which constitute “architectural plans and specifications” as that term is used in laws which specify buildings for which an architect must design the architectural plans and specifications. The rule also specifies “architectural plans and specifications” which may be prepared by an engineer. The rule also explicitly states the building design plans and specifications which are designated as architectural remain so notwithstanding the thresholds in chapters 1001 and 1051. In short, a floor plan, wall section or other architectural design is an architectural design even if it is within the design for a single family dwelling or other exempt project.

The prospective amendments to §1.210 conform it to the revised laws in the following manner:

Architectural Plans and Specifications – House Bill 2284 specifies design plans and specifications which are “architectural plans and specifications” in a manner which generally tracks Rule 1.210, subject to the following exceptions:

- The design element “simple foundations” is listed within a category of architectural plans;
- “Roof plans and details not involving structural engineering calculations” is listed as an architectural and an engineering plan or specification;
- Components and assemblies, including parts of buildings relating to water infiltration or fire spread considerations is listed as both an architectural and engineering plan; and
- Life-safety sheets and code analyses is listed as both architectural and engineering plans and specifications.

The draft amendment modifies Rule 1.210 accordingly.

Excepted Engineer List – Rules 1.211, 1.212 and 1.214 implement the thresholds in Architectural Practice Act which describes exempt projects, which may be designed by non-registrants and thereby establish the projects for which an architect must prepare architectural plans and specifications. House Bill 2284 creates a process by which certain

engineers may apply to TBAE for placement on a list as an excepted engineer who may engage in the practice of architecture outside of TBAE's jurisdiction. Draft amendments to Rules 1.210, 1.211, 1.212 and 1.214 create an exception to allow the new category of excepted engineers to design non-exempt privately-owned buildings, buildings owned by a political subdivision of the state, and institutional residential facility, respectively.

Construction Observation – Rule 1.217 required the retention of an architect to observe the construction of any building the architectural elements of which must be designed by an architect through the preparation of architectural plans and specifications. Since the passage of House Bill 2284, an excepted engineer may prepare architectural plans and specifications for non-exempt projects. The draft amendment modifies the Rule to maintain the requirement that an architect render or supervise and control construction observation services of non-exempt projects to ensure adherence to architectural plans and specifications, regardless of whether the architectural plans and specifications were prepared by an architect.

Publication – The proposed amendments were published in the June 15, 2012 edition of the *Texas Register*. As of July 25, 2012, the agency has received no written or verbal comment on the proposals.

Proposed Amendments for Adoption – 22 T.A.C. §§1.210, 1.211, and 1.212

§1.210. Architectural Plans and Specifications.

(a) Architectural education, training and experience as described in §1.21 and §1.191 of this title (relating to Registration by Examination and Description of Experience Required for Registration by Examination) are necessary prerequisites for the design of the architectural elements as specified in subsection (b) of this section and ~~[tø]~~ the preparation of those architectural plans and specifications for the construction, enlargement, or alteration of a building intended for human use and occupancy. Generally, architectural plans and specifications document the design of architectural elements of buildings and also serve as ~~[are]~~ instructions that integrate and coordinate the design of all building systems and related site components necessary for constructing a building and its environs intended for human use and occupancy. Architectural plans and specifications detail the design of architectural elements of a building, including the form, function, construction, habitability, and appearance of the building and the manner in which humans enter, exit, circulate, and use the interior space of the building and its external environs. An ~~[It is the role of the]~~ Architect shall ~~[tø]~~ coordinate with consultants in the design of a building intended for human use and occupancy in order to integrate all components and systems of the building and its environs.

(b) In accordance with §1051.0016 of the Texas Occupations Code, for ~~[For]~~ purposes of Chapter 1051, ~~[§§1051.551, 1051.606, and 1051.703 of the]~~ Texas Occupations Code, the term "architectural plans or specifications" means a Construction Document that depicts in detail the design of the spatial relationships and the quality of materials and systems required for the construction of a building and its environs. The term includes:

(1) Floor plans and details:

(A) depicting the design of:

(i) internal and external walls and simple foundations; ~~[;]~~

(ii) the design of the internal spaces of the building; ~~[;]~~ and

(iii) ~~[the design of]~~ vertical circulation systems including accessibility ramps, stair systems, elevators and escalators; and ~~[;]~~

(B) implementing ~~[which plans implement]~~ programming, regulatory, and accessibility requirements for a building. ~~[;]~~

Proposed Amendments for Adoption – 22 T.A.C. §§1.210, 1.211, and 1.212

1 (2) General cross sections and detailed wall sections depicting building components from
2 a hypothetical cut line through a building to include the building's mechanical, electrical,
3 plumbing or structural systems;

4 ~~[(3) Roof plans and details depicting the design of roof system materials, components,~~
5 ~~drainage, slopes, directions, and location of roof accessories and equipment not involving~~
6 ~~structural engineering calculations;]~~

7 ~~[(4) The design of details of components and assemblies specifically including any part~~
8 ~~of a building exposed to water infiltration or fire spread considerations;]~~

9 (3) ~~[(5)]~~ Reflected ceiling plans and details depicting:

10 (A) the design of the location, materials, and connections of the ceiling to the
11 structure; and

12 (B) the integration of the ceiling with electrical, mechanical, lighting, sprinkler
13 and other building systems .[;]

14 (4) ~~[(6)]~~ Finish plans or schedules depicting surface materials on the interior and exterior
15 of the building;

16 (5) ~~[(7)]~~ Interior and exterior elevations depicting the design of materials, locations and
17 relationships of components and surfaces;

18 (6) ~~[(8)]~~ Partition, door, window, lighting, hardware and fixture schedules;

19 (7) ~~[(9)]~~ Manufacturer or fabricator drawings that are integrated into and become part of
20 the Construction Documents; and

21 (8) ~~[(10)]~~ Specifications describing the nature, quality, and execution of materials for
22 construction of the elements of the building design depicted in the Construction

23 Documents ~~[plans]~~ prepared by the Architect .[; and]

24 ~~[(11) Life safety plans and sheets with code analyses.]~~

25 (c) Notwithstanding the thresholds within Chapters 1001 and 1051, Texas Occupations Code, the
26 following architectural plans and specifications may be prepared by a person who is registered as
27 an Architect or licensed as a professional engineer in the State of Texas:

28 (1) Site plans depicting the location and orientation of the building on the site based upon:

29 (A) a determination of the relationship ~~[interrelationship]~~ of the intended use with
30 the environment, topography, vegetation, climate, geographic aspects .[;] and

Proposed Amendments for Adoption – 22 T.A.C. §§1.210, 1.211, and 1.212

1 (B) the legal aspects of site development, including setback requirements, zoning
2 and other legal restrictions ; and [as well as surface drainage;]

3 (2) The depiction of the building systems, including [such as] structural, mechanical,
4 electrical, and plumbing systems [in plan views], in:

5 (A) plan views;

6 (B) cross sections depicting building components from a hypothetical cut line
7 through a building;[;] and

8 (C) the design of [in] details of components and assemblies, [specifically]
9 including any part of a building exposed to water infiltration or fire-spread
10 considerations;

11 (3) Life safety plans and sheets, including accessibility ramps and related [with] code
12 analyses; and

13 (4) Roof plans and details depicting the design of roof system materials, components,
14 drainage, slopes, and direction and location of roof accessories and equipment not
15 involving structural engineering calculations. [Plans for a building that is not intended for
16 human use or occupancy.]

17 (d) This section does not address the services or work that may otherwise be offered or rendered
18 by Interior Designers or Landscape Architects.

19 (e) Licensed professional engineers who are permitted to engage in the practice of architecture
20 pursuant to §1051.607, Texas Occupations Code, are not restricted from preparing any
21 architectural plans and specifications described in this subchapter.

22

Proposed Amendments for Adoption – 22 T.A.C. §§1.210, 1.211, and 1.212

§1.211. Privately Owned Buildings.

1
2 (a) An architectural plan or specification for the construction, enlargement, or alteration of a
3 privately owned building shall be prepared by an Architect or under the Supervision and Control
4 of an Architect unless an engineer may prepare the architectural plan or specification pursuant to
5 §1.210(c) or (e) of this title (relating to Architectural Plans and Specifications) or a Nonregistrant
6 may prepare the plan or specification pursuant to an exemption described in Chapter 1051 of the
7 Texas Occupations Code.

8 (b) For purposes of [~~Section~~] §1051.606 of the Texas Occupations Code, "multifamily dwelling"
9 means a building containing more than two separate units intended to be used for human
10 habitation where the units are not separated by open space but instead are separated only by
11 walls or partitions.

12 (c) For purposes of [~~Section~~] §1051.606 of the Texas Occupations Code, "commercial building"
13 means an enclosed structure primarily used for the purchase, sale, or exchange of commodities or
14 services.

15 (d) For purposes of [~~Section~~] §1051.606 of the Texas Occupations Code, "warehouse that has
16 limited public access" means a building primarily used for the storage of equipment,
17 merchandise, or commodities where:

18 (1) only employees, delivery persons, and other specifically authorized people are
19 routinely expected to enter the building; and

20 (2) persons who enter the building are expected to occupy the building only on a limited
21 basis.

Proposed Amendments for Adoption – 22 T.A.C. §§1.210, 1.211, and 1.212

§1.212.Publicly Owned Buildings.

1 (a) An architectural plan or specification, as defined by §1.210(b) of this title (relating to
2 Architectural Plans and Specifications), for a new building constructed and owned by a public
3 entity where the total projected building construction costs at the commencement of construction
4 exceed \$100,000 shall be prepared by an Architect, ~~[or]~~ under the Supervision and Control of an
5 Architect, or by an engineer who may practice architecture under §1.210(e) of this title, if the
6 building is intended for any of the following uses:

7 (1) education: the use of a building at any time for instructional purposes;

8 (2) assembly: the use of a building for the gathering together of persons for purposes such
9 as civic, social, or religious functions or for recreation, food or drink consumption, or
10 awaiting transportation; or

11 (3) office occupancy: the use of a building for business, professional, or service
12 transactions or activities.

13 (b) An architectural plan or specification, as defined by §1.210(b) of this title, for an alteration or
14 addition to an existing building owned by a public entity shall be prepared by an Architect, ~~[or]~~
15 under the Supervision and Control of an Architect, or by an engineer who may practice
16 architecture under §1.210(e) of this title, if:

17 (1) the total projected building construction costs at the commencement of construction
18 exceed \$50,000;

19 (2) the alteration or addition requires the removal, relocation, or addition of a wall or
20 partition or the alteration or addition of an exit; and

21 (3) the building is intended for any of the uses listed in subsection (a) of this section.

22 (c) An architect or an engineer may prepare an architectural plan or specification as defined by
23 §1.210(c) of this title.

24 (d) [or] For purposes of §1051.703(b), of the Texas Occupations Code, designation as the
25 "prime design professional" does not expand, limit, or otherwise alter the scope of a design
26 professional's practice nor does it allow a design professional to fulfill the requirements of
27 §1051.703(a) of the Texas Occupations Code.

Proposed Amendments for Adoption – 22 T.A.C. §1.214

§1.214. Institutional Residential Facilities.

- 1 (a) An architectural plan or specification for the construction of any new building or for the
2 modification of any existing building intended for use as an institutional residential facility shall
3 be prepared by an Architect, ~~[ø]~~ under the Supervision and Control of an Architect, or by an
4 engineer pursuant to §1.210(c) or (e) of this title (relating to Architectural Plans and
5 Specifications), regardless of:
- 6 (1) the number of stories or square footage of the building; and
 - 7 (2) whether the building is privately or publicly owned.
- 8 (b) For purposes of this section, "institutional residential facility" means a building intended for
9 occupancy on a 24-hour basis by persons who are receiving custodial care from the proprietor or
10 operator of the building.

Proposed Amendments for Adoption – 22 T.A.C. §1.217

§1.217. Construction Observation.

1 ~~[If, pursuant to Section 1.211, Section 1.212, or Section 1.214, an Architect must prepare or~~
2 ~~supervise and control the preparation of the architectural plans and specifications for a new~~
3 ~~building or the alteration of or an addition to an existing building, construction observation for~~
4 ~~the project shall be conducted by an] An Architect or [by] a person working under the
5 Supervision and Control of an Architect shall conduct construction observation of the
6 construction of a new building or the alteration or addition of an existing building which is
7 subject to §1.211 of this title (relating to Privately Owned Buildings), §1.212 of this title
8 (relating to Publicly Owned Buildings) and §1.214 of this title (relating to Institutional
9 Residential Facilities). For purposes of this subchapter ~~[Subchapter]~~, "construction observation"
10 means the administration of the portion of the construction contract described and documented in
11 the architectural plans and specifications, including the following:~~

- 12 (1) reviewing each shop drawing, sample, and other submittal by a contractor or
13 consultant;
- 14 (2) preparing or reviewing each change to an architectural plan or specification;
- 15 (3) visiting the construction site at intervals appropriate to the stage of construction to:
- 16 (A) become generally familiar with and keep the client generally informed
17 about the progress and quality of the portion of the construction completed;
- 18 (B) make a reasonable effort to identify defects and deficiencies in the
19 construction;
- 20 (C) determine generally whether the construction is being performed in a
21 manner indicating that the project, when fully completed, will be in
22 accordance with the architectural plans and specifications; and
- 23 (4) in addition to any responsibilities under ~~[Section]~~ §1.216 of this title (relating to Other
24 Professional Responsibilities), notifying the client in writing of any substantial deviation
25 from the architectural plans and specifications that may prevent the building from being
26 occupied or utilized for its intended use.

Enabling Legislation
Revisions to §§1.210, 1.211, 1.212, 1.214 & 1.217
Architectural Plans and Specifications

1 **A. Practice of Architecture defined – Inclusive of the preparation of Architectural**
2 **Plans and Specifications as defined**

3 **Section 1051.001. DEFINITIONS.** In this subtitle:

4 [Subsections omitted.]

5 (7) "Practice of architecture" means a service or creative work applying the art
6 and science of developing design concepts, planning for functional relationships and intended
7 uses, and establishing the form, appearance, aesthetics, and construction details for the
8 construction, enlargement, or alteration of a building or environs intended for human use or
9 occupancy, the proper application of which requires education, training, and experience in those
10 matters. The term includes:

11 (A) establishing and documenting the form, aesthetics, materials, and
12 construction technology for a building, group of buildings, or environs intended to be
13 constructed or altered;

14 (B) preparing, or supervising and controlling the preparation of, the
15 **architectural plans and specifications** that include all integrated building systems and
16 construction details, unless otherwise permitted under Section 1051.606(a)(4);

17 (C) observing the construction, modification, or alteration of work to
18 evaluate conformance with architectural plans and specifications described in Paragraph (B) for
19 any building, group of buildings, or environs requiring an architect;

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

23 (E) recommending and overseeing appropriate construction project
24 delivery systems;

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

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

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

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Section 1051.0016. PRACTICES OF ARCHITECTURE AND ENGINEERING.

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

(1) floor plans and details:

(A) depicting the design of:

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

(ii) internal spaces of a building; and

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

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

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

(3) reflected ceiling plans and details depicting:

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

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

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

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

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

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

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

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

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

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

Draft Rule for Proposal or Committee Referral

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

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

5 (A) plan views;

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

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

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

12 (4) roof plans and details depicting the design of roof system materials,
13 components, drainage, slopes, and directions and location of roof accessories and equipment not
14 involving structural engineering calculations.

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

16 (1) programming for construction projects, including:

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

18 (B) determination of the scope of functional elements;

19 (2) recommending and overseeing appropriate construction project delivery
20 systems;

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

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

26 27 **B. Substantive Mandates – Architect to prepare Architectural Plans and Specifications** 28 **in the design of non-exempt projects**

29 **Section 1051.551. ENFORCEMENT BY CERTAIN PUBLIC OFFICIALS.** (a) A
30 public official of this state or of a political subdivision of this state who is responsible for
31 enforcing laws that affect the practice of architecture may accept an **architectural plan,**
32 **specification,** or other related document only if the plan, specification, or document is prepared
33 by an architect or by a person acting under the supervision of an architect, as evidenced by the
34 architect's seal.

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1 (b) Subsection (a) does not apply to a plan, specification, or document that is subject to
2 an exemption from this chapter.

3 **Section 1051.606 ACTIVITIES OF CERTAIN PERSONS NOT REPRESENTED**
4 **TO BE ARCHITECTS.** (a) This chapter does not apply to a person who does not represent
5 that the person is an architect or architectural designer, or use another business or professional
6 title that uses a form of the word "architect," and who:

7 (1) engages in or is employed in the practice of architecture solely as an officer
8 or employee of the United States;

9 (2) is a legally qualified architect residing in another state or country who:

10 (A) does not open or maintain an office in this state; and

11 (B) complies with the requirements of Subsection (b);

12 (3) prepares **architectural plans and specifications** for or observes or
13 supervises the alteration of a building, unless the alteration involves a substantial structural or
14 exitway change to the building; or

15 (4) prepares the **architectural plans and specifications** for or observes or
16 supervises the construction, enlargement, or alteration of a privately owned building that is:

17 (A) a building used primarily for:

18 (i) farm, ranch, or agricultural purposes; or

19 (ii) storage of raw agricultural commodities;

20 (B) a single-family or dual-family dwelling or a building or
21 appurtenance associated with the dwelling;

22 (C) a multifamily dwelling not exceeding a height of two stories and not
23 exceeding 16 units per building;

24 (D) a commercial building that does not exceed a height of two stories or
25 a square footage of 20,000 square feet; or

26 (E) a warehouse that has limited public access.

27 (b) A person described by Subsection (a)(2) who agrees to perform or represents that
28 the person is able to perform a professional service involved in the practice of architecture may
29 perform an architectural service in this state only if, in performing the service, the person:

30 (1) employs an architect who is a resident of this state as a consultant; or

31 (2) acts as a consultant of an architect in this state.

32 **Section 1051.703 CERTAIN PLANS OR SPECIFICATIONS TO BE PREPARED**
33 **ONLY BY ARCHITECT.** (a) An **architectural plan or specification** for any of the following
34 may be prepared only by an architect:

Draft Rule for Proposal or Committee Referral

1 (1) a new building or modification of an existing building intended for
2 occupancy on a 24-hour basis by persons who are receiving custodial care from the proprietor or
3 operator of the building, regardless of the number of stories or square footage of the building;

4 (2) a new building having construction costs exceeding \$100,000 that is to be:
5 (A) constructed and owned by a state agency, a political subdivision of
6 this state, or any other public entity in this state; and

7 (B) used for education, assembly, or office occupancy; or

8 (3) an alteration or addition having construction costs exceeding \$50,000 that:

9 (A) is to be made to an existing building that:

10 (i) is owned by a state agency, a political subdivision of this
11 state, or any other public entity in this state; and

12 (ii) is or will be used for education, assembly, or office
13 occupancy; and

14 (B) requires the removal, relocation, or addition of a wall or partition or
15 the alteration or addition of an exit.

16 (b) This section does not prohibit an owner of a building from contracting with an
17 architect or engineer as the prime design professional for a building construction, alteration, or
18 addition project. Designation as the prime design professional does not expand the scope of
19 practice of an architect or engineer beyond the scope of practice that the architect or engineer is
20 authorized to practice under Chapter 1001 or 1051.

21 **C. Prohibition upon the unlicensed practice of architecture, including the preparation** 22 **of Architectural Plans or Specifications, in the design of non-exempt projects**

23
24
25 **Section 1051.701 REGISTRATION REQUIRED.** (a) A person **may not engage in**
26 **the practice of architecture**, or offer or attempt to engage in the practice of architecture, as
27 defined in Section 1051.001(7)(A), (B), or (C) unless the person is registered as an architect
28 under this chapter.

29 (b) A firm, partnership, corporation, or association, including a firm, partnership,
30 corporation, or joint stock association engaged in the practice of engineering under Section
31 1001.405, may engage in the practice of architecture, represent to the public that the entity is
32 engaged in the practice of architecture or is offering architectural services, or use the word
33 "architect" or "architecture" in any manner in its name only if any practice of architecture or
34 architectural service performed on behalf of the entity is performed by or through a person
35 registered as an architect under this chapter.

Draft Rule for Proposal or Committee Referral

1 **Section 1051.801 CRIMINAL PENALTY.** (a) A person, whether acting
2 independently or on behalf of the person's firm, commits an offense if, in violation of this
3 chapter, the person:

4 (1) **engages in the practice of architecture**, or offers or attempts to engage in the
5 practice of architecture;

6 (2) **prepares architectural plans or specifications** for and observes or supervises the
7 construction, enlargement, or alteration of a building for another person; or

8 (3) advertises or puts out a sign, card, or drawing designating the person as an architect
9 or architectural designer or uses another business or professional title that uses a form of the
10 word "architect."

11 (b) An offense under this section is a misdemeanor punishable by a fine of not less than
12 \$250 and not more than \$1,000. Each day of violation is a separate offense.

13 (c) In an action brought under this section, the board may be represented by a district or
14 county attorney or by other counsel as necessary.

15
16 **D. Exemption for engineers engaged in the practice of engineering; definition of**
17 **“practice of engineering” and “engineering plans and specifications”; Exempt engineer list**

18 **Section 1051.601 ACTIVITIES OF LICENSED ENGINEER.** (a) This chapter and
19 any rule adopted under this chapter do not limit the right of an engineer licensed under Chapter
20 1001 to perform an act, service, or work within the scope of the practice of engineering as
21 defined by that chapter.

22 (b) This chapter does not prohibit an engineer licensed under Chapter 1001 from:

23 (1) planning and supervising work on:

24 (A) a construction project primarily intended for engineering use,
25 including a railroad, hydroelectric work, or industrial plant; or

26 (B) a structure incidental to a construction project described by
27 Paragraph (A); or

28 (2) planning, designing, or supervising the mechanical, electrical, or structural
29 features of a building.

30 (c) This chapter does not prohibit an engineer who has an architectural engineering
31 degree from a public or private college or university from using the title "architectural engineer."
32

33 **Section 1001.0031 PRACTICES OF ENGINEERING AND ARCHITECTURE.**

34 (a) Except as provided by Subsection (d) or (e), **the practice of engineering does not include,**
35 **and engineers may not engage in or offer to engage in, the practice of architecture as**

Draft Rule for Proposal or Committee Referral

1 defined by Sections 1051.001(7)(A), (B), and (C), as that definition existed on April 1, 2011, and
2 by Section 1051.0016(a).

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

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

7 (2) the building is part of a project described by Section 1051.601(b) or a
8 building described by Section 1051.606(a)(4); or

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

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

14 (1) plans for a structural, mechanical, electrical, electronic, fire suppression, or
15 geotechnical system in a building;

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

17 (3) foundation design;

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

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

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

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

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

28 (9) design of electrical and signal and control systems;

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

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

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

Draft Rule for Proposal or Committee Referral

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

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

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

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

9 (A) plan views;

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

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

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

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

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

20 (1) programming for construction projects, including:

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

22 (B) determination of the scope of functional elements;

23 (2) recommending and overseeing appropriate construction project delivery
24 systems;

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

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

30
31 **Section 1051.607 LIST OF ENGINEERS PERMITTED TO ENGAGE IN**
32 **PRACTICE OF ARCHITECTURE.** (a) The board shall maintain a list of engineers licensed
33 under Chapter 1001 who are authorized to engage in the practice of architecture based on an
34 administrative finding of experience under this section. The board shall post the list on the
35 board's Internet website.

Draft Rule for Proposal or Committee Referral

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

3 (1) the engineer is listed under Subsection (a); and
4 (2) the engineer is in good standing with the Texas Board of Professional
5 Engineers.

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

7 (1) applies for placement on the list not later than January 1, 2012;
8 (2) was licensed to practice engineering under Chapter 1001 before January 1,
9 2011; and

10 (3) provides to the board documentation of at least three projects that:
11 (A) were prepared by the engineer;
12 (B) were adequately and safely built before January 1, 2011; and
13 (C) are described by Section 1051.703(a) or were not exempt under
14 Section 1051.606(a)(4).

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

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

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

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

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

32 **E. Inapplicable to landscape architects and interior designers**

33 **Section 1051.603 LANDSCAPE ARCHITECTURE.** This article does not:

34 (1) limit the practice of landscape architecture; or
35

Draft Rule for Proposal or Committee Referral

- 1 (2) prohibit the use of the title "Landscape Architect" by a qualified person.
- 2 **Section 1051.604 INTERIOR DESIGN.** This article does not:
- 3 (1) limit the practice of interior design; or
- 4 (2) prohibit the use of the title "Interior Designer" by a qualified person.

Summary
Rules 1.5/3.5/5.5
Definition of the term “sole practitioner”

Current Rule

In the Board’s rules, there is an exemption from business registration requirements for sole practitioners who 1) are registered with the Board and 2) offer or render services only under the name of the practitioner. The Board recently created the exemption to replace a prior exemption for sole proprietors. The Board noted the original purpose of the exemption is to prevent the duplicate registration of a person who is in essence the same as her/his own business entity. The Board concluded that an exemption for a “sole practitioner” instead of a sole proprietor (who may have several other design professionals working on behalf of the business) better serves the public policy for the exemption.

The Board directed staff to draft a definition of the term “sole practitioner” for purposes of the Board rules. Staff presented a draft definition to the Board at its last meeting. The Board voted to propose the definition for adoption.

Draft Amendment Summary

The draft amendment defines the term “sole practitioner” for each of the three professions regulated by the Board. Under the definition, a registrant is an exempt sole practitioner if she or he is the only design professional to offer or render regulated design services on behalf of a business. The definition, together with the substantive business registration rule, establishes three criteria for a business to qualify for the sole practitioner exemption:

- One (“sole”) design professional must render regulated services on behalf of the business (someone else may engage in bookkeeping or office management, etc...);
- The business must operate under the name of the design professional who offers or renders services on behalf of the business; and
- The design professional who offers or renders regulated services on the business’ behalf must be registered by the Board.

Publication

The proposed rule amendments were published in the *Texas Register* for public comment on June 15, 2012. There was no public comment during the 30-day comment period. As of July 26, 2012, no public comment has been made after the comment period.

Draft Rule for Proposal or Committee Referral

§1.5 – Terms Defined Herein

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

3 [Subsections (1) – (62) omitted]

4 (63) Sole Practitioner – An Architect who is the only design professional to offer or render
5 architectural services on behalf of a business entity.

6 [Re-number subsequent Subsections accordingly]

7 §3.5 – Terms Defined Herein

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

10 [Subsections (1) – (52) omitted]

11 (53) Sole Practitioner – A Landscape Architect who is the only design professional to offer or
12 render landscape architectural services on behalf of a business entity.

13 [Re-number subsequent Subsections accordingly]

14 §5.5 – Terms Defined Herein

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

17 [Subsections (1) -- (48) omitted]

18 (49) Sole Practitioner – A Registered Interior Designer who is the only design professional to
19 offer or render interior design services on behalf of a business entity.

20 [Re-number subsequent Subsections accordingly]

**Definition of “Sole Practitioner”
Enabling Legislation**

Section 1051.202. GENERAL RULEMAKING AUTHORITY. The board shall adopt reasonable rules and bylaws and prescribe forms as necessary to administer or enforce this subtitle, including rules regulating the practices of architecture, landscape architecture, and interior design.

Summary
Rule 3.69
Landscape Architect Continuing Education

Current Rule

TBAE requires each landscape architect to complete eight hours of continuing education each year. Of the eight hours of mandatory continuing education, a landscape architect must complete one hour of accessible design (design to accommodate persons with disabilities) and one hour of continuing education in energy efficiency or sustainable design.

Continuing education must be pertinent to health, safety and welfare. The rules require the subjects studied to be on technical and professional aspects of the regulated professions.

A landscape architect may engage in self-directed study (reading articles, monographs or other study materials) to fulfill three of the eight hours of mandated annual continuing education.

Landscape architects are required to attend structured courses to fulfill the remaining five hours of continuing education.

The current rule allows a landscape architect to accumulate 16 hours of continuing education in one year and carry forward eight hours to the next year.

Prospective Amendments

The amendments to the continuing education rule would increase the mandatory continuing education hours to 12 hours per year. The amendments allow:

- four hours per year of continuing education through self-directed study,
- eight hours of structured course study, and
- landscape architects who accrue 24 hours of continuing education in one year to carry forward credits to the following year.

Publication

The proposed amendments were published in the *Texas Register* for public comment on June 15, 2012. There was no public comment during the 30-day comment period. As of July 26, 2012, no public comment has been made after the comment period.

Proposed Rule for adoption – 22 T.A.C. §3.69

§3.69 Continuing Education Requirements

1 (a) Each Landscape Architect shall complete a minimum of 12 [~~eight~~] continuing education
2 program hours (CEPH) in topics pertinent to the public welfare, contributing to environmental
3 and economic sustainability, promoting public health and well-being, encouraging community
4 building and stewardship, offering aesthetic and creative experiences and enabling people and
5 communities to function more effectively. These topics may include the following health and
6 safety categories:

7 (1) legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics,
8 insurance to protect owners and public.

9 (2) technical: surveying, grading, drainage, site layout, selection and placement of trees
10 and plants.

11 (3) environmental: sustainability, natural resources, natural hazards, design of surfaces
12 and selection and placement of trees and plants appropriate to environmental conditions.

13 (4) occupant comfort: air quality, water quality, lighting, acoustics, ergonomics.

14 (5) materials and methods: building systems, products.

15 (6) preservations: historic, reuse, adaptation.

16 (7) pre-design: land use analysis, programming, site selection, site and soils analysis.

17 (8) design: urban planning, master planning, site design, interiors, safety and security
18 measures.

19 (9) construction documents: drawings, specifications, delivery methods.

20 (10) construction administration: contract, bidding, contract negotiations.

21 (b) Each Landscape Architect shall complete the minimum mandatory CEPH during the last full
22 calendar year immediately preceding the date the Landscape Architect renews the Landscape
23 Architect's certificate of registration. Of the 12 [~~eight~~] minimum mandatory CEPH, each
24 Landscape Architect shall complete a minimum of one CEPH in barrier-free design and at least
25 one CEPH in the study of Sustainable or Energy-Efficient design. One CEPH equals a minimum
26 of 50 minutes of actual course time. No credit shall be awarded for introductory remarks, meals,
27 breaks, or business/administration matters related to courses of study.

28 (c) Landscape Architects shall complete a minimum of eight [~~five~~] CEPH in structured course
29 study. No credit shall be awarded for the same structured course for which the Landscape
30 Architect has claimed credit during the preceding three years except for the Texas Accessibility

Proposed Rule for adoption – 22 T.A.C. §3.69

1 Academy or another similar course offered by the Texas Department of Licensing and
2 Regulation (TDLR).

3 (d) Landscape Architects may complete a maximum of four [~~three~~] CEPH in self-directed study.
4 Self-directed study must utilize articles, monographs, or other study materials that the Landscape
5 Architect has not previously utilized for self-directed study.

6 (e) The Board has final authority to determine whether to award or deny credit claimed by a
7 Landscape Architect for continuing education activities. The following types of activities may
8 qualify to fulfill continuing education program requirements:

9 (1) Attendance at courses dealing with technical landscape architectural subjects related
10 to the Landscape Architect's profession, ethical business practices, or new technology;

11 (2) Teaching landscape architectural courses and time spent in preparation for such
12 teaching:

13 (A) a maximum of three CEPH may be claimed per class hour spent teaching
14 landscape architectural courses;

15 (B) a Landscape Architect may not claim credit for teaching the same course
16 more than once; and

17 (C) college or university faculty may not claim credit for teaching.

18 (3) Hours spent in professional service to the general public which draws upon the
19 Landscape Architect's professional expertise, such as serving on planning commissions,
20 building code advisory boards, urban renewal boards, or code study committees;

21 (4) Hours spent in landscape architectural research which is published or formally
22 presented to the profession or public;

23 (5) Hours spent in landscape architectural self-directed study programs such as those
24 organized, sponsored, or approved by the American Society of Landscape Architects, the
25 Council of Landscape Architectural Registration Boards, or similar organizations
26 acceptable to the Board;

27 (6) College or university credit courses on landscape architectural subjects or ethical
28 business practices; each semester credit hour shall equal one CEPH; each quarter credit
29 hour shall equal one CEPH;

30 (7) One CEPH may be claimed for attendance at one full-day session of a meeting of the
31 Texas Board of Architectural Examiners.

Proposed Rule for adoption – 22 T.A.C. §3.69

1 (f) A Landscape Architect may be exempt from continuing education requirements for any of the
2 following reasons:

3 (1) A Landscape Architect shall be exempt for his/her initial registration period;

4 (2) An inactive or emeritus Landscape Architect shall be exempt for any registration
5 period during which the Landscape Architect's registration is in inactive or emeritus
6 status, but all continuing education credits for each period of inactive or emeritus
7 registration shall be completed before the Landscape Architect's registration may be
8 returned to active status;

9 (3) A Landscape Architect who is not a full-time member of the Armed Forces shall be
10 exempt for any registration period during which the Landscape Architect serves on active
11 duty in the Armed Forces of the United States for a period of time exceeding 90
12 consecutive days;

13 (4) A Landscape Architect who has an active registration in another jurisdiction that has
14 registration requirements which are substantially equivalent to Texas registration
15 requirements and that has a mandatory continuing education program shall be exempt
16 from mandatory continuing education program requirements in Texas for any registration
17 period during which the Landscape Architect satisfies such other jurisdiction's continuing
18 education program requirements, except with regard to the requirement in Texas that
19 each Landscape Architect complete one CEPH related to Sustainable or Energy-Efficient
20 design; or

21 (5) A Landscape Architect who is, as of September 1, 1999, a full-time faculty member
22 or other permanent employee of an institution of higher education, as defined in §61.003,
23 Education Code, and who in such position is engaged in teaching landscape architecture.

24 (g) When renewing his/her annual registration, each Landscape Architect shall attest to the
25 Landscape Architect's fulfillment of the mandatory continuing education program requirements
26 during the immediately preceding calendar year.

27 (1) Each Landscape Architect shall maintain a detailed record of the Landscape
28 Architect's continuing education activities. Each Landscape Architect shall retain proof of
29 fulfillment of the mandatory continuing education program requirements and shall retain
30 the annual record of continuing education activities required by this subsection for a
31 period of five years after the end of the registration period for which credit is claimed.

Proposed Rule for adoption – 22 T.A.C. §3.69

1 (2) Upon written request, the Board may require a Landscape Architect to produce
2 documentation to prove that the Landscape Architect has complied with the mandatory
3 continuing education program requirements. If acceptable documentation is not provided
4 within 30 days of request, claimed credit may be disallowed. The Landscape Architect
5 shall have 60 calendar days after notification of disallowance of credit to substantiate the
6 original claim or earn other CEPH credit to fulfill the minimum requirements. Such credit
7 shall not be counted again for another registration period.

8 (3) If a Landscape Architect is registered to practice more than one of the professions
9 regulated by the Board and the Landscape Architect completes a continuing education
10 activity that is directly related to more than one of those professions, the Landscape
11 Architect may submit that activity for credit for all of the professions to which it relates.
12 The Landscape Architect must maintain a separate detailed record of continuing
13 education activities for each profession.

14 (4) A Landscape Architect may receive credit for up to 24 [~~16~~] CEPH earned during any
15 single registration period. A maximum of 12 [~~eight~~] CEPH that is not used to satisfy the
16 continuing education requirements for a registration period may be carried forward to
17 satisfy the continuing education requirements for the next registration period.

18 (h) Providing false information to the Board, failure to fulfill the annual continuing education
19 program requirements, and failure to respond to, and comply with, audit and verification requests
20 may result in disciplinary action by the Board.

Continuing Education Enabling Legislation

Section 1051.356. CONTINUING EDUCATION. (a) The board shall recognize, prepare, or administer continuing education programs for its certificate holders. A certificate holder must participate in the programs to the extent required by the board to keep the person's certificate of registration.

(b) The continuing education programs:

(1) must include courses relating to sustainable or energy-efficient design standards; and

(2) may include courses relating to:

(A) health, safety, or welfare; or

(B) barrier-free design.

(b-1) As part of a certificate holder's continuing education requirements for each annual registration period, the board by rule shall require the certificate holder to complete at least one hour of continuing education relating to sustainable or energy-efficient design standards.

(c) The board may recognize the continuing education programs of:

(1) a nationally acknowledged organization involved in providing, recording, or approving postgraduate education; and

(2) any other sponsoring organization or individual whose presentation is approved by the board as qualifying in design or construction health, safety, or welfare.

(d) A person is exempt from the continuing education requirements of this section if the person is, as of September 1, 1999, engaged in teaching the subject matter for which the person is registered under this subtitle as a full-time faculty member or other permanent employee of an institution of higher education, as defined by Section 61.003, Education Code.

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:	207-12A
Respondent:	Jack Alan Atkins
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Jack Alan Atkins (hereafter "Respondent") is registered as an architect in Texas with registration number 15104.
- 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 August 1, 2010 through July 31, 2011.
- 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.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. This violation is subject to a standard administrative penalty of **\$250.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,450.00**.

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:	224-12A
Respondent:	John Vincent Burt
Location of Respondent:	Plano, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- John Vincent Burt (hereafter "Respondent") is registered as an architect in Texas with registration number 13616.
- On June 16, 2010, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of April 1, 2008 through March 31, 2009.
- In his response to the Board's letter, he stated that his laptop was stolen and he could not produce any continuing education documents for the period listed. Therefore, he was unable to provide proof of fulfillment of the mandatory continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of April 1, 2008 through March 31, 2009, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

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:	209-12A
Respondent:	Frank Arthur Butler
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Frank Arthur Butler (hereafter "Respondent") is registered as an architect in Texas with registration number 9300.
- On March 16, 2012, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2010 through August 31, 2011.
- It was determined that Respondent had not satisfied continuing education requirements for the audit period.
- It was also determined that Respondent had falsely certified completion of his continuing education responsibilities in order to renew his 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(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,200.00**.

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:	169-12A
Respondent:	Jerry Brent Flemons
Location of Respondent:	Allen, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Jerry Brent Flemons (hereafter "Respondent") is registered as an architect in Texas with registration number 17493.
- 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 July 1, 2010 through June 30, 2011.
- 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.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond two written requests for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 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** totaling **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,700.00**.

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:	213-12A
Respondent:	Timothy P. Guedry
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Timothy P. Guedry (hereafter "Respondent") is registered as an architect in Texas with registration number 13976.
- On April 16, 2012, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of August 1, 2011 through March 31, 2012.
- On April 23, 2012, Respondent contacted the Board and stated that he originally thought he was in compliance with his continuing education requirements when, in fact, he was not in compliance.
- On May 5, 2012 the Board received a letter from him stating that although he was now in compliance with his continuing education requirements, he was not in compliance at the time of the audit.

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(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,200.00**.

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:	173-12A
Respondent:	Robbin G. Hodgkins
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robbin G. Hodgkins (hereafter "Respondent") is registered as an architect in Texas with registration number 5908.
- On August 16, 2011, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of August 1, 2010 through July 31, 2011.
- On September 10, 2011, Respondent submitted documentation regarding the mandatory continuing education requirements. It was determined that Respondent had submitted 4.5 hours not related to health, safety and welfare.
- On September 15, 2011, the Board's Continuing Education Coordinator sent Respondent a second letter advising him that he needed to submit acceptable coursework by March 15, 2012.
- Respondent failed to respond to the September 15, 2011 letter by March 15, 2012. However, Respondent has subsequently submitted additional coursework to fulfill the continuing education requirements for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$750.00**.

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:	215-12A
Respondent:	Glenn P. Hooper
Location of Respondent:	Lancaster, TX
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- Glenn P. Hooper (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 14939.
- In the course of a random continuing education audit Respondent was requested to provide verification of CE hours for the audit period October 1, 2010 through September 30, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to a written request for information within 30 days 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 **\$250.00**.

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:	227-12A
Respondent:	Eugene Lee Hunt
Location of Respondent:	Scottsdale, AZ
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Eugene Lee Hunt (hereafter "Respondent") is registered as an architect in Texas with registration number 12705.
- On February 14, 2012, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- On June 1, 2012, the Board received a response from him indicating that although he had completed his continuing education requirements, he was unable to locate his original completion certificates. Therefore, he was submitting certificates for recompleted or additional courses for the audit period of February 1, 2011 through January 31, 2012.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of February 1, 2011 through January 31, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

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:	210-12I
Respondent:	Fulgencio C. Levrier
Location of Respondent:	Southlake, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Fulgencio C. Levrier (hereafter "Respondent") is registered as an interior designer in Texas with registration number 7168.
- On March 16, 2012, Respondent was notified that he was being audited for compliance with the continuing education requirements for the audit period of August 1, 2010 through July 31, 2011.
- On April 23, 2012, Respondent submitted documentation regarding the mandatory continuing education requirements. It was determined that Respondent had completed a portion of the hours outside of the audit period. Therefore, his continuing education credits were completed in an untimely manner.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours within the audit period, Respondent violated Board rule 5.79(f). The standard administrative penalty assessed for this violation is **\$500.00**.

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:	160-12I
Respondent:	Stephanie M. Phares
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Stephanie M. Phares (hereafter "Respondent") is registered as an interior designer in Texas with registration number 2187.
- On June 28, 2011, she was notified that she was being audited for compliance with the continuing education requirements for the audit period of July 1, 2010 through June 30, 2011.
- On June 24, 2012, Respondent submitted documentation regarding the mandatory continuing education requirements. It was determined that Respondent lacked one hour for the barrier free requirement. Since that time, Respondent has completed her required continuing education hours for that time period.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours within the audit period, Respondent violated Board rule 5.79(f). The standard administrative penalty assessed for this violation is **\$500.00**.

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:	222-12A
Respondent:	David Jackson Pickens
Location of Respondent:	Richardson, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- David Jackson Pickens (hereafter "Respondent") is registered as a registered architect in Texas with registration number 18392.
- On December 16, 2011, Respondent was notified that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- On December 28, 2012, Respondent submitted documentation regarding the mandatory continuing education requirements. It was determined that four courses were not related to health, safety & welfare.
- On May 29, 2012, it was determined that Respondent had completed the required continuing education requirements for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours within the audit period, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

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:	212-12I
Respondent:	Sandra E. Rogers
Location of Respondent:	Hewitt, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Sandra E. Rogers (hereafter "Respondent") is registered as an interior designer in Texas with registration number 5486.
- On April 16, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements and she needed to submit her CEPH Log and supporting documentation for the audit period of April 1, 2011 through March 31, 2012.
- On May 1, 2012, the Board received a letter, a CEPH Log, and supporting documentation with continuing education certificates.
- On May 8, 2012, the Board's Continuing Education Coordinator wrote her again stating that although she was compliant with her continuing education requirements, a portion had been taken after the audit period. Therefore, Respondent was untimely in the completion of her continuing education requirements for the period of April 1, 2011 through March 31, 2012.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required number of continuing education hours during the audit period, Respondent violated 22 TEX. ADMIN. CODE § 5.79(f). The standard administrative penalty assessed for this violation is \$500.00.
- By falsely reporting that he had completed the required continuing education for the period of August 1, 2010 through July 31, 2011, Respondent violated Board rule 5.79(g). The standard administrative penalty assessed for this violation is \$700.00.

Action Recommended by Executive Director:

- The Executive Director recommends a total administrative penalty of **\$1,200.00**.

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:	206-12L
Respondent:	Phillip R. Solomon
Location of Respondent:	San Antonio, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Phillip R. Solomon (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 1327.
- On March 16, 2012, Respondent was notified that he was being audited for compliance with the continuing education requirements for the audit period of March 1, 2011 through February 29, 2012.
- On March 19, 2012, Respondent submitted documentation regarding the mandatory continuing education requirements. It was determined that five hours of structured study were taken outside of the audit period.
- On April 10, 2012, the Board's Continuing Education Coordinator sent a second letter to Respondent advising him that although he was now compliant, he had taken the structured hours outside of the audit period and, therefore, they were completed in an untimely manner.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours within the audit period, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

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:	216-12A
Respondent:	Peter R. Wilson
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Peter R. Wilson (hereafter "Respondent") is registered as a registered architect in Texas with registration number 9126.
- On December 16, 2011, Respondent was notified that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- On January 13, 2012, Respondent submitted documentation regarding the mandatory continuing education requirements. It was determined that 5 courses were not related to health, safety & welfare.
- On January 30, 2012, the Board's Continuing Education Coordinator sent a second letter to Respondent advising him that he was deficient and was given until July 30, 2012 to provide additional acceptable coursework.
- On May 10, 2012, Respondent sent verification that he had completed an additional 8 hour course relating to health, safety and welfare.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours within the audit period, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

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:	197-12A
Respondent:	Phillip Shepherd
Location of Respondent:	Dallas, TX
Location of Project:	Dallas, TX
Nature of Violation:	Violation of Architectural Barriers Act (TDLR)
Instrument:	Report and Notice of Violation

Findings:

- Phillip Shepherd (hereafter "Respondent") is registered as an architect in Texas with architectural registration number 4081.
- On March 22, 2012, 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 Fortress Real Estate Retail to be located on 15250 Dallas Parkway, Dallas, 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 September 10, 2011, and were submitted to TDLR on February 3, 2012.
- In 2008 (TBAE Enforcement Matter 201-08A) Respondent was sanctioned with a \$1,500 administrative penalty and mandatory attendance at the TDLR Academy. In 1999 (TBAE Enforcement Matter 523-99A) Respondent was sanctioned with a \$700.00 administrative penalty and in 1997 (TBAE Enforcement Matter 547-97A) Respondent was sanctioned with a \$150.00 administrative penalty.

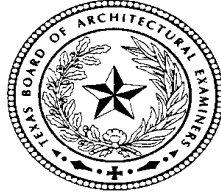
Applicable Statutory Provisions and Rules:

- 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 **\$2,500.00**.

The Texas Board of
Architectural Examiners



Be It Known That
Steven Franz

Has distinguished himself through his 31 years of dedicated service to the United States and Texas as a U.S. Border Patrol Agent and as an Investigator for the State of Texas.

Whereas Mr. Franz graduated from Texas State University with a degree in Criminal Justice;

Whereas Mr. Franz ensured homeland security as a U. S. Border Patrol Agent with the Department of Homeland Security;

Whereas Mr. Franz ensured Texas children received their Child Support as a Child Support Enforcement Officer the Office of the Attorney General;

Whereas Mr. Franz protected Texas public school students' right to a safe learning environment as an Investigator with the Texas Education Agency

Whereas Mr. Franz ensured public accommodations in Texas are accessible to persons with disabilities with the Texas Department of Licensing and Regulation and

Whereas Mr. Franz ensured the health, safety, and welfare of all Texans as an Investigator with the Texas Board of Architectural Examiners

Resolution of Commendation

to Steven Franz, and have caused a copy of this Resolution
to be included within the Minutes of this Board.

SIGNED

Alfred Vidaurri, Jr., AIA, AICP
Chair

Chuck Anastos, AIA
Vice-Chair

Chase Bearden
Secretary-Treasurer