

# 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 22, 2013

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  
Sonya Odell

Alfred Vidaurri

### 2. Approval of the June 14, 2013, Board Meeting Minutes (*Action*)

Alfred Vidaurri

### 3. Executive Director Report

Cathy Hendricks

#### **Presentation of Budget (*Action*)**

- A. Presentation of FY2013 end-of-year expenditures/revenue
- B. Presentation of FY2014 proposed budget for consideration of the Board

### 4. General Counsel Report (*Action*)

Scott Gibson

#### **A. Proposed Rules for Adoption:**

Amend Rule 7.10 to revise the fee schedule, implement convenience fees for online transactions and to implement recent legislation

#### **B. Proposed Rules for Adoption:**

Amend Rules 5.31 and 5.51 to modify exam requirements for registration as a registered interior designer; striking obsolete language

#### **C. Prospective Rules for Proposal:**

Amend Rules 1.149/3.149/5.158 to implement recent legislation mandating criminal background checks based on fingerprinting

### 5. TBAE v. Powell, Nagiglioni, and Hernandez on behalf of PBK Architects and Gignac on behalf of Gignac & Associates – closed session to discuss pending litigation (*Action*)

Nancy Fuller

***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)***

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9:00 a.m.

6. **Report on conferences and meetings** (*Information*)  
A. NCARB Annual Meeting, June 19-22, San Diego, CA  
B. Building Officials Association of Texas (BOAT) Annual Conference August 6-7, Waco  
C. METROCON13 Expo & Conference, August 15-16, Dallas, TX  
Alfred Vidaurri  
Cathy Hendricks
7. **CLARB Proposed Bylaws Revisions – 2013 Relating to Examination Administration** (*Action*)  
Cathy Hendricks
8. **Updated Mutual Recognition Agreement between NCARB + Canadian Architectural Licensing Authorities (CALA) – Request to Sign Letter of Undertaking to NCARB-CALA** (*Information*)  
Alfred Vidaurri
9. **Review and possibly adopt ED's recommendation in the following enforcement cases:** (*Action*)  
A. **Registrant & Non-Registrant Cases:**  
Garrison, Michael (#168-13N)  
Jacobs, Anton (#047-10A)  
Mercadillo, Eduardo (#046-13N)  
Taniguchi, Evan (#176-13A)  
B. **Continuing Education Cases:**  
Bengston, Gary (#145-13A)  
Cash, Cynthia C. (#086-13L)  
Chaloupka, Merridee (#125-13I)  
Davy, Siobhan (#137-13I)  
Goertz, Michael (#178-13A)  
Hensley, R. Don (#180-13A)  
Hickman, Keith A. (#179-13A)  
Lambdin, Wayne (#136-13A)  
Lambert, Charles R. (#175-13A)  
Noack, Elizabeth E. (#163-13I)  
Parker, Timothy K. (#172-13A)  
Phillips, L. Forrest (#187-13A)  
Scott Gibson

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

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333 Guadalupe Street  
Austin, Texas  
Thursday August 22, 2013  
9:00 a.m.

- 10. Approval of the Proposed 2014 Board Meeting Dates** *(Action)* Alfred Vidaurri  
Thursday, February 6, 2014  
Thursday, May 22, 2014  
Thursday, August 21, 2014  
Thursday, October 23, 2014 *(TSA Conference, Nov 6-8, 2014, in Houston)*
- 11. Upcoming Board Meeting** Alfred Vidaurri  
October 24, 2012
- 12. Executive Director Performance Review Report** *(Action)* Alfred Vidaurri  
A. Executive Director's presentation regarding annual performance evaluation  
B. Executive Committee report on findings based on annual performance evaluation  
C. Full Board adoption of the ED's 2014 performance objectives  
D. Full Board adoption of the ED's Executive Development Plan
- The Board may meet in closed session pursuant to TEX. GOV'T CODE ANN. §551.074 to confer on personnel matters***
- 13. Chair's Closing Remarks** Alfred Vidaurri
- 14. 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 §551.*
- ◆ *Action may be taken on any agenda item.*

### NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services, are required to call (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made.

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## **FREQUENTLY USED ACRONYMS**

<b>ACSA</b>	Association of Collegiate Schools of Architecture
<b>ADA</b>	Americans with Disabilities Act
<b>AIA</b>	American Institute of Architects
<b>ASID</b>	American Society of Interior Designers
<b>ASLA</b>	American Society of Landscape Architects
<b>ARE</b>	Architect Registration Examination
<b>BOAT</b>	Building Officials Association of Texas
<b>CACB</b>	Canadian Architectural Certification Board
<b>CIDA</b>	Council for Interior Design Accreditation (Formerly FIDER)
<b>CLARB</b>	Council of Landscape Architectural Registration Boards
<b>GAA</b>	General Appropriations Act
<b>GRF</b>	General Revenue Fund
<b>IDCEC</b>	Interior Design Continuing Education Council
<b>IDEC</b>	Interior Design Educators Council
<b>IDP</b>	Intern Development Program
<b>IIDA</b>	International Interior Design Association
<b>LARE</b>	Landscape Architect Registration Examination
<b>MBA</b>	Member Board Administrator (within NCARB)
<b>NAAB</b>	National Architectural Accreditation Board
<b>NCARB</b>	National Council of Architectural Registration Boards
<b>NCIDQ</b>	National Council for Interior Design Qualification
<b>OAG</b>	Office of the Attorney General
<b>SOAH</b>	State Office of Administrative Hearings
<b>SORM</b>	State Office of Risk Management
<b>TAID</b>	Texas Association for Interior Design
<b>TAS</b>	Texas Accessibility Standards
<b>TASB</b>	Texas Association of School Boards
<b>TBPE</b>	Texas Board of Professional Engineers
<b>TSA</b>	Texas Society of Architects
<b>TSPE</b>	Texas Society of Professional Engineers

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of June 14, 2013 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 102

Austin, TX 78701

9:00 a.m. until completion of business

### 1. Preliminary Matters

#### A. Call to Order

Vice-Chair (Presiding Chair) Chase Bearden called the meeting of the Texas Board of Architectural Examiners to order at 9:02 a.m.

#### B. Roll Call

Secretary/Treasurer Sonya Odell called the roll.

#### Present

Chase Bearden	Vice-Chair
Sonya Odell	Secretary/Treasurer
Charles H. (Chuck) Anastos	Member
Bert Mijares, Jr.	Member
Debra Dockery	Member
Paula Ann Miller	Member
Michael (Chad) Davis	Member
William (Davey) Edwards	Member

#### TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Ken Liles	Finance Manager
Mary Helmcamp	Registration Manager
Glenn Garry	Communications Manager
Jack Stamps	Managing Investigator
Julio Martinez	Network Specialist
Katherine Crain	Legal Assistant
Jackie Blackmore	Registration Coordinator
Mike Alvarado	Reciprocal Coordinator

#### C. Excused and unexcused absences

Alfred Vidaurri (Excused)

#### D. Determination of a quorum

A quorum was present.

#### E. Recognition of Guests

The Chair recognized the following guests: Donna Vining, Executive Director for Texas Association for Interior Design, Marilyn Roberts, Texas Association for Interior Design, David Lancaster, Senior Advocate for Texas Society of Architects, Mark Woodward, Architect, Laura Hardt, Registered Interior Designer, Matt Miller, Institute for Justice, and Kelly Barnett.

#### F. Chair's Opening Remarks

The Presiding Chair thanked everyone including Board members and staff for working so diligently on the Sunset review and on other matters. He reminded the

Board members, staff and audience that the purpose of this agency was to protect the health, safety and welfare of the public.

## **2. Introduction of New Board Members**

The Chair introduced two newly-appointed Board members and a reappointed Board member: Chuck Anastos, Chad Davis and Davey Edwards. He stated that Chuck Anastos had previously served on the Board for the last 6 years and had been reappointed by the Governor. Chad Davis will serve as the landscape architect on the Board. By way of introduction, Mr. Davis stated he grew up in Lubbock, works for Parkhill, Smith & Cooper, and is a past President of the Texas Chapter of ASLA. He has been active in ASLA and is familiar with the Board, having attended several meetings on behalf of ASLA. He said he is excited to serve on the Board. Mr. Edwards introduced himself. He said he is a land surveyor, licensed in Texas, Oklahoma and licensed as a federal surveyor. He is past President of the Professional Society of Land Surveyors. Mr. Edwards noted that he studied at the School of Architecture at the University of Texas at Arlington, received a degree in medical science from Texas A&M University and then obtained a Master's Degree in surveying. He reported he has a strong interest in architecture and looks forward to serving on the Board, working toward the health, safety and welfare of the state.

## **G. Public Comments**

The Chair opened the floor for public comment and recognized Mr. Woodward.

Mr. Woodward distributed written material to the Board members. He stated that Texas has the highest registration fees in the world. He drew the Board's attention to the Washington state newsletter he had handed out and pointed out that Washington is suspending its licensing fee because it takes in too much money. He also drew the Board's attention to an article in the Washington newsletter regarding the architects' standard of care. He noted Washington does not enforce CEU requirements as Texas does. He stated architects who have handgun permits should be exempt from fingerprinting requirements because they have already undergone fingerprinting. His last comment was that Board members' personal emails should appear on the agency's website.

There was no other public comment in person. However, the Chair noted two letters which had been mailed to the Board's offices for the Board's consideration as public comment. Mr. James Perry of TSA to encourage the Board to initiate rule-making to implement legislation which allows the Board to consider the ARE as an alternative to the NCIDQ examination for purposes of registration as a registered interior designer. Ms. Kitty Wasemiller of Abilene Christian University wrote to the Board to register applicants as registered interior designers based solely upon successful completion of the NCIDQ examination. The Board members read the letters.

## **3. Approval of the January 31, 2013, Board Meeting Minutes**

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE JANUARY 31, 2013, BOARD MEETING MINUTES. Ms. Dockery stated she did not wish to amend the minutes but noted that the discussion on Rule 7.10, relating to the Board's fee schedule, included concerns about whether the fee schedule is clear or whether it might be confusing to the registrants who consult the fee schedule and the minutes do not reflect that discussion. She contrasted that discussion with the amount of detail on the presentation made by a prospective vendor for processing online credit card transactions. THE MOTION PASSED WITH MR. DAVIS AND MR. EDWARDS ABSTAINING FROM THE VOTE BECAUSE THEY WERE NOT ON THE BOARD DURING THE JANUARY 31, 2013 MEETING.

The Chair stated Ms. Kelly Barnett came in the meeting late and wanted to make a public comment.

**G. Public Comments (Continued)**

Kelly Barnett -- Ms. Barnett introduced herself as a former registered interior designer and addressed the Board to comment on proposed rule changes to implement HB 1717. Ms. Barnett noted HB 1717 refers to passage of “the” exam. She stated she did not see anything that would allow passage of one of multiple examinations. Ms. Barnett asked if TBAE has the authority to allow registration as an interior designer by passing any examination other than the NCIDQ. The General Counsel stated the Board has the statutory authority to designate the NCIDQ or a comparable examination for registration. Ms. Barnett also requested that the agency change its website to more clearly emphasize voluntary nature of registration as an interior designer and to specify which registered interior designers were registered without examination through the grandfathering process. She also noted she had several other modifications she would like the agency to make.

**4. Executive Director Report**

A. Budget Review – The Executive Director outlined revenues and expenditures through the end of April compared to the budget as adopted at the start of the fiscal year. The agency has collected roughly 61 percent of projected revenues and expended almost 49% of anticipated expenditures.

The Executive Director noted the \$26,190 expended on the line item “Exceptional Items: IT Upgrades in 2013” is to cover the cost of putting some of the agency’s IT functions in the cloud. The Executive Director reported the agency will be contracting with the Department of Information Resources to go to the cloud in lieu of contracting with a private vendor which will lower costs and provide more robust security.

Mr. Mijares asked about when office rental is paid. Only 10 percent of that line item has been paid for the year to date so it obviously is not paid throughout the year. The Finance Manager stated the agency usually receives an invoice for rent in October to cover the just-concluded fiscal year. The agency pays the invoice and charges it back to the year when the rent charge accrued. He noted the agency paid the rent in October for Fiscal Year 2012 but charged that amount to the 2012 budget so it does not show up on budget for this year as a false surplus.

The Executive Director outlined the current balance of the scholarship fund, the number of scholarships awarded, and the cumulative amount of monies awarded as scholarships. Mr. Edwards asked about the source of revenue available for scholarships. The Executive Director stated the money was derived from a surcharge architects used to pay. The balances became so high the Board discontinued collection of the surcharge. The General Counsel added the Board had the discretion to stop charging for the scholarships.

B. Online Registration Renewal – The Executive Director reported on the online renewal of registration for registered firms and businesses. In Fiscal Year 2011, the agency had estimated a fee for annual business registration renewal in the amount of \$20. But based upon more current and accurate data, the agency currently estimates a charge of \$45 is necessary to cover the costs of



business registration. Mr. Davis asked the Executive Director to identify the costs that are to be amortized over 5 years as indicated in the document referenced by the Executive Director. The Executive Director stated it included salaries and programming costs. The Finance Manager added it included development costs independent from programming costs. Mr. Anastos asked if a multi-disciplinary firm must register and pay a separate fee for each regulated profession it offers or renders. The General Counsel answered that the rules provide that each firm pays the same fee, regardless of whether the firm is a multi-disciplinary firm. Mr. Anastos asked if a multidisciplinary firm may register and renew registration by completing a single form. The Executive Director stated she believed that is currently the way the business registration form is drafted. If not, the agency will correct the form for that purpose. In response to a question from Mr. Edwards, the Executive Director stated the estimate of 1500 registered design firms includes out-of-state firms.

Mr. Davis asked if the online business registration roster and search function could include the logo of the design firm. The Managing Investigator stated the website includes an optional link to the registrant's website. Mr. Davis stated the registrants might see greater value to registration if their listing included a logo. Mr. Anastos suggested the Board should consider whether it is appropriate for a regulatory board to include logos in its registrant rosters.

C. Legislative Report/Update

The Executive Director directed the Board's attention to the copy of the agency's Sunset bill (HB 1717) and an outline of the Sunset bill (HB 1685) for the SDSI program in the Board notebook. The key changes in the bills are as follows:

1. Fingerprint-based criminal background checks. Mr. Anastos asked if previously submitted fingerprints will be used in lieu of undergoing another fingerprinting. The Executive Director reported we do not know definitively but based upon responses received to date, it appears that previous checks will not suffice to fulfill the requirement. Mr. Edwards asked if out-of-state licensees will have to undergo fingerprint-based background checks. The Executive Director stated they will.
2. Registered interior designers who have not passed a registration examination must do so by September 1, 2017, or will no longer be registered.
3. Late fees will be assessed only on the portion of the fee which remains with the agency, excluding the \$200 occupational fee remitted to the General Revenue Fund.
4. Enforcement penalties are to be remitted to the General Revenue Fund.
5. Architects are required to pay the \$200 occupational fee upon initial registration.
6. Agency is required to report performance on new, specific performance measures.
7. Agency will be charged for its next Sunset review which is currently scheduled to take place in 2025.



Mr. Anastos noted that he has gotten a lot of calls about fingerprinting. He asked where the fingerprints will be kept. The Executive Director stated they will be collected by a vendor with the Texas Department of Public Safety and remain with them. The agency will never have possession of fingerprints or criminal history records. Mr. Anastos stated he also gets inquiries about who receives the fee. The Executive Director reported the fee is paid to the contractor. The agency will not receive any part of the fee. Mr. Anastos asked how the agency will know whether a person has paid the fee or undergone the fingerprint check before we register them or renew registration. The Communications Manager stated that depends upon how we get notice from the vendor. The agency is still learning how this process will work.

Mr. Mijares asked how soon these requirements will take effect. The Communications Manager stated the start date is January 1, 2014, and will apply to applications for registration and renewal of registration on or after that date.

**The Board took a break at 10:13 a.m. and reconvened at 10:27 a.m.**

The Board continued deliberations on the Executive Director's report. The Executive Director reported that the agency will begin using a third party vendor to process online credit charges effective September 1, 2013. Upon that date, registrants will be charged a convenience fee for online services and the agency will no longer be charged credit card fees. The credit card fees currently cost the agency roughly \$108,000 annually. The Executive Director referred the Board to a chart detailing the fiscal impact of the charge upon each category of registrant. Ms. Dockery asked if the convenience fee will be charged only to registrants who pay online. The Executive Director stated it would. Ms. Dockery also asked if registrants renewing online has produced efficiencies and savings for the agency. The Executive Director stated it has and, as a result, the agency has been able to reduce the number of agency personnel over the past two years.

**Report on Conferences and Meetings**

- A. CLARB Spring Meeting, Scottsdale, AZ (March 1-2, 2013)  
The Executive Director stated that three agency staff from the Registration Division attended the meeting. The Executive Director referred to the staff summary in the Board members' notebooks. Staff reported upon efforts by CLARB to streamline the examination and registration process, unlicensed practice issues in other states, and accessibility issues in the practice of landscape architecture.
- B. NCARB Joint Regional Meeting, Charleston, SC (March 7-9, 2013)  
The Executive Director stated that TBAE Chair, Alfred Vidaauri, was elected Chairman of Region III. Mr. Mijares commented upon the significance of the TBAE Chair becoming the Chair of Region III. The Executive Director also reported upon the CEO report and draft NCARB resolutions. Also, the Executive Director stated NCARB is changing the location of the Spring Regional Meeting, but unsure of the new location.

**5. General Counsel Report**

**A. Proposed Rules for Adoption**

Amend Rule 1.191 relating to experience required for architectural registration by examination, repealing limit on number of hours credited for academic internships.

The General Counsel explained to the Board that the amendment eliminates restrictions on the number of academic internship hours which may count toward the experience requirements and conforms to a recent change made by NCARB. The proposed rule was published for public comment for 30 days. The agency received no public comment.

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO ADOPT THE PROPOSED AMENDMENT TO RULE 1.191 REPEALING THE LIMIT ON THE NUMBER OF HOURS OF EXPERIENCE CREDITED FOR ACADEMIC INTERNSHIPS. THE MOTION PASSED UNANIMOUSLY.

**B. Prospective Rule for Proposal**

I. Amend Rule 7.10 relating to general fees. The amendment would increase fees for business registration, add the \$200 occupational fee for initial architectural registration, include charges for a third party convenience fee for online registration services, and modify the penalty for late registration renewal.

The General Counsel reported the amendments regarding the occupational fee for initial architectural registration and modifications to the manner in which the late fees are imposed implement legislative changes to the Board's enabling law by the Sunset bill. Ms. Dockery noted that the fee schedule is confusing in that it is unclear which fees are subject to the additional \$200 occupational fee and which are not. Mr. Edwards suggested each fee subject to the occupational fee should be cross-referenced to the footnote. After deliberation, the Board determined the fee schedule should be replaced with a separate fee schedule similar to the fee analysis in the Board notebooks which outlines each fee to be paid by each category of licensee, candidate and applicant as well as the total of the fee when added to the occupational fee and the convenience fee for online transactions.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO PROPOSE THE DRAFT AMENDMENTS TO RULE 7.10. AN AMENDMENT WAS MADE (Dockery/Davis) TO STRIKE THE CURRENT FEE SCHEDULE AND REPLACE IT WITH A FEE SCHEDULE SIMILAR TO THE FEE SCHEDULE AS REPRESENTED IN THE BOARD NOTEBOOKS. THE MOTION AS AMENDED PASSED UNANIMOUSLY.

II. Prospective draft amendments to Rules 5.31 and 5.51 to modify exam requirements for purposes of registering as a registered interior designer; and striking obsolete language.

The General Counsel reported the prospective changes are in response to an amendment made to the agency's Sunset bill. The bill (now adopted as law) requires registered interior designers who gained registration without examination to pass the registration examination in effect on January 1, 2014, in order to remain registered after September 1, 2017. The amendment would allow for registration as a registered interior designer upon passing the ARE or the NCIDQ. As amended, the rules would allow architects to substitute passage of the ARE for the NCIDQ to become registered interior designers. The amendments would also allow architects who passed the ARE and currently are registered as interior designers to remain registered as interior designers after 2017. The General Counsel noted the Board received and reviewed a letter from TSA in support of immediate action on this matter during the "public comment" portion of the meeting.

A MOTION WAS MADE AND SECONDED (Anastos/Odell) TO PROPOSE THE DRAFT AMENDMENTS TO RULES 5.31 AND 5.51 TO MODIFY EXAM

REQUIREMENTS FOR PURPOSES OF REGISTERING AS A REGISTERED INTERIOR DESIGNER. THE MOTION PASSED UNANIMOUSLY.

The Board took a break at 11:35 a.m. and reconvened at 11:50 a.m.

6. **Enforcement Cases**

**Review and possibly adopt the ED's recommendation in the following enforcement cases:** The Executive Director's recommendations are to resolve the following cases in accordance with proposed settlement agreements reached with the Respondents. The Chair recognized the General Counsel to present the enforcement cases.

**A. Continuing Education Cases**

The General Counsel outlined the cases on the agenda. For continuing education cases, the Executive Director's proposed agreed orders include a standard penalty of \$700 for misstatements to the Board, \$500 for failing to complete required continuing education, and \$250 for failing to timely respond to an inquiry of the Board.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENTS IN THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:

Adams, Joseph H. (#122-13A)  
Allen, John L. (#081-13A)  
Butler, Frank A. (#119-13A)  
Fischer, Susan F. (#135-13L)  
Flesher, David J. (#073-13A)  
Freeman, Cricket (#102-13I)  
Gozali, Minarni (#107-13I)  
Griffis, Jeff K. (#143-13A)  
Horton, William E. (#118-13I)  
Kraemer, Alisa C. (#087-13I)  
Krolicki, Jeffrey R. (#131-13A)  
Morgan, Adrienne (#100-13I)  
Newman, Katherine E. (#129-13A)  
Paul, Douglas W. (#106-13A)  
Perrier, Patti H. (#111-13I)  
Quinn, David R. (#146-13A)  
Rainwater, Sherry (#085-12I)  
Schenck, Dale H. (#123-13A)  
Slaney, Scott G. (#098-13L)  
Trexler, Joel (#095-13A)  
Tsao, Ing-Tay (#090-13I)  
West, Charles S. (#117-13A)  
Whitwell, Allen (#074-13A)  
Wilson, Alison B. (#144-13I)

THE MOTION PASSED UNANIMOUSLY.

The following continuing education case was heard separately because Ms. Dockery recused herself from the vote to avoid a perceived or actual conflict of interest:

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED AGREED ORDER IN THE CASE INVOLVING ROBERT RUNYON IN CASE NUMBER 101-13A. THE MOTION PASSED UNANIMOUSLY 6-0. (DOCKERY ABSTAINED.)

**7. NCARB Proposed Changes to Intern Development Program (IDP) Duration Requirement**

The Executive Director stated NCARB is seeking input on two proposed changes to the IDP program. The Executive Director explained once change would allow credit for short-term periods of employment by eliminating the requirement that employment extend for at least 8 consecutive weeks. The other change would allow credit for employment after obtaining a high school diploma and would eliminate the additional requirement that employment take place after enrollment in certain degree programs or while employed in experience setting A.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO REPORT TO NCARB THAT THE BOARD AGREES WITH THE PROPOSED CHANGES TO THE INTERN DEVELOPMENT PROGRAM. THE MOTION PASSED UNANIMOUSLY.

**8. Resolutions to be Acted Upon at the NCARB's 2013 Annual Meeting**

The Executive Director laid out the following resolutions for the Board to consider and give direction to its delegate on its position regarding each resolution to be voted upon at the NCARB Annual Meeting:

A. **Resolution 2013-01 – Model Law and Regulations Amendment** – Amend model laws to allow for the use of electronic seal and signatures on technical submissions.

B. **Resolution 2013-02 – Certification Guidelines Amendment** – Allows consideration of any applicant with a degree from a non-accredited program if the applicant meets NCARB Education Standards. Currently the educational evaluation is allowed only for holders of degrees from outside the United States and Canada.

C. **Resolution 2013-03 – Certification Guidelines Amendment** – Modifies terminology in the Broadly Experienced Architect Program to require certain applicants to show experience in the “practice or architecture” instead of “comprehensive practice.”

D. **Resolution 2013-04 – Certification of Guidelines** – Modification to the definition of “comprehensive practice” as used in the Certification Guidelines applied in the Broadly Experienced Foreign Architect Program.

E. **Resolution 2013-05 – Bylaws Amendment** – Restricts a Member Board Member or a Member Board Executive from serving as the public director. Allows a person who participates in the regulation of building or structure design to serve as the public director.

F. **Resolution 2013-06 – Inter-Recognition Agreement with Canada** – Update and Conforming Changes to Certification Guidelines – NCARB and CALA to propose to their respective member regulators that architects be required to complete 2000 hours of licensed practice in their home jurisdiction prior to seeking reciprocal licensure in the other jurisdiction. The agreement does not apply to architects who have been licensed by means of a Broadly Experienced Foreign Architect program of either country.

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO DIRECT TBAE DELEGATES TO SUPPORT THE ADOPTION OF ALL SIX PROPOSED RESOLUTIONS. THE MOTION PASSED UNANIMOUSLY.

Mr. Davis asked if TBAE allows registration of an architect through the Broadly Experienced Architect program. The Executive Director stated the agency “looks behind the cover” to ascertain the qualifications of a reciprocal applicant who has NCARB certification. However,

generally the agency recognizes NCARB certification for architects from Canada. TBAE requires successful completion of the ARE even if the reciprocal candidate has NCARB certification.

Ms. Dockery commented on the resolution regarding electronic seals on technical submissions. She noted that the use of Building Information Modeling will require revisiting sealing issues because modeling is a dynamic process of designing buildings in three dimensions. The designs continue to evolve after issuance which makes the application of the sealing rules problematic.

Ms. Dockery also complimented agency staff for the efficiency in which an intern in her office was registered. The intern received the certificate of registration from the agency within 2 weeks after passing the ARE.

**9. Chair's Closing Remarks**

The Chair stated that the Board has come to a conclusion. He thanked the members for their service.

**10. Adjournment**

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO ADJOURN THE MEETING AT 11:43 A.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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

SIGNED BY CHASE BEARDEN, PRESIDING CHAIR

Texas Board of Architectural Examiners  
Fiscal Year 2013 Budget

<b>Total Beginning Fund Balance</b>	<b>FY 2013 Approved Budget</b>	<b>FY 2013 Projected Rev. and Exp. Sept 1, 2012---Aug. 31, 2013</b>	<b>FY 2013 Actual Rev. Earned &amp; Exp. as a Percentage</b>
<b>Revenues:</b>			
Licenses & Fees	2,510,000.00	2,501,945.00	99.68%
Enforcement Penalties	75,000.00	75,000.00	100.00%
Late Fee Payments	215,000.00	210,000.00	97.67%
Other	5,000.00	3,000.00	60.00%
Interest	7,500.00	3,000.00	40.00%
<b>Draw on Fund Balance</b>	<b>166,635.00</b>	-	
<b>Total Revenues</b>	<b>2,979,135.00</b>	<b>2,792,945.00</b>	<b>93.75%</b>
<b>Expenditures:</b>			
Salaries and Wages	1,523,700.00	1,332,040.00	87.42%
Payroll Related Costs	392,220.00	368,560.00	93.97%
Professional Fees & Services	35,060.00	35,060.00	100.00%
Travel			
Board Travel	37,000.00	30,000.00	81.08%
Staff Travel (3)	28,000.00	23,000.00	82.14%
Office Supplies	15,000.00	15,000.00	100.00%
Postage	15,000.00	15,000.00	100.00%
Communication and Utilities	17,500.00	15,000.00	85.71%
Repairs and Maintenance	1,500.00	1,000.00	66.67%
Office Rental and Equipment Leases	60,910.00	60,910.00	100.00%
Printing	7,000.00	7,000.00	100.00%
Operating Expenditures	55,000.00	55,000.00	100.00%
Conference Registration Fees	7,000.00	7,000.00	100.00%
Membership Dues	21,000.00	21,000.00	100.00%
Fees for Receiving Electronic Payments	108,000.00	108,000.00	100.00%
Staff Training (4)	23,000.00	10,000.00	43.48%
SWCAP Payment	76,610.00	68,939.00	89.99%
Payment to GR	510,000.00	510,000.00	100.00%
<b>Exceptional Items: IT Upgrades in 2013</b>	<b>45,635.00</b>	<b>45,635.00</b>	<b>100.00%</b>
<b>Total Expenditures</b>	<b>2,979,135.00</b>	<b>2,728,144.00</b>	<b>91.58%</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>	<b>-</b>	<b>64,801.00</b>	
<b>* Funding for 6 months</b>	<b>1,489,567.50</b>		
<b>Ending Fund Balance</b>	<b>440,040.63</b>		

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

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

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

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**  
**Fiscal Year 2013 -- Scholarship Fund**

<b>Operating Fund Beginning Fund Balance:</b>
<b>Adjusted Beginning Balance</b>
<b>Scholarship Fund Beginning Balance</b>
<b>Total Beginning Scholarship Fund Balance</b>
<b>Expenditures:</b>
Operating Expenditures-Scholarship Payments
<b>Total Expenditures</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>

<b>FY 2013 Budget</b>
-
-
165,377.64
165,377.64
165,377.64

<b>FY 2013 Actual Expenditures Sept 1, 2012---Aug. 31, 2013</b>
-
-
165,377.64
165,377.64
25,500.00
25,500.00
139,877.64

<b>FY 2013 Remaining Budget</b>
139,877.64
-
139,877.64
-
-
-

<b>Ending Reserve Fund Balance</b>
------------------------------------

165,377.64
------------

139,877.64
------------

139,877.64
------------

**Number of Scholarships Awarded**

**51**

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



**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
Fiscal Year 2014 Budget (With Servers)**

	<b>FY 2014 Proposed Budget</b>	<b>FY 2014 Actual Rev.</b>
<b>Operating Fund Beginning Fund Balance:</b>	-	
<b>Adjusted Beginning Balance</b>	-	
<b>Scholarship Fund Beginning Balance</b>	-	-
<b>Total Beginning Fund Balance</b>	<b>1,900,000.00</b>	
<b>Revenues:</b>		
Licenses & Fees	2,455,356.00	0.00%
Business Registration Fees	67,500.00	0.00%
Late Fee Payments	75,000.00	0.00%
Other	1,000.00	0.00%
Interest	2,500.00	0.00%
<b>Draw on Fund Balance</b>		
<b>Total Revenues</b>	<b>2,601,356.00</b>	<b>0.00%</b>
<b>Expenditures:</b>		
Salaries and Wages (A)	1,394,330.00	0.00%
Payroll Related Costs	383,310.00	0.00%
Professional Fees & Services	40,000.00	0.00%
Travel		
Board Travel	30,000.00	0.00%
Staff Travel	23,000.00	0.00%
Office Supplies	15,000.00	0.00%
Postage	15,000.00	0.00%
Communication and Utilities	15,000.00	0.00%
Repairs and Maintenance	1,000.00	0.00%
Office Rental and Equipment Leases	60,910.00	0.00%
Printing	7,000.00	0.00%
Operating Expenditures	55,000.00	0.00%
Conference Registration Fees	7,000.00	0.00%
Membership Dues	21,000.00	0.00%
Credit Card Fees---Sep. only	9,000.00	0.00%
Staff Training	10,000.00	0.00%
SWCAP Payment	68,939.00	0.00%
Payment to GR	510,000.00	0.00%
<b>IT Upgrades in 2014 with Servers</b>	<b>41,325.00</b>	<b>0.00%</b>
<b>Total Expenditures</b>	<b>2,706,814.00</b>	<b>0.00%</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>	<b>(105,458.00)</b>	
<b>* Funding for 6 months</b>	<b>1,353,407.00</b>	
<b>Ending Fund Balance</b>	<b>441,135.00</b>	

(A) Includes a state-mandated 1.0% raise and a .5% agency payment to ERS.



# TEXAS Board of Architectural Examiners

Architects ▪ Interior Designers ▪ Landscape Architects

## Forecast for FY2014 I.T. Software, Hardware and Training Projected Expenses

### Software Inventory

Known Expenses in FY	Subscription Expiration Date	Software/Service Maintenance Renewals	Approximate Cost	Subscription Period (Years)
2014	9/1/2013	VeriSign SSL – Remote	\$1,000.00	3
	1/15/2014	Symantec - Network	625.00	1
	2/26/2014	Cisco	350.00	1
	8/1/2014	MSDN	2,300.00	3
	For 2014 TBD	Office365 – 23 Users @ \$20 per user/month subscription	5,520.00	1
	Software required to support and\or add efficiency to business processes		2,500.00	
Total			\$12,295.00	

### Hardware Inventory

Known Expenses in FY	Future Purchase Dates	Hardware	Notes	Estimate Cost
2014	8/1/2014	Replace UPS that support servers in event of power outage	\$1,600 each (2), replaced every 5 yrs	\$3,200.00
		Memory / Storage Drives - Accessories and hardware for Cloud implementation	Memory / Storage Drives to add to virtual host servers	\$2,000.00
	6/1/2014	Replace 7 servers: Conversion to Virtual Datacenter Project (4) Virtual Host Servers, (1) Load Balancer, (1) Domain Controller, (1) Storage Server  Project is spread over two years between FY2014 & FY2015 at a total cost of \$41,160 (2014-\$20,580; 2015-\$20,580)  The project was originally planned for FY2015 - \$41,160	This takes agency to FY2019-2020 \$28,000 for hardware software: OS \$500 (x7), CAL \$22 (x25), SQL Svr (9,000), Remote Desktop \$55(x5),	\$28,000.00 3,500.00 550.00 9,000.00 110.00  2014 Cost – \$20,580.00
		Agency Laptop	Replace 1 each FY	1,750.00
	Accessories and break/fix hardware not covered under warranty			1,500.00
Total				\$29,030.00

## Summary

Fiscal Year	Software\Maintenance	Hardware\Accessories	Estimated Budget
2014	\$12,295	\$29,030	\$41,325.00
1 Year Total			\$41,325.00

## Glossary

**Symantec** - Backup software loaded on servers. Supports back-up of agency data for disaster recovery.

**MSDN** - Subscription based software required for developers. Service can be purchased in multiple year subscriptions.

**Cisco** – Annual renewal for firmware up-grades and security fixes as well as 8-5 coverage, next business day.

**VeriSign SSL** – Certificate required to conduct business online, support secure data transfer for remote users, and support outlook web access. Service can be purchased in multiple year subscriptions. Agency currently has 4 certificates. Agency functions supported: Email on the web, Remote Access, and online secure account pages for registrants.

**Office 365** - Cloud Subscription Service, Office 2010+ (Replaces having to buy an Office license for each desktop and laptop, currently each Office license will cost the agency \$340.54 per device(\$340.54 X 23 = \$7832.34), Exchange 2010, SharePoint 2010, Lync Server 2010, Forefront 2010 (Replaces having to buy server hardware and software licensing for each service provided. Our previous Exchange server cost was \$6,901.00)

- Reduced server hardware & maintenance needs
- Automatic new version migrations
- Diminished infrastructure requirements
- Reduced capital expenses
- Flexibility to easily scale-up or scale-down licenses – pay for only the capacity and services needed

**Servers** – TBAE's datacenter will be converted into a virtual datacenter, consolidating 12+ physical servers to 4 virtual hosts capable of housing up to 8 virtual servers per virtual host. One load balancer server to offset data I/O(input/output) between virtual hosts; one domain controller and one high availability storage server capable of storing virtual servers and agency data files. Purchased with a five-year agreement

- Reduce capital expenditures through consolidation
- Improve operating expenditures through automation
- Minimize lost revenue due to downtime
- Save time by automating testing and quick/ reliable restore
- Reduce energy consumption throughout the datacenter

**Laptops** - Purchased with a five-year agreement

**UPS** – Uninterruptible power supply, server battery backup. Purchased with a five-year agreement

## **Rules 5.31 and 5.51**

### **Summary of Proposed Amendments**

#### **Current Rule**

The rules currently require applicants for registration as a registered interior designer to pass the NCIDQ interior design registration examination (among other things) in order to gain registration. Passing an examination that NCIDQ deems equivalent to its examination is accepted as a substantially equivalent to passing the NCIDQ examination.

#### **Proposed Amendments**

The amendments would allow for the passage of the Architectural Registration Examination (the “ARE”) to substitute for the NCIDQ examination, so that those who are architects or who are applying to be architects will qualify for interior design registration. If the amendment is adopted and in effect by January 1, 2014, architects who are currently registered as interior designers will have passed the examination required by Section 1053.154, Texas Occupations Code, in effect on that date and will not be required to pass the NCIDQ in order to maintain registration under Section 1051.351(c-1), Texas Occupations Code.

#### **Publication**

The agency published the proposed amendments to the Rule in the June 28, 2013 edition of the *Texas Register* for 30 days. The agency has received two comments on the amendments, both of which favor the amendments. Public comment is attached.

RECEIVED

2013 JUL 11 AM 11:00

TEXAS  
ARCHITECTS

Texas Society of Architects  
The Office for Texas Architects July 26, 2013

500 Union Street  
Austin, TX 78702  
to: 512.478.7386  
fax: 512.478.0128

[www.tsoaarchitects.org](http://www.tsoaarchitects.org)

Chairman Alfred Vidauri Jr., AIA, NCARB, AICP  
**Texas Board of Architectural Examiners**  
333 Guadalupe, Suite 2-350  
Austin, TX 78701

RE: Proposed Rule 5.51

Dear Chairman Vidauri and Board Members,

On behalf of the more than 6,200 members of the Texas Society of Architects (TxA), a state regional component of the American Institute of Architects, thank you for the opportunity to comment on your recent proposed rule, #5.51, published in the June 28 Texas Register.

TxA wholeheartedly supports adoption of this proposed language because it recognizes that the approximately 1,140 licensed architects who are also dually recognized as Registered Interior Designers (RIDs) as a result of having been grandfathered as an RID in 1991-92, should be allowed to continue being dually recognized as a result of having already passed a national qualifying exam establishing appropriate professional knowledge and competence.

The legislative intent of HB 1717, your agency's 2013 Sunset bill, was to ensure that grandfathered RIDs pass a national qualifying exam by January 1, 2018, to be eligible for continued official state recognition as an RID. Your proposed rule acknowledges that intent without requiring that the 1,140 dually licensed Architect/RIDs to take a second national qualifying exam.

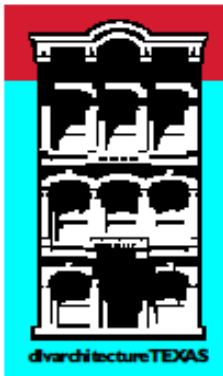
We applaud the approach that rule drafters took in using the "in lieu of..." language for this proposed rule. It keeps the NCIDQ exam (or any predecessor or successor test) as "the" RID test standard while acknowledging that those the State recognizes as licensed architects have, indeed, met the standard intended by the 83rd Texas Legislature.

We will be happy to answer any questions you have, or to clarify our position on this matter further, if so needed. Please feel free to contact us any time prior to your August 22 meeting if we can be of assistance.

Sincerely,

*David Lancaster, Hon. AIA*

David Lancaster, Hon. AIA  
Senior Advocate



David Lockwood Van de Ven, Jr.

Emeritus AIA, CSI, RA, RID, PREI, TAREI,  
NACHI (Associate)  
2307 Pin Oak Lane  
Arlington, Texas 76012

Phone: 817 469 6279  
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Email: dlvarchitecture@aol.com

TBAE Licensed

Architect # 13717  
Interior Designer # 2378

TREC Licensed

Professional Real Estate Inspector  
TREC #6970

Member  
of

American Institute of Architects  
Texas Society of Architects  
Construction Specifications  
Institute  
Texas Association of Real Estate  
Inspectors (Associate)

August 1, 2013

Texas Board of Architectural Examiners  
Hobby Building  
P.O. 12337  
333 Guadalupe, Suite 2-350  
Austin Texas 78701  
Telephone (512) 305-9000  
Fax (512) 305-8900

Attention: Alfred Vidaurri Jr., AIA, NCARB, AICP, Chair  
Chase Bearden, Vice-Chair Public Member  
Sonya B. Odell Secretary-Treasurer Registered Interior Designer  
Charles H. (Chuck) Anastos, AIA, Architect Member  
Debra Dockery, AIA Architect Member  
Paula A. Miller Public Member  
Bert Mijares, Jr., AIA Architect Member  
Chad Davis Landscape Architect  
Davey Edwards Public Member

Attention: Executive Committees

Members:	Alfred Vidaurri, Jr. - Chair, Architect
	Chuck Anastos - Vice Chair, Architect
	Chase Bearden - Secretary/Treasurer, Public Member
	Bert Mijares - Architect

Attention: Legal Counsel

Scott Gibson - General Counsel  
Phone: (512) 305-8519  
E-Mail: [scott.gibson@tbae.state.tx.us](mailto:scott.gibson@tbae.state.tx.us)

Re: Registered Interior Designer, Licensing in State of Texas

Dear Sirs /Ms:

I am corresponding in favor of the ARE being an accepted testing criteria for licensing Registered Interior Designers in the Design Profession Building of Spatial Planning. AS a current RA and RID having gone through the ARE testing equating process and with years of intern and licensed experience in AE / ID and ID Facility / Design Build Firms, I would see my existing design professional license striped after years of practice and all aspects of ID experience with major commercial and healthcare interior design firms such as HKS, Inc, JPJ. Inc., BHCS / Healthcare Environment Design. Dahl Braden Jones Chapman, Inc.

Sincere best regards,

David L. Van de Ven, Jr., Emeritus AIA, CSI, RA, RID, PREI  
dlvarchitectureTEXAS  
(817) 469 6279 (v)  
(817) 860 0867 (fax)

## Proposed Amendments for Adoption

### §5.31 Registration by Examination

(a) In order to obtain Interior Design registration by examination in Texas, an Applicant shall demonstrate that the Applicant has a combined total of at least six years of approved Interior Design education and experience and shall successfully complete the Interior Design registration examination or a predecessor or other examination deemed equivalent by NCIDQ as more fully described in Subchapter C of this chapter. Alternatively, an Applicant may obtain Interior Design registration by examination by successfully completing the Architectural Registration Examination or another examination deemed equivalent by NCARB after fulfilling the prerequisites of §1.21 and §1.41 of chapter 1 relating to Board approval to take the Architectural Registration Examination for architectural registration by examination. For purposes of this section, an Applicant has "approved Interior Design education" if:

(1) The Applicant graduated from:

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

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

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

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

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

(3) The Applicant has:

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

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

(4) The Applicant has:



## Proposed Amendments for Adoption

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

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

[Subsections (b) – (e) are unchanged.]

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

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

### **§5.51 Requirements**

(a) An ~~[Every]~~ Applicant for Interior Design registration by examination in Texas must successfully complete all sections of the National Council for Interior Design Qualification (NCIDQ) examination or a predecessor or other examination NCIDQ deems equivalent to the NCIDQ examination. In lieu of successfully completing the NCIDQ examination, an applicant may successfully complete all sections of the Architectural Registration Examination (ARE), or another examination NCARB deems equivalent to the ARE, after fulfilling the requirements of §1.21 and §1.41 of chapter 1 relating to Board approval to take the ARE for architectural registration by examination.

[Subsections (b) – (e) are unchanged.]

**Background Document for Prospective Amendments to Rules 5.31 and 5.51  
Regarding examination requirements for Registered Interior Designers**

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

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

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

## **Proposed Rule Amendment for Adoption**

### **Rule 7.10**

#### **Summary of Proposed Amendments**

##### **Background**

Rule 7.10 relates to the fees charged by the Board and includes a schedule of fees for specified services or actions by the Board. During the recent Rules Review Process, the Board proposed amendments to Rule 7.10 to eliminate an obsolete fee and to correct a technical error.

Last year, the Rules Committee evaluated the Board's business registration rules. The report of the Committee proposed changes to the rules to accommodate online business registration and online business registration renewal. The Committee also recommended business registration and renewal fees to recover the costs of the business registration process. Since then the agency has re-evaluated the cost per registrant for business registration and found that the fee adopted last year is not adequate. The rule amendment increases those fees.

The agency is implementing alternative means of administering online transactions. To that end, the agency is working toward contracting with Texas.gov, a third party contractor which is the official Web site of the State of Texas. In order to provide a secure and efficient online payment process, the contractor charges a convenience fee (2.25% plus \$.25) to Texas.gov. Texas.gov has a contract with the credit card companies and relays payment to them on each transaction. The agency would no longer cover the cost of the credit card fee for online transactions. The proposed amendment to the fee schedule lists the amount of the convenience fee for each fee listed in the fee schedule.

The Sunset bill for TBAE amends laws relating to agency fees. Effective September 1, 2013, the agency will assess the \$200 professional occupation fee upon the initial registration of architects. The amendments would also base the 50% and 100% late registration renewal penalty only upon that portion of the renewal fee which is collected by the agency, not the \$200 which is relayed to the Comptroller for deposit in state funds.

Excerpts of the Sunset Staff Report are included as a background document for the recommended rule amendments.

##### **Proposed Rule Amendments**

- Insert notice of the convenience fee for online transactions;
- Specify the aggregate total of each fee listed in the fee schedule and the separate convenience fee for each fee;
- Revise late renewal penalty amounts in accord with the Sunset bill; and
- Make technical corrections to pre-existing errors.

##### **Publication**

The agency published the proposed amendments to the Rule in the June 28, 2013 edition of the *Texas Register* for 30 days. The agency has received no public comment on the amendments.

## Proposed Rule Amendment for Adoption

### Rule 7.10.General Fees.

(a) (No change.)

(b) The following fees shall apply to services provided by the Board in addition to any fee established elsewhere by the rules and regulations of the Board or by Texas law. Payment of fees through the Internet is an online service provided by Texas.gov, the official Web site of the State of Texas. A person who uses the online service to pay fees must pay an additional \$.25 plus 2.25% of the fee to cover the ongoing operations and enhancements of Texas.gov which is provided by a third party in partnership with the State of Texas.[:]

Fee Description	Architects	Landscape Architects	Registered Interior Designers	Total Fee (With the 25 cents times 2.25%)	With the 25 cents times 2.25%
Exam Application	\$100	\$100	\$100	\$102.51	\$2.51
Examination	****	***	**		
Registration by Examination--Resident*	\$355	\$355	\$355	\$363.24	\$8.24
Registration by Examination--Nonresident*	\$380	\$380	\$380	\$388.81	\$8.81
Reciprocal Application	\$150	\$150	\$150	\$153.63	\$3.63
Reciprocal Registration*	\$400	\$400	\$400	\$409.26	\$9.26
Active Renewal--Resident*	\$305	\$305	\$305	\$312.12	\$7.12
Active Renewal--Nonresident*	\$400	\$400	\$400	\$409.26	\$9.26
Active Renewal 1-90 days late--Resident*	\$357.50	\$357.50	\$357.50	\$365.80	\$8.30
Active Renewal > than 90 days late--Resident*	\$410	\$410	\$410	\$419.48	\$9.48
Active Renewal 1-90 days late--Nonresident*	\$500	\$500	\$500	\$511.51	\$11.51
Active Renewal > than 90 days late--Nonresident*	\$600	\$600	\$600	\$613.76	\$13.76
Emeritus Renewal--Resident	\$10	\$10	\$10	\$10.48	\$0.48

### Proposed Rule Amendment for Adoption

Emeritus Renewal--Nonresident	\$10	\$10	\$10	\$10.48	\$0.48
Emeritus Renewal 1-90 days late--Resident	\$15	\$15	\$15	\$15.59	\$0.59
Emeritus Renewal > than 90 days late--Resident	\$20	\$20	\$20	\$20.71	\$0.71
Emeritus Renewal 1-90 days late--Nonresident	\$15	\$15	\$15	\$15.59	\$0.59
Emeritus Renewal > than 90 days late--Nonresident	\$20	\$20	\$20	\$20.71	\$0.71
Inactive Renewal--Resident	\$25	\$25	\$25	\$25.82	\$0.82
Inactive Renewal--Nonresident	\$125	\$125	\$125	\$128.07	\$3.07
Inactive Renewal 1-90 days late--Resident	\$37.50	\$37.50	\$37.50	\$38.60	\$1.10
Inactive Renewal > than 90 days late--Resident	\$50	\$50	\$50	\$51.38	\$1.38
Inactive Renewal 1-90 days late--Nonresident	\$187.50	\$187.50	\$187.50	\$191.97	\$4.47
Inactive Renewal > than 90 days late-- Nonresident	\$250	\$250	\$250	\$255.88	\$5.88
Reciprocal Reinstatement	\$610	\$610	\$610	\$623.98	\$13.98
Change in Status--Resident	\$65	\$65	\$65	\$66.72	\$1.72
Change in Status--Nonresident	\$95	\$95	\$95	\$97.39	\$2.39
Reinstatement--Resident	\$685	\$685	\$685	\$700.67	\$15.67
Reinstatement--Nonresident	\$775	\$775	\$775	\$792.69	\$17.69
Certificate of Standing--Resident	\$30	\$30	\$30	\$30.93	\$0.93
Certificate of Standing--Nonresident	\$40	\$40	\$40	\$41.16	\$1.16
Replacement or Duplicate Wall Certificate--Resident	\$40	\$40	\$40	\$41.16	\$1.16
Replacement of Duplicate Wall Certificate--Nonresident	\$90	\$90	\$90	\$92.28	\$2.28
Duplicate Pocket Card	\$5	\$5	\$5	\$5.37	\$0.37
Reopen Fee for closed candidate files	\$25	\$25	\$25	\$25.82	\$0.82
Annual Business Registration	\$45	\$45	\$45	\$46.27	\$1.27

## Proposed Rule Amendment for Adoption

Fee*****					
Business Registration Renewal 1-90 days late*****	\$67.50	\$67.50	\$67.50	\$69.27	\$1.77
Business Registration Renewal > than 90 days late*****	\$90	\$90	\$90	\$92.28	\$2.28
Examination—Record Maintenance	\$25	\$25	\$25	\$25.82	\$0.82
Returned Check Fee	\$25	\$25	\$25	\$25.82	\$0.82

\*This fee includes a \$200 professional fee imposed by statute upon initial registration and renewal. The Board is required to annually collect the fee and transfer it to the State Comptroller of Public Accounts who deposits \$150 of each fee into the General Revenue Fund and the remaining \$50 of each fee into the Foundation School Fund.

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

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

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

\*\*\*\*\*Notwithstanding the amounts shown in each column, a multidisciplinary firm which renders or offers two or more of the regulated professions of architecture, landscape architecture, and interior design is required to pay only a single fee in the same manner as a firm which offers or renders services within a single profession.

(c) - (d) (No change.)

(e) If a check is submitted to the Board to pay a fee and the bank upon which the check is drawn refuses to pay the check due to insufficient funds, errors in routing [~~touring~~], or bank account number, the fee shall be considered unpaid and any applicable late fees or other penalties accrue. The Board shall impose a processing fee for any check that is returned unpaid by the bank upon which the check is drawn.

(f) (No change.)

**Background Document for Prospective Amendment to Rule 7.10 General Fees  
Excerpts from Sunset Advisory Commission Staff Report**

## **Findings**

**Licensing provisions of the Board's statute do not follow model licensing practices and could potentially affect the fair treatment of licensees and consumer protection.**

**Professional fees.** The Board's statute requires the collection of a \$200 professional fee from architects, landscape architects, and registered interior designers, which is remitted to the General Revenue Fund. However, statutory direction to the Board varies in how the fee should be collected for the three professions. For landscape architects and registered interior designers, the fee applies to initial registration and renewal, whereas for architects, it applies only to renewal. In accordance with statute, the Board does not charge architects the professional fee upon initial registration, as it does for the other two professions, resulting in an inconsistent and unfair application of the fee across the three professions the Board regulates. Standard practice is for agencies to impose licensing fees and, where applicable, professional fees, at the time of initial licensing and upon renewal. Clarifying in law that the Board should assess the \$200 professional fee at initial registration and renewal for all three professions would help ensure all applicants for licensure are treated fairly and consistently.

**Late renewal of registration.** Penalties for late renewal of registration should provide an incentive to licensees to renew on time, but should not be overly punitive. The Board's statute requires the agency to charge licensees renewing up to 90 days late a penalty of one and a half times the normally required renewal fee and to charge licensees renewing more than 90 days late a penalty of twice the normally required renewal fee. This provision does not specify that the agency's renewal fee, for the purposes of calculating late payment penalties, should not include the separate \$200 professional fee. Although the professional fee is paid at the time of renewal, it goes straight to General Revenue, and does not support the agency's operations. Including the professional fee in the calculation of the late renewal penalty unfairly increases the penalty for late renewal. A common approach in other agencies' statutes is to separate the late penalty intended to encourage timely renewal from any additional professional fee due at renewal. Clarifying how the Board should calculate its late renewal penalty would help ensure a fair renewal process without affecting incentives for timely renewal.

## **Recommendations**

### ***Change in Statute***

#### **2.1 Clarify statute to require the Board to assess the \$200 professional fee at initial registration and renewal for all three regulated professions.**

Under this recommendation, statute would be updated to apply the \$200 professional fee for architects at the time of license issuance and not just on renewal. This change would match how statute already applies to landscape architects and registered interior designers, and would reflect the standard practice for many other professions regulated by the State.

#### **2.3 Clarify statute to require the Board to use only its own renewal fee when calculating penalties for late renewal.**

Under this recommendation, statute would be updated to require the Board to no longer include the \$200 statutory professional fee when calculating penalties for late renewal. Instead, the Board would use only its own renewal fee when calculating late renewal penalty amounts.



**Rules 1.149/3.149/5.158**  
**Summary of Prospective Rules for Proposal**

**Current Rules**

Under the current rules, applicants are required to report criminal history information to the Board as part of the application process. A registrant who has been convicted of any offense other than a minor traffic offense is required to report the conviction within 30 days after the court enters the conviction. In addition to the self-reporting requirements, the agency receives registrants' criminal history information from the Department of Public Safety ("DPS") each month to determine if the registrants whose registrations are due for renewal that month have been convicted during the past year. In this manner each registrant's criminal history record is checked by agency staff annually.

**Statutory Changes**

In accordance with the agency's Sunset bill (HB 1717), the agency is implementing a new process for criminal background checks. As a prerequisite to becoming registered, each applicant must submit a set of fingerprints to DPS or a vendor operating under contract with DPS. The fingerprints are checked against criminal history records maintained by DPS or the FBI. The agency will receive any past criminal history information from the criminal history records and will receive notice upon the conviction of registrants in the future.

**Prospective Amendments to Rules**

The amendments eliminate the self-reporting requirements. In accordance with the new requirements, applicants and registrants are required to submit fingerprints to DPS or its vendor. If the agency obtains information through the criminal history check, the executive director will have the authority to notify the applicant or registrant who will have the opportunity to respond in writing. Agency staff will evaluate the information, considering the nature of the offense, its relationship to the practices regulated by the Board, the opportunities licensure will provide for future criminal conduct, the age of the registrant or applicant at the time the offense was committed, how long ago the offense was committed, efforts at rehabilitation, and other facts and circumstances relating to the offense. If the executive director determines the offense relates to the practice of a regulated profession, the information gathered by agency staff will be provided to the Board. The Board will determine whether the offense should render the applicant ineligible for registration or whether a registrant should remain registered.

The agency will also discontinue the current practice of conducting annual background checks on registrants.

## PROSPECTIVE AMENDMENTS FOR PROPOSAL

### RULE §1.149 Criminal Convictions

1 [Subsection (a) unchanged.]

2 (b) The following procedures will apply in the consideration of an application for registration as  
3 an Architect or in the consideration of a Registrant's criminal history:

4 (1) Effective January 1, 2014, each [Each] Applicant shall [will be required to] submit a  
5 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
6 under contract with the Department for the purpose of obtaining criminal history record  
7 information from the Department and the Federal Bureau of Investigation. The Applicant  
8 shall pay the cost of conducting the criminal history background check to the Department  
9 or the vendor on behalf of the Department. An Applicant who does not submit  
10 fingerprints in accordance with this Subsection is ineligible for registration. [provide  
11 information regarding the Applicant's criminal history as part of the application process.  
12 Each Registrant will be required to report any criminal conviction to the Board within  
13 thirty (30) days of the date the conviction is entered by the court and to verify the status  
14 of the Registrant's criminal history on each registration renewal form. An Applicant or  
15 Registrant shall not be required to report a conviction for a minor traffic offense.]

16 (2) Effective January 1, 2014, each Registrant on active status or returning to active status  
17 who has not submitted a set of fingerprints pursuant to Subsection (1) shall submit a  
18 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
19 under contract with the Department for the purpose of obtaining criminal history record  
20 information from the Department and the Federal Bureau of Investigation. The Registrant  
21 shall pay the cost of conducting the criminal history background check to the Department  
22 or the vendor on behalf of the Department. A Registrant who does not submit fingerprints  
23 in accordance with this Subsection is ineligible for renewal of, or returning to, active  
24 registration.

25 (3) ~~(2)~~ The executive director may contact an Applicant or Registrant regarding any  
26 information about a criminal conviction, other than a minor traffic offense, disclosed in  
27 the Applicant's or Registrant's criminal history record. The executive director shall allow  
28 the [An] Applicant or Registrant no less than 30 days to provide a written response [who  
29 has been convicted for committing any offense will be required to provide a summary of

## PROSPECTIVE AMENDMENTS FOR PROPOSAL

1 ~~each conviction~~] in sufficient detail to allow the executive director to determine whether  
2 the conduct at issue [it] appears to directly relate to the duties and responsibilities of an  
3 Architect.

4 (4) [(3)] If the executive director determines the conviction might be directly related to  
5 the duties and responsibilities of an Architect, the Board's staff will obtain sufficient  
6 details regarding the conviction to allow the Board to determine the effect of the  
7 conviction on the Applicant's eligibility for registration or on the Registrant's fitness for  
8 continued registration.

9 [Subsections (c) – (i) unchanged.]

## PROSPECTIVE AMENDMENTS FOR PROPOSAL

### RULE §3.149 Criminal Convictions

1 [Subsection (a) unchanged.]

2 (b) The following procedures will apply in the consideration of an application for registration as  
3 a Landscape Architect or in the consideration of a Registrant's criminal history:

4 (1) Effective January 1, 2014, each [Each] Applicant shall [will be required to] submit a  
5 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
6 under contract with the Department for the purpose of obtaining criminal history record  
7 information from the Department and the Federal Bureau of Investigation. The Applicant  
8 shall pay the cost of conducting the criminal history background check to the Department  
9 or the vendor on behalf of the Department. An Applicant who does not submit  
10 fingerprints in accordance with this Subsection is ineligible for registration. [provide  
11 information regarding the Applicant's criminal history as part of the application process.  
12 Each Registrant will be required to report any criminal conviction to the Board within  
13 thirty (30) days of the date the conviction is entered by the court and to verify the status  
14 of the Registrant's criminal history on each registration renewal form. An Applicant or  
15 Registrant shall not be required to report a conviction for a minor traffic offense.]

16 (2) Effective January 1, 2014, each Registrant on active status or returning to active status  
17 who has not submitted a set of fingerprints pursuant to Subsection (1) shall submit a  
18 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
19 under contract with the Department for the purpose of obtaining criminal history record  
20 information from the Department and the Federal Bureau of Investigation. The Registrant  
21 shall pay the cost of conducting the criminal history background check to the Department  
22 or the vendor on behalf of the Department. A Registrant who does not submit fingerprints  
23 in accordance with this Subsection is ineligible for renewal of, or returning to, active  
24 registration.

25 (3) [({2})] The executive director may contact the Applicant or Registrant regarding any  
26 information about a criminal conviction, other than a minor traffic offense, disclosed in  
27 the Applicant's or Registrant's criminal history record. The executive director shall allow  
28 the [An] Applicant or Registrant no less than 30 days to provide a written response [who  
29 has been convicted for committing any offense will be required to provide a summary of

## PROSPECTIVE AMENDMENTS FOR PROPOSAL

1 ~~each conviction~~] in sufficient detail to allow the executive director to determine whether  
2 the conduct at issue [it] appears to directly relate to the duties and responsibilities of a  
3 Landscape Architect.

4 (4) [(3)] If the executive director determines the conviction might be directly related to  
5 the duties and responsibilities of a Landscape Architect, the Board's staff will obtain  
6 sufficient details regarding the conviction to allow the Board to determine the effect of  
7 the conviction on the Applicant's eligibility for registration or on the Registrant's fitness  
8 for continued registration.

9 [Subsections (c) – (i) unchanged.]

## PROSPECTIVE AMENDMENTS FOR PROPOSAL

### RULE §5.158 Criminal Convictions

1 [Subsection (a) unchanged.]

2 (b) The following procedures will apply in the consideration of an application for registration as  
3 a Registered Interior Designer or in the consideration of a Registrant's criminal history:

4 (1) Effective January 1, 2014, each [Each] Applicant shall [will be required to provide]  
5 submit a complete and legible set of fingerprints to the Department of Public Safety or a  
6 vendor under contract with the Department for the purpose of obtaining criminal history  
7 record information from the Department and the Federal Bureau of Investigation. The  
8 Applicant shall pay the cost of conducting the criminal history background check to the  
9 Department or the vendor on behalf of the Department. An Applicant who does not  
10 submit fingerprints in accordance with this Subsection is ineligible for registration.

11 ~~[information regarding the Applicant's criminal history as part of the application process.~~  
12 ~~Each Registrant will be required to report any criminal conviction to the Board within~~  
13 ~~thirty (30) days of the date the conviction is entered by the court and to verify the status~~  
14 ~~of the Registrant's criminal history on each registration renewal form. An Applicant or~~  
15 ~~Registrant is not required to report a conviction for a minor traffic offense.]~~

16 (2) Effective January 1, 2014, each Registrant on active status or returning to active status  
17 who has not submitted a set of fingerprints pursuant to Subsection (1) shall submit a  
18 complete and legible set of fingerprints to the Department of Public Safety or a vendor  
19 under contract with the Department for the purpose of obtaining criminal history record  
20 information from the Department and the Federal Bureau of Investigation. The Registrant  
21 shall pay the cost of conducting the criminal history background check to the Department  
22 or the vendor on behalf of the Department. A Registrant who does not submit fingerprints  
23 in accordance with this Subsection is ineligible for renewal of, or returning to, active  
24 registration.

25 (3) ~~(2)~~ The executive director may contact the Applicant or Registrant regarding any  
26 information about a criminal conviction, other than a minor traffic offense, disclosed in  
27 the Applicant's or Registrant's criminal history record. The executive director shall allow  
28 the [An] Applicant or Registrant no less than 30 days to provide a written response [who  
29 has been convicted for committing any offense shall provide a summary of each

## PROSPECTIVE AMENDMENTS FOR PROPOSAL

1 ~~conviction~~ in sufficient detail to allow the executive director to determine whether the  
2 conduct at issue [it] appears to directly relate to the duties and responsibilities of a  
3 Registered Interior Designer.

4 (4) [(3)] If the executive director determines the conviction might be directly related to  
5 the duties and responsibilities of a Registered Interior Designer, the Board's staff will  
6 obtain sufficient details regarding the conviction to allow the Board to determine the  
7 effect of the conviction on the Applicant's eligibility for registration or on the Registrant's  
8 fitness for continued registration.



## **Fingerprint-Based Criminal History Checks**

Excerpts from Sunset Commission Report and Bill

### **Excerpts from Sunset Staff Report**

**Criminal Background Checks.** Criminal background checks of licensees help protect the public, especially for occupations in which licensees regularly interact with the public or a potential risk of consumer fraud exists. In recent years many state agencies have switched from name-based checks to the Department of Public Safety (DPS) fingerprint system, which provides more accurate, real-time information than a name-based criminal background check. Fingerprint-based criminal background checks precisely match an individual with any associated criminal history, including any criminal history from other states or the FBI. After the initial background check, DPS also issues ongoing, automatic notice of subsequent arrests in Texas.

The use of fingerprint-based checks is expanding in Texas and nationally, as electronic imaging has made them more affordable. At least 14 state agencies in Texas use fingerprint-based criminal checks including the Board of Law Examiners, Department of Insurance, Department of Licensing and Regulation, State Board of Public Accountancy, Racing Commission, and Real Estate Commission.

In contrast, the Board requires applicants for licensure and licensure renewal to self-report their criminal history, and performs a DPS name-based check one month later. This type of check, however, does not provide a high level of accuracy and does not capture out-of-state criminal activity. Architects, landscape architects, and interior designers are mobile, and may perform services in more than one state. Also, some applicants for initial licensure are from outside the state. Requiring staff to shift to fingerprint checks would better protect the public by providing the Board with criminal history from other states, and would eliminate the need for checks at renewal, as DPS would provide automatic notice of subsequent arrests.

### **Recommendation 2.2. Require the Board to conduct fingerprint-based criminal background checks of applicants and licensees with active licenses.**

This recommendation would require the Board to conduct fingerprint-based criminal background checks, through DPS, on all applicants and licensees to review complete federal and state criminal histories of applicants. New prospective licensees would provide fingerprints at the time of application, and existing licensees would provide fingerprints at the next renewal of an active license. Inactive licensees would submit to criminal background checks before re-activating their licenses. Both applicants and existing licensees would pay a one-time cost of \$42 to the State's fingerprinting vendor and would not have ongoing charges for these checks.

### **Excerpts from House Bill 1717**

SECTION 2. Subchapter F, Chapter 1051, Occupations Code, is amended by adding Section 1051.3041 to read as follows:

Sec. 1051.3041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR REGISTRATION. (a) The board shall require that an applicant for a certificate of registration submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The board may not issue a certificate of registration to a person who does not comply with the requirement of Subsection (a).

(c) The board shall conduct a criminal history check of each applicant for a certificate of registration using information:

(1) provided by the individual under this section; and

(2) made available to the board by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The board may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history check.

SECTION 5. Subchapter G, Chapter 1051, Occupations Code, is amended by adding Section 1051.3531 to read as follows:

Sec. 1051.3531. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR RENEWAL. (a) An applicant renewing a certificate of registration shall submit a complete and legible set of fingerprints for purposes of performing a criminal history check of the applicant as provided by Section 1051.3041.

(b) The board may not renew the certificate of registration of a person who does not comply with the requirement of Subsection (a).

(c) A holder of a certificate of registration is not required to submit fingerprints under this section for the renewal of the certificate of registration if the holder has previously submitted fingerprints under:

(1) Section 1051.3041 for the initial issuance of the certificate of registration; or

(2) this section as part of a prior renewal of a certificate of registration.

SECTION 9. (a) Not later than December 1, 2013, the Texas Board of Architectural Examiners shall adopt rules necessary to implement the changes in law made by this Act to Chapter 1051, Occupations Code.

(b) Sections 1051.3041 and 1051.3531, Occupations Code, as added by this Act, and Sections 1051.353 and 1051.652, Occupations Code, as amended by this Act, apply only to an application for a certificate of registration or renewal of a certificate of registration filed with the Texas Board of Architectural Examiners on or after January 1, 2014. An application filed before that date is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

**ALLENSWORTH & PORTER, L.L.P.**

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Austin, Texas 78701

Telephone: (512) 708-1250  
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WILL W. ALLENSWORTH  
Attorney At Law

Email Address:  
[wva@asplaw.com](mailto:wva@asplaw.com)

**FAX COVER SHEET**

**To** : Scott Gibson  
**Fax Number** : (512) 305-8900  
**From** : Will W. Allensworth  
**Client/Matter** : SOAH Docket No. 459-12-7580, *Texas Board of Architectural Examiners v. Raymond Gignac, et al.*  
**Date** : August 5, 2013  
**Number of Pages** : 8 (including cover)  
**COMMENTS** : Please see the following.

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**WILL W. ALLENSWORTH**  
Attorney At Law

Email Address:  
[wwa@aaplav.com](mailto:wwa@aaplav.com)

August 5, 2013

Scott Gibson  
General Counsel  
Texas Board of Architectural Examiners  
Architectural/Interior Design/Landscape Architects  
333 Guadalupe, II-350  
Austin, Texas 78701

*Via facsimile (512) 305-8900*

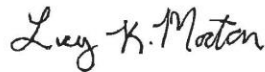
Re: SOAH Docket No. 459-12-7580; *Texas Board of Architectural Examiners v. Raymond Gignac, et al.*

Dear Mr. Gibson,

Enclosed please find Respondents' Motion for Mediation Conditions and Requirements in the above-referenced matter, which was filed with the State Office of Administrative Hearings earlier today.

Please do not hesitate to call if you have any questions.

Sincerely,



Lucy K. Morton  
Legal Assistant to Will W. Allensworth

**DOCKET NO. 459-12-7580****TEXAS BOARD OF ARCHITECTURAL  
EXAMINERS,****Petitioner,****vs.****RAYMOND GIGNAC, IAN POWELL,  
IRENE NIGAGLIONI, AND JOEL  
HERNANDEZ,****Respondents.**§  
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§**BEFORE THE STATE OFFICE****OF****ADMINISTRATIVE HEARINGS****RESPONDENTS' MOTION FOR MEDIATION CONDITIONS AND  
REQUIREMENTS**

Respondents Raymond Gignac, Ian Powell, Irene Nigaglioni, and Joel Hernandez (collectively "Respondents") file this motion, requesting that this Court compel mediation of the above-captioned dispute as follows:

**I. INTRODUCTION**

1.01 More than a year ago, Respondents attempted to reach a final, mutually-agreed resolution of this matter through lengthy negotiations with TBAE enforcement attorney Michael Shirk and Executive Director Cathy Hendricks.<sup>1</sup> Although Ms. Hendricks and Mr. Shirk "wholeheartedly recommended" the negotiated settlement to the full TBAE Board (the "Board") during a quarterly TBAE meeting on May 17, 2012, members of the Board rejected the proposed agreement and directed agency staff to look for other potential violations of the rules.

---

<sup>1</sup> Attorney Shirk is no longer a TBAE employee.



1.02 Respondents request the appointment of a mediator from within SOAH's Alternative Dispute Resolution Team so the parties may seek a negotiated settlement prior to the contested hearing set for the week of November 18, 2013. Given the highly political nature of this dispute and the charged rhetoric emanating from the original complainants, the TBAE's former Chairman, and current Board members themselves, Respondents request that certain conditions be set for the mediation to avoid wasting a second settlement dialogue through another summary rejection by the Board.

## II. ARGUMENT AND AUTHORITY

2.01 This is a contested case initiated by the TBAE under the Texas Occupations Code and TBAE Rules.<sup>2</sup> The Administrative Procedure Act and the rules of procedure promulgated by the State Office of Administrative Hearings apply to contested cases such as this.<sup>3</sup>

2.02 Under SOAH's Rules of Procedure, parties to a contested case may request mediation,<sup>4</sup> provided that the request is based on a good-faith belief that the parties may resolve some or all of the matters in dispute through these channels.<sup>5</sup> The same rules empower the ALJ to refer the case to mediation by directing SOAH's ADR Team Leader to

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<sup>2</sup> See Tex. 22 Admin. Code §1.5(23) (defining contested case); and Tex. Occ. Code § 1051.401(a) (requiring State Office of Administrative Hearings hearing for cases seeking suspension of an architectural certificate of registration).

<sup>3</sup> 22 Tex. Admin. Code § 1.231(a) (applying APA to contested cases); 22 Tex. Admin. Code § 1.231(b) (applying SOAH Rules of Procedure to contested cases); and Tex. Occ. Code § 1051.401 (applying Chapters 2001 (APA) and 2003 (statutory authority for rules promulgated by SOAH) of the Tex. Gov't Code to hearings seeking suspension of architectural certificates of registration).

<sup>4</sup> 1 Tex. Admin. Code § 155.351(a)(1).

<sup>5</sup> 1 Tex. Admin. Code § 155.351(a)(2).

assign a mediator to the case.<sup>6</sup> Perhaps most critically, the ALJ also has the power, in the referral order, to “include requirements to facilitate the mediation.”<sup>7</sup>

2.03 The parties have agreed to refer their disputes to mediation at this time. Respondents are understandably concerned, however, that any agreement reached at mediation will nevertheless be ignored or rejected by the full Board, just as the TBAE rejected the agreement reached between Respondents and agency staff at its May 2012 meeting. Respondents are unable to obtain the names of individual Board members who would attend a mediation event—and indeed, there has been at least a suggestion that only enforcement staff members (that is, no Board members whatsoever) might attend on behalf of the TBAE. All of the Respondents are willing to travel to Austin for the mediation. They should not be subjected to this expense, however, if the Board will not furnish individuals with authority to agree on settlement terms that would be fully supported by the Board members attending the mediation.

2.04 To avoid another exercise in futility, Respondents request the required attendance of Board members or other individuals with authorization to negotiate and settle the case. The TBAE Rules authorize the Executive Director to designate a party to represent the Board at the mediation.<sup>8</sup> As previously noted, SOAH Procedural Rules also authorize the ALJ to order Board members to attend the mediation, if that will facilitate the mediation.<sup>9</sup>

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<sup>6</sup> 1 Tex. Admin. Code §§ 155.351(a)(6) and (c)(1).

<sup>7</sup> 1 Tex. Admin. Code § 155.351(c)(2).

<sup>8</sup> 22 Tex. Admin. Code § 1.169.

<sup>9</sup> 1 Tex. Admin. Code § 155.351(c)(2).



2.05 Counsel for the Respondents have conferred with TBAE attorney Scott Gibson, who does not object to the appointment of a SOAH mediator.

#### **CONCLUSION**

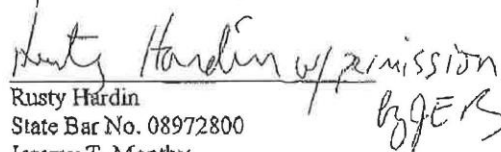
Respondents ask the Court for the appointment of a mediator, the scheduling of a mediation date, and the imposition of requirements for conducting the settlement dialogue to facilitate mediation.

Respectfully submitted,



J.A. Canales  
State Bar No. 03737000  
**CANALES & SIMONSON, P.C.**  
2601 Morgan Ave. ~ P.O. Box 5624  
Corpus Christi, Texas 78465-5624  
Telephone: (361) 883-0601  
Facsimile: (361) 884-7023

**ATTORNEY FOR RESPONDENT  
RAYMOND GIGNAC, P.E.**



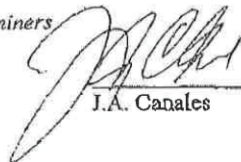
Rusty Hardin  
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Jeremy T. Monthy  
State Bar No. 24073240  
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State Bar No. 2408727  
**RUSTY HARDIN & ASSOCIATES, LLP**  
1401 McKinney Street, Suite 2250  
Houston, Texas 77010  
Telephone: (713) 652-9000  
Facsimile: (713) 652-9800

**ATTORNEYS FOR IAN POWELL, IRENE  
NIGAGLIONI, AND JOEL HERNANDEZ**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on the following via facsimile in accordance with the Texas Rules of Civil Procedure on this 5th day of August, 2013.

Scott Gibson  
P.O. Box 12337  
Austin, Texas 78701  
*Attorney for Texas Board of Architectural Examiners*

  
J.A. Canales



## Proposed Bylaws Revisions – 2013

In accordance with the requirements in Article VI, Section 5 of the CLARB bylaws, members will vote at the 2013 CLARB Annual Meeting on the following proposed revisions to create alignment with new exam practices.

### Proposed Change #1 - Article V, Section 4. A.

#### **Section 4. Member Services**

Services provided to members of CLARB shall include, but not be limited to, the following:

##### **A. Examination**

CLARB shall produce examinations designed to test the knowledge, skills and abilities required for the practice of landscape architecture and shall issue appropriate descriptive material on the examination for use by the member boards and candidates. The procedures and charges shall be established by the CLARB Board of Directors. ~~If any member board administers the examination on dates other than those established by the Board of Directors or otherwise substantially violates exam administration procedures without the written permission of CLARB, the Board of Directors shall take appropriate action which may include denying future use of an examination to the member board until such time as the Board determines that the member board shall be permitted to use an examination.~~

**RATIONALE:** The exam is no longer administered by the Boards.

### Proposed Change #2 - Article X, Section 5. B.

#### **Section 5. Standing Committees**

The following committees are hereby authorized as basic to proper functioning of the Council:

##### **A. Executive Committee**

The executive committee shall be chaired by the president and composed of the president-elect, immediate past-president, vice president, treasurer, and secretary. The executive director shall serve on the executive committee as an ex officio member without vote. Four voting members of the executive committee shall constitute a quorum.

The executive committee shall act on behalf of the Board of Directors to govern the affairs of CLARB between meetings of the Board of Directors, subject to general policies established by the Board of Directors. All actions of the executive committee must be ratified at the next meeting of the Board of Directors. The executive committee shall be responsible for providing a written review of the executive director's performance in accordance with Article IX, Section 3.

##### **B. Committee on Examinations**

The committee shall be responsible for the development ~~and grading~~ of the examination and other duties as determined by the Board of Directors. The Chair of this committee shall be a licensed, registered or certified landscape architect.

**RATIONALE:** The exam is no longer graded by individuals.

# NCARB

National  
Council of  
Architectural  
Registration  
Boards

August 7, 2013

Dear Member Board Chair and Member Board Executive:

Blakely C. Dunn, AIA  
President/Chair of the Board  
El Dorado, Arkansas

Dale McKinney, FAIA  
1st Vice President/President-Elect  
Sioux City, Iowa

Dennis S. Ward, AIA  
2nd Vice President  
Roanoke, South Carolina

Margy P. Jones, AIA  
Treasurer  
Greenfield, Massachusetts

Kristine A. Harding, AIA  
Secretary  
Huntsville, Alabama

Ronald B. Blitch, FAIA, FACHA  
Past President  
New Orleans, Louisiana

Christopher P. Williams, AIA  
Director, Region 7  
Meredith, New Hampshire

John R. Sorrenti, FAIA  
Director, Region 2  
Mineola, New York

Anne K. Smith, AIA  
Director, Region 3  
Savannah, Georgia

Terry L. Allen, AIA  
Director, Region 4  
Fort Dodge, Iowa

David L. Hoffman, FAIA  
Director, Region 5  
Wichita, Kansas

Gregory L. Erny, AIA  
Director, Region 6  
Reno, Nevada

Kathleen R. Nosbisch  
Member Board Executive Director  
Chester, Virginia

Lynn R. Axelroth  
Public Director  
Philadelphia, Pennsylvania

Michael J. Armstrong  
Chief Executive Officer

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An Equal Opportunity Employer

Immediately prior to the 2013 Annual Meeting a new Mutual Recognition Agreement (MRA) was signed between the Canadian Architectural Licensing Authorities (CALA) and NCARB. The current inter-recognition agreement has been in effect since 1994 and is based on the similarities between the two country's education standards, the parallels of the Intern Development Program (IDP) and the Canadian Internship in Architecture Program (IAP), and completion of NCARB's Architect Registration Examination (ARE®).

Evolutions in the path to licensure within the Canadian provinces necessitated an update to the 1994 agreement in order to continue the facilitation of the cross-border practice of architecture. NCARB and CALA have been working to negotiate a new MRA for the past three years. The new MRA respects changes to both the IDP and the Canadian IAP as well as the introduction of Canada's own professional examination, the Examination for Architects in Canada (ExAC), in lieu of the ARE.

**The effective date of the new agreement is to be January 1, 2014, however implementation of the agreement is contingent on more than half of all NCARB Member Boards and more than half of all Canadian Architectural Licensing Authorities becoming formal signatories to the Agreement by December 31, 2013.** It should be noted that all 11 Canadian jurisdictions have agreed in principle to the new MRA at this time. At our own Annual Meeting in June of this year, the vote of the membership was 47 to 3 in favor of adopting this new agreement. Four jurisdictions were either not present or ineligible to vote.

Attached to this letter is the MRA and a Letter of Undertaking that we are respectfully asking you to sign on behalf of your Board. Once we have collected the required number of signatures, the existing US/Canada Inter-Recognition Agreement will no longer be in effect. Regardless of the implementation of the new agreement, CALA has given us notice of their intention to terminate the existing Agreement effective January 1, 2014. All licenses granted under the existing Agreement will remain valid as long as the architect continues to meet the registration renewal requirements of each Board or Licensing Authority.

The fundamental principles of recognition under the new MRA are recognition of the license plus one year of post-licensure experience in the individual's home country. For the purposes of the Agreement, home country means either the United States or Canada. This additional experience requirement only impacts those who are in their first year of U.S. or Canadian licensure. Anyone with more than one year of practice would qualify for the reciprocal license under this new MRA.

... protects the public health, safety, and welfare by leaving the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects.

**Letter to Member Board Chairs and Member Board Executives**  
**August 7, 2013**  
**Page 2**

To comply with the new terms in the MRA, the following will be required:

- a letter of good standing from the architectural licensing authority in the architect's principal place of practice;
- a letter of declaration from the applicant attesting to at least 2,000 hours of post-licensure experience;
- proof of citizenship/permanent residency in the home country; and
- a current NCARB Certificate.

In addition, an architect who obtained their license through other foreign reciprocal registration procedures is not eligible under the new Agreement.

Please review this Letter of Undertaking with your fellow Board members and return an executed copy to Allison Smith ([asmith@ncarb.org](mailto:asmith@ncarb.org)) by December 31, 2013. We will keep you informed as to the progress of Member Boards who are signing on to the Agreement. Should you have any questions regarding the Agreement or its impact, feel free to contact either Kathy Hillegas ([khillegas@ncarb.org](mailto:khillegas@ncarb.org)) or Stephen Nutt ([snutt@ncarb.org](mailto:snutt@ncarb.org)).

NCARB and CALA represent mature and sophisticated regulatory bodies that support a rigorous path to licensure through education, experience, and examination. The new agreement respects each country's path to licensure and serves as a bold model for MRAs in the future. As a signatory to the current agreement, I am respectfully requesting that your Board sign the attached Letter of Undertaking in order to continue our long-standing recognition of the exchange of professional credentials in support of cross-border practice.

Many thanks for your thoughtful consideration. I look forward to your acceptance and swift implementation of the new Agreement.

Regards,



Blakely C. Dunn, AIA  
President

**Attachments:**

- Letter of Undertaking
- MRA Between NCARB And CALA
- Letter of Good Standing (template)
- Applicant Declaration (template)



**Letter of Undertaking  
in respect of the  
MUTUAL RECOGNITION AGREEMENT  
Between The  
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS  
And The  
CANADIAN ARCHITECTURAL LICENSING AUTHORITIES**

The National Council of Architectural Registration Boards (NCARB) representing the architectural licensing boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Canadian Architectural Licensing Authorities representing the 11 Provincial and Territorial jurisdictions in Canada (collectively CALA and individually, the CALA jurisdictions): Architectural Institute of British Columbia; Alberta Association of Architects; Saskatchewan Association of Architects; Manitoba Association of Architects; Ontario Association of Architects; Ordre des Architectes du Québec; Nova Scotia Association of Architects; Architects' Association of New Brunswick/Association des Architectes du Nouveau-Brunswick; Architects Licensing Board of Newfoundland & Labrador; Architects Association of Prince Edward Island; Northwest Territories Association of Architects.

Whereas NCARB and CALA have agreed to and signed a Mutual Recognition Agreement (MRA) dated June 17, 2013 ratified by the 54 architectural licensing authorities represented by NCARB and the 11 architectural licensing authorities represented by CALA. This letter of undertaking shall be signed, without modification, by each licensing/registration authority wishing to participate in the MRA

The undersigned licensing/registration authority, having the authority to register or license persons as Architects within its jurisdiction and being a signatory to the Inter-Recognition Agreement dated July 1, 1994, wishes to become a signatory to the MRA by virtue of this Letter of Undertaking. In doing so, the licensing/registration authority agrees to and acknowledges the following:

1. The terms used in this Letter of Undertaking shall have the same meaning as defined in the MRA between NCARB and CALA dated June 17, 2013.
2. The undersigned individual has the authority to sign on behalf of the licensing/registration authority.
3. As a signatory to the MRA, the undersigned licensing/registration authority will adhere to the fundamental principles of the MRA and agrees to accept the Letter of Good Standing provided by the local licensing/registration authority and the applicant's personal Declaration and Undertaking as satisfying the eligibility requirements for licensing/registration set forth in the MRA.
4. The undersigned will not impose any additional education, experience, or examination requirements, or require education transcripts, experience verification, examination scores, or social security or social insurance numbers. However, the authority may impose familiarity with local laws and other local requirements that apply to all domestic applicants seeking reciprocal licensure.

08.02.2013

5. In keeping with the above, the undersigned licensing/registration authority agrees that it will accept for licensure/registration to practice architecture in its jurisdiction a licensed/registered individual who holds a valid and current NCARB Certificate that has been issued in accordance with the MRA and satisfies the conditions outlined within the MRA.

In Witness Whereof: The licensing/registration authority named below has caused the duly authorized person, on its behalf, to execute and deliver this Letter of Undertaking.

Entered into on \_\_\_\_\_, 2013

By: \_\_\_\_\_  
(name of Licensing/Registration Entity)

\_\_\_\_\_  
(name of duly authorized individual and title)

Copy of Mutual Recognition Agreement attached



**MUTUAL RECOGNITION AGREEMENT**  
**Between The**  
**NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS**  
**And The**  
**CANADIAN ARCHITECTURAL LICENSING AUTHORITIES**

**The National Council of Architectural Registration Boards (NCARB)** representing the architectural licensing boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

**AND**

**The Canadian Architectural Licensing Authorities**, a committee representing the 11 Provincial and Territorial jurisdictions in Canada (collectively CALA and individually, the CALA jurisdictions): Architectural Institute of British Columbia; Alberta Association of Architects; Saskatchewan Association of Architects; Manitoba Association of Architects; Ontario Association of Architects; Ordre des Architectes du Québec; Nova Scotia Association of Architects; Architects' Association of New Brunswick/Association des Architectes du Nouveau-Brunswick; Architects Licensing Board of Newfoundland & Labrador; Architects Association of Prince Edward Island; Northwest Territories Association of Architects.

**WHEREAS**, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal; as well as establishing the education, experience, and examination requirements for the NCARB Certificate in support of reciprocal licensure within the United States;

**WHEREAS**, the NCARB Member Boards and the CALA jurisdictions are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including setting education, experience, and examination requirements for licensure/registration and license/registration renewal;

**WHEREAS**, the standards, protocols, and procedures required for entry to the practice of architecture within the United States and Canada have benefitted from many years of collaboration between NCARB and the CALA jurisdictions;

**WHEREAS**, accepting there are some differences between the systems in place in United States and Canada, there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects to practice in the United States and Canada;

WHEREAS, NCARB and the Committee of Canadian Architectural Councils previously entered into the Inter-Recognition Agreement which took effect on July 1, 1994. The Committee of Canadian Architectural Councils no longer exists as an organization, such former Inter-Recognition Agreement is hereby declared no longer to exist and the parties desire to enter into this new Mutual Recognition Agreement.

WHEREAS, NCARB and the CALA jurisdictions recognize the NCARB Member Boards and the CALA jurisdictions as mature and sophisticated regulators to which the utmost full faith and credit should be accorded and desire to facilitate reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;

WHEREAS, any architect seeking to engage or actively engaging in the practice of architecture in any NCARB Member Board or CALA jurisdiction must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

NOW THEREFORE, NCARB and the CALA jurisdictions agree as follows:

#### **ELIGIBILITY**

1. Architects who are able to benefit from the provisions of this agreement must be citizens respectively of the United States or Canada or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in the other country as the host country under this Agreement. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Agreement.
2. Architects must also be licensed/registered in a jurisdiction of their home country and must have completed at least 2,000 hours of post-licensure/registration experience practicing as an architect in their home country.
3. Notwithstanding items 1 and 2 above, Architects who have been licensed by means of a Broadly Experienced Foreign Architect programs of either of the two countries or other foreign reciprocal licensing agreement are not eligible under this agreement.

#### **CONDITIONS**

##### **U.S. Architect to Canadian Jurisdiction**

Upon application, those CALA jurisdictions who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective province or territory any architect who

1. is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

**Canadian Architect to U.S. Jurisdiction**

Upon application, NCARB shall issue an NCARB Certificate to any architect licensed/registered in one or more CALA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective jurisdictions any architect who

1. is currently licensed/registered in good standing by one or more of the CALA jurisdiction(s) that is a current signatory to this Agreement;
2. holds a current NCARB Certificate;
3. meets the eligibility requirements listed above; and
4. whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

**DEFINITIONS****Demonstration of Required Experience**

2,000 cumulative hours of post-licensure experience shall be demonstrated by individual applicants through the provision of proof of licensure in good standing and a signed affidavit attesting to the experience.

**Principal Place of Practice**

The address declared by the architect to be the address at which the architect is predominantly offering architectural services. The architect may only identify one principal place of practice.

**LIMITATIONS**

Nothing in this Agreement limits the ability of an NCARB Member Board or CALA jurisdiction to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license/registration as a result of complaints or disciplinary or criminal proceedings relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest. Nothing in this Agreement limits the ability of NCARB, an NCARB Member Board or a CALA jurisdiction to seek appropriate verification of any matter pertaining to the foregoing or the eligibility of an applicant under this Agreement.

**MONITORING COMMITTEE**

A Monitoring Committee is hereby established to monitor the performance of all signatories who have agreed to be bound by the terms and conditions of this Agreement to assure the effective and efficient implementation of this Agreement.

The Monitoring Committee shall be comprised of no more than five individuals appointed by CALA and no more than five individuals appointed by NCARB. The Monitoring Committee shall convene at least one meeting in each calendar year, and more frequently if circumstances so require.

#### AMENDMENT

This agreement may only be amended with the written consent of NCARB and all of the CALA jurisdictions who are initial signatories. Any such amendment will be submitted to all of the NCARB jurisdictions who may re-affirm their respective assent to this Agreement as so amended or may withdraw as a signatory.

#### SIGNING AND WITHDRAWING

Any NCARB Member Board or CALA jurisdiction may become a party to the applicable provisions of this Agreement upon submitting a written affirmation of its intent to become a signatory in the case of NCARB Member Boards to NCARB and in the case of CALA jurisdictions either by signing this Agreement or submitting a written affirmation of its intent to become a signatory to NCARB and the other CALA jurisdictions. Any NCARB Member Board or CALA jurisdiction may likewise withdraw from this Agreement with 90-days written notice given respectively to the same parties in the same manner. NCARB and the CALA jurisdictions shall each promptly notify the other in writing of all signatories and withdrawals. In the event of withdrawal, all licenses/registrations and NCARB certification granted to architects pursuant to this Agreement shall remain valid as long as all renewal obligations are maintained and all other generally applicable requirements are met or unless revoked for cause.

#### TERMINATION

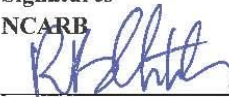

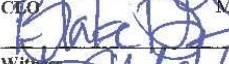



NCARB or CALA may invoke termination of this agreement with 90-days written notice to the other party. This Agreement shall also terminate if more than one-half of the respective NCARB Member Boards and CALA jurisdictions cease to be signatories to this Agreement. In the event of termination, all licenses/registrations granted to architects of either country prior to the effective termination date shall remain valid as long as all registration renewal obligations are maintained or unless registration is revoked for cause.

#### ENTRY INTO FORCE




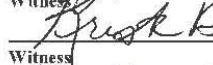
This Agreement shall come into force at such time as more than one-half of all NCARB Member Boards have become parties to this Agreement and more than one-half of all CALA jurisdictions have become parties to this Agreement all as described above so long as such condition is met on or before January 1, 2014, or as mutually extended by the NCARB Board of Directors and the CALA International Relations Committee.

#### Signatures

##### NCARB

	President	Ronald B. Blitch
	CEO	Michael J. Armstrong
	Witness	Blakely C. Dunn
	Witness	Dale McKinney
	Witness	Scott C. Veazey
	Witness	Stephen Nutt

##### CALA

	Chair, International Relations Committee	Peter Streith
	Witness	Andre Bourassa
	Witness	David Edwards
	Witness	Kristi Doyle
June 17, 2013 San Diego, CA		
Date		



**TEMPLATE TO BE COMPLETED BY LICENSING AUTHORITY  
LETTER OF GOOD STANDING**

DATE

NAME  
ADDRESS  
ADDRESS  
ADDRESS  
ADDRESS

Dear Sir or Madam:

This is to confirm that [ *NAME OF INDIVIDUAL* ] was licensed/registered on [ *MONTH / DAY / YEAR* ] with the [ *NAME OF LICENSING AUTHORITY* ] and was not licensed by means of a foreign reciprocal registration agreement or a Broadly Experienced Foreign Architect program.

[ *NAME OF INDIVIDUAL* ] is currently a licensee/registrant in good standing with the [ *NAME OF LICENSING AUTHORITY* ] and is not currently the subject of disciplinary action by this licensing authority nor has a record of unresolved disciplinary action on file with this licensing authority.

Sincerely,

NAME  
Registrar

04.26.2013

**TEMPLATE TO BE COMPLETED BY APPLICANT**

**DECLARATION AND UNDERTAKING  
For The  
MUTUAL RECOGNITION AGREEMENT  
Between The  
NATIONAL COUNCIL OF ARCHITECTURAL REGISTRATION BOARDS (NCARB)  
And The  
CANADIAN ARCHITECTURAL LICENSING AUTHORITIES (CALA)**

I, [ *NAME* ], declare and affirm that:

I am a citizen or hold permanent residency status in [ *UNITED STATES or CANADA* ];

I am a licensed/registered architect, and currently a licensee/registrant in good standing with the [ *NAME OF LICENSING AUTHORITY* ] which is my principal place of practice;

I was licensed on [ *MONTH / DAY / YEAR* ] with the [ *NAME OF LICENSING AUTHORITY* ] who will separately be confirming that I am in good standing with that Authority, and I did not obtain licensure in that jurisdiction by means of a foreign reciprocal registration agreement or a Broadly Experienced Foreign Architect program;

I have completed a minimum of 2,000 hours of post-licensure experience as an architect engaged in the lawful practice of architecture; and

I meet all of the eligibility requirements of the Mutual Recognition Agreement for reciprocal licensing between NCARB and CALA.

I have had a disciplinary action registered against me  
by a licensing authority (circle one) YES / NO

*If yes, submit the summary findings and official action of the licensing authority, as well as any further explanation necessary with this form.*

*The accepting licensing authority has the right to request further details with respect to disciplinary actions.*

*I affirm that the above statements are accurate and true to the best of my knowledge and belief.*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Name (print)*

04.26.2013

**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.**

<b>Case Number:</b>	<b>168-13N</b>
<b>Respondent:</b>	<b>Michael L. Garrison</b>
<b>Location of Respondent:</b>	<b>Austin, Texas</b>
<b>Date of Complaint Received:</b>	<b>May 8, 2013</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Michael L. Garrison (hereafter “Respondent”) has been registered to engage in the practice of architecture since 1975.
- In July 31, 1989, Respondent’s Texas architectural registration expired due to his failure to submit renewal materials and fees.
- During the period when Respondent was not registered to engage in the practice of architecture, he prepared and issued 5 sheets of architectural plans and specifications for a single family residence known as the “Van Denover Residence” to be remodeled at 4603 Crestway Drive, Austin, TX.
- During the course of submitting architectural plans and specifications for the residential remodel, the plan reviewer who was a registered architect, noticed the non-compliant seal and checked his registration status online and determined that he had been revoked in 1989. The City of Austin plan reviewer contacted TBAE to confirm revocation.
- Respondent subsequently self-reported the violation to the Board, fully cooperated with this investigation, signed a confession and is currently taking the ARE.

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect.” TEX. OCC. CODE ANN. § 1051.701(a) (West 2012).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

**Action Recommended by Executive Director:**

- Based upon the nature and character of Respondent’s activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **\$6,000** to be paid within 30 (thirty) days of the Board’s issuance of its Final Order.

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

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

<b>Case Number:</b>	<b>047-10A</b>
<b>Respondent:</b>	<b>Anton Jacobs</b>
<b>Location of Respondent:</b>	<b>Burleson, Texas</b>
<b>Date of Complaint Received:</b>	<b>December 9, 1009</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Anton Jacobs (hereafter “Respondent”) has been registered to engage in the practice of architecture since 1992.
- In April 1, 2008, Respondent’s Texas architectural registration expired due to his failure to submit renewal materials and fees.
- In December 3, 2009, Respondent took all necessary actions and paid legally requisite fees and penalties to bring his registration into good standing. Respondent is presently registered and in good standing to engage in the practice of architecture by the Board.
- During the period when Respondent was not registered to engage in the practice of architecture, he prepared and issued 19 sheets of architectural plans for a project identified as “The Manors at Valley Ranch – Building 19” located at 600 Ranchview Drive in Irving, Texas.
- Respondent has fully cooperated with this investigation and acknowledged his violations of the Architects’ Practice Act. During the investigation of this matter he has provided complete, accurate and thorough information.

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect.” TEX. OCC. CODE ANN. § 1051.701(a) (West 2012).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN § 1051.451 & 1051.452 (West 2012).

**Action Recommended by Executive Director:**

- Based upon the nature and character of Respondent’s activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **\$6,000** to be paid within 30 (thirty) days of the Board’s issuance of its Final Order.



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

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

<b>Case Number:</b>	<b>046-13N</b>
<b>Respondent:</b>	<b>Eduardo Mercadillo</b>
<b>Location of Respondent:</b>	<b>Hurst, Texas</b>
<b>Date of Complaint Received:</b>	<b>October 3, 2012</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Eduardo Mercadillo (hereafter “Respondent”) is not registered as an architect in Texas nor has his company, *Remodeling, Painting & More*, been registered as an architectural firm in Texas.
- On or about October 1, 2012, the Board received a copy of one of Respondent’s business card advertising a company identified as *Remodeling, Painting & More* located in Hurst, Texas. The business card referred to Respondent as an “architect.”
- Respondent had received a Warning Notice for unlawful title use dated April 30, 2009.
- In his response to the Board’s inquiry, Respondent stated that he took the “Warning” serious and changed his flyers and business cards at that time and eliminated the word “architect.” Furthermore, he stated that the complainant must have submitted the old flyer that was produced in 2009 which he had redone.
- Respondent provided the Board with copies of his revised flyer and business cards eliminating all reference to the word “architect.”

**Applicable Statutory Provisions and Rules:**

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect.” TEX. OCC. CODE ANN. §1051.701(a) (West 2012).
- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

**Action Recommended by Executive Director:**

- Based upon the nature and character of Respondent’s activities and his acceptance of responsibility and cooperation during the investigation of this case, the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **\$600** to be paid within 30 (thirty) days of the Board’s issuance of its Final Order.

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

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

<b>Case Number:</b>	<b>176-13N</b>
<b>Respondent:</b>	<b>Evan Taniguchi</b>
<b>Location of Respondent:</b>	<b>Austin, Texas</b>
<b>Date of Complaint Received:</b>	<b>May 31, 2013</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Evan Taniguchi (hereafter “Respondent”) is a registered architect in Texas with registration number 14058.
- On February 14, 2013, Michael L. Garrison (a revoked architect) prepared and issued architectural plans and specifications for a single family residence known as the “Van Denover Residence” to be remodeled at 4603 Crestway Drive, Austin, Texas. Subsequently, Mr. Garrison submitted the architectural plans and specifications to the City of Austin for permitting. The City of Austin rejected the plans and did not issue a permit for construction. Thereafter, Mr. Garrison contacted Respondent’s firm and requested that Respondent complete the plans for plan review by the City of Austin for permitting.
- On May 14, 2013, Respondent prepared and issued architectural plans and specifications for the remodel of the single family residence known as the “Van Denover Residence” located at 4603 Crestway Drive, Austin, Texas, by converting some of Mr. Garrison’s plans to Auto CAD, revising dimensions in order to comply with the City of Austin McMansion Ordinance and sealing and signing the plans.
- On or about May 21, 2013, the owner of the property located at 4603 Crestway Drive took the set of plans sealed by Respondent to the City of Austin for permitting. Since the plans appeared to have been identical to the plans Mr. Garrison had previously submitted, the plans were rejected and the permit was not issued by the City of Austin.
- Respondent became familiar with the plans when plotting them into Auto CAD and added his own calculations and dimensions. In addition, at no time was the client or the City of Austin deceived or misled by his seal and Respondent took responsibility for his conduct.

**Applicable Statutory Provisions and Rules:**

- By affixing his architectural seal to construction documents which were not prepared by Respondent or under Respondent’s supervision and control, Respondent violated 22 TEX. ADMIN. CODE §1.104(a) which prohibits an architect

from affixing his/her seal to a document unless it was prepared by the architect or under the architect's supervision and control. Although Rule 1.104(b) allows an architect to add to the work of another and affix his or her architectural seal to the work, the architect must clearly identify the portion of the work he or she prepared and identify that the seal applies only to that portion of the work. Although Respondent did affix a statement on whether he completely redrew the plan sheet or thoroughly reviewed the plan sheet before affixing his seal and signature, Respondent did not clearly indicate the changes he made and note in writing that his seal applies only to those changes.

- The Board may impose an administrative penalty upon Respondent based upon statutory criteria. TEX. OCC. CODE ANN §§1051.451 & 1051.452 (West 2012).

**Action Recommended by Executive Director:**

- Based upon the nature and character of Respondent's activities and his acceptance of responsibility and cooperation during the investigation of this case the Executive Director recommends, and Respondent is prepared to accept, imposition of an administrative penalty in the sum of **\$1,000** to be paid within 30 (thirty) days of the Board's issuance of its Final Order.

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

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

<b>Case Number:</b>	<b>145-13A</b>
<b>Respondent:</b>	<b>Gary R. Bengtson</b>
<b>Location of Respondent:</b>	<b>Farmers Branch, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Gary R. Bengtson (hereafter "Respondent") is registered as an architect in Texas with registration number 15018.
- On January 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2012 through December 31, 2012.
- On March 20, 2013, he responded by contacting the Board and submitting supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(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 **\$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.**

<b>Case Number:</b>	<b>086-13L</b>
<b>Respondent:</b>	<b>Cynthia C. Cash</b>
<b>Location of Respondent:</b>	<b>Baton Rouge, LA</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Cynthia C. Cash (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 2608.
- On October 15, 2012, she was notified by the Board that she was subject to a random audit for compliance with the continuing education requirements for the audit period of October 1, 2011 through September 30, 2012.
- On November 14, 2012, the Board received her CEPH log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of the continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that she had completed the required continuing education in order to renew her registration, Respondent violated Board rule 3.69(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 **\$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.**

<b>Case Number:</b>	<b>125-13I</b>
<b>Respondent:</b>	<b>Merridee A. Chaloupka</b>
<b>Location of Respondent:</b>	<b>San Antonio, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Merridee A. Chaloupka (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 1075.
- On July 16, 2012, Respondent 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 June 1, 2011 through May 31, 2012.
- On July 16, 2012, the Board received a CEPH Log and supporting documentation with continuing education certificates. After an evaluation of her continuing education hours, the Continuing Education Coordinator determined that a portion of the hours were deficient.

**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**.

**Action Recommended by Executive Director:**

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

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

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<b>Case Number:</b>	<b>137-13I</b>
<b>Respondent:</b>	<b>Siobhan J. Davy</b>
<b>Location of Respondent:</b>	<b>Englewood, CO</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Siobhan J. Davy (hereafter "Respondent") is registered as an interior designer in Texas with registration number 10563.
- On October 15, 2012, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of October 1, 2011 through September 30, 2012.
- Respondent failed to respond to the October 15, 2012 letter.
- On January 10, 2013, the Board's Continuing Education Coordinator sent her a second letter requesting that she respond no later than March 15, 2013.
- On March 14, 2013, Respondent responded by sending in her CEPH Log and supporting documentation. After an evaluation of the continuing education credits, it was determined that a portion of the hours were completed after the renewal cycle.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that she had completed the required continuing education in order to renew her registration Respondent violated Board rule 5.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.
- By failing to reply to a Board letter dated October 15, 2012 within 30 days, she violated 22 TEX. ADMIN. CODE § 5.181. The standard administrative penalty assessed for this violation is **\$250.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends a total administrative penalty of **\$950.00**.

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

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<b>Case Number:</b>	<b>178-13A</b>
<b>Respondent:</b>	<b>Michael C. Goertz</b>
<b>Location of Respondent:</b>	<b>Cypress, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Michael C. Goertz (hereafter "Respondent") is registered as an architect in Texas with registration number 16823.
- On February 15, 2013, he was notified by the Board 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 March 13, 2013, he responded by stating that he could not obtain the files for all of the continuing education credits he had taken. However, he believed that he was in compliance with the mandatory continuing education requirements at the time of the audit.

**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**

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<b>Case Number:</b>	<b>180-13A</b>
<b>Respondent:</b>	<b>R. Don Hensley</b>
<b>Location of Respondent:</b>	<b>Plano, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- R. Don Hensley (hereafter "Respondent") is registered as an architect in Texas with registration number 14158.
- On April 15, 2013, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of October 1, 2009 through September 30, 2010.
- On May 16, 2013, Respondent replied by stating that he was negligent in keeping up with his CE records and entrusted others in his office to do the job. Thereafter, he discovered that his office had not maintained his CE records, so he subsequently took the required CE hours that were due for the audit period.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of October 1, 2009 through September 30, 2010, 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**

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<b>Case Number:</b>	<b>179-13A</b>
<b>Respondent:</b>	<b>Keith A. Hickman</b>
<b>Location of Respondent:</b>	<b>Round Rock, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Keith A. Hickman (hereafter "Respondent") is registered as an architect in Texas with registration number 9363.
- On January 15, 2013, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2012 through December 31, 2012.
- On May 29, 2013, Respondent replied by submitting a CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(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 **\$700.00**.

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

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<b>Case Number:</b>	<b>136-13A</b>
<b>Respondent:</b>	<b>Wayne R. Lambdin</b>
<b>Location of Respondent:</b>	<b>Colleyville, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Wayne R. Lambdin (hereafter "Respondent") is registered as an architect in Texas with registration number 13667.
- On February 15, 2013, Respondent was notified by the Board 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 March 7, 2013, Respondent replied by sending in an email stating that had had a hard drive crash on his computer and lost a lot of data and was unable to locate all of his continuing education documents for the audit period.

**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**

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<b>Case Number:</b>	<b>175-13A</b>
<b>Respondent:</b>	<b>Charles R. Lambert</b>
<b>Location of Respondent:</b>	<b>Bartonville, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Charles R. Lambert (hereafter "Respondent") is registered as an architect in Texas with registration number 6557.
- On January 15, 2013, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2012 through December 31, 2012.
- On February 14, 2013, Respondent replied by sending in his CEPH Log and stating that he was unable to obtain the certificates of completion from his former employer for the audit period, but had completed the requirements.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2011 through December 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**

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<b>Case Number:</b>	<b>163-13I</b>
<b>Respondent:</b>	<b>Elizabeth E. Noack</b>
<b>Location of Respondent:</b>	<b>Phoenix, AZ</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Elizabeth E. Noack (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10366.
- On January 15, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On April 19, 2013, Respondent replied to the Board’s Continuing Education Coordinator with a CEPH Log and supporting documentation for her continuing education requirements. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that she had completed the required continuing education in order to renew her registration Respondent violated Board rule 5.69(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 **\$700.00**.

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

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<b>Case Number:</b>	<b>172-13A</b>
<b>Respondent:</b>	<b>Timothy K. Parker</b>
<b>Location of Respondent:</b>	<b>Austin, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- Timothy K. Parker (hereafter "Respondent") is registered as an architect in Texas with registration number 20367.
- On April 16, 2013, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of February 1, 2009 through January 31, 2010.
- On May 8, 2013, Respondent replied by sending a letter to the Board stating that he was unable to locate and submit Certificates of Completion for his continuing education for the audit period, but had completed the requirements.

**Applicable Statutory Provisions and Rules:**

- By failing to maintain a detailed record of his continuing education activities for the period of February 1, 2009 through January 31, 2010, 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**

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<b>Case Number:</b>	<b>187-13A</b>
<b>Respondent:</b>	<b>L. Forrest Phillips</b>
<b>Location of Respondent:</b>	<b>Frisco, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

**Findings:**

- L. Forrest Phillips (hereafter “Respondent”) is registered as an architect in Texas with registration number 18843.
- On April 15, 2013, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of April 1, 2011 through March 31, 2012.
- On April 26, 2013, Respondent replied by submitting a CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

**Applicable Statutory Provisions and Rules:**

- By falsely reporting that he had completed the required continuing education in order to renew his registration, Respondent violated Board rule 1.69(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 **\$700.00**.