

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Board Meeting Agenda

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

Monday, August 24, 2015  
9:00 a.m. – Conclusion

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

Alfred Vidaurri  
Paula Ann Miller  
Alfred Vidaurri
  
2. **Approval of the May 7, 2015 Board Meeting Minutes** (*Action*) 

Alfred Vidaurri
  
3. **Executive Director Report**

Julie Hildebrand

  - A. Summary of Executive Accomplishments (*Information*)
  - B. Fiscal Year 2015 3<sup>rd</sup> Quarter Operating Budget (*Information*)
  - C. Board Approval of the Fiscal Year 2016 Operating Budget (*Action*)
  - D. Policies and Procedures (*Action*)
  - E. Legislative Update (*Information*)
  - F. Agency Goal and Objectives (*Information*)

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

Alfred Vidaurri  
Julie Hildebrand

  - A. NCARB 2015 Annual Meeting – Jun 17-20
  - B. METROCON15 – Aug 13-14

**Report on Upcoming Conferences and Meetings** (*Information*) 

Julie Hildebrand

  - A. Review of NCARB Fast Facts
  - B. CLARB Annual Meeting – September 17-19
  - C. 2015 Annual CIDQ Council of Delegates Meeting – November 13-14
  
4. **Proposed Rule for Adoption** (*Action*) 

Lance Brenton

Amend Rule 7.10, pertaining to annual general fees, to implement a change in automated clearing house network (ACH) service charges by Texas.gov, and to implement House Bill 7 (84<sup>th</sup> Legislature), which repeals the \$200 professional fee previously imposed by statute
  
5. **Adoption of a Rule Review Schedule** (*Action*) 

Lance Brenton
  
6. **Enforcement Cases** (*Action*) 

Lance Brenton

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

  - A. **Registrant & Non-Registrant Cases:**  
Blundell, Judy (#137-14N)

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Harrison, Randy (#035-15N)

Moore, Dawn (#088-14N)

Walker, James (#075-11A)

### B. CONTINUING EDUCATION CASES

Burns, Lea Ann (#083-15I)

Huggins, Martie Kay (#073-15I)

Martin, Garrett P. (#084-15A)

Moriarty, Ellen Maureen (#074-15A)

Speegle, John James (#071-15A)

Stanley, Colin Lee (#070-15A)

Stone, Scott Lee (#050-14A)

Wilburn, Christina B. (#082-15I)

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

- |   |                 |
|---|-----------------|
| <b>7. Member Board Comment Period regarding the Experience Portfolio Documentation Method to NCARB's Intern Development Program</b><br><i>(Action)</i>  | Alfred Vidaurri |
| <b>8. Approval of the Proposed 2016 Board Meeting Dates</b> <i>(Action)</i><br>Thursday, February 25, 2016<br>Thursday, May 26, 2016<br>Thursday, August 25, 2016<br>Thursday, October 27, 2016 | Alfred Vidaurri |
| <b>9. Approval of Resolution Honoring:</b> <i>(Action)</i><br>Mary Helmcamp<br>William Davey Edwards  | Alfred Vidaurri |
| <b>10. Upcoming Board Meeting</b> <i>(Information)</i><br>Thursday, October 29, 2015 – Full Board   | Alfred Vidaurri |
| <b>11. Chair's Closing Remarks</b>  | Alfred Vidaurri |
| <b>12. Adjournment</b>  | Alfred Vidaurri |

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### **NOTE:**

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

### **NOTICE OF ASSISTANCE AT PUBLIC MEETINGS**

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

## **FREQUENTLY USED ACRONYMS**

<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
<b>CIDQ</b>	Council for Interior Design Qualification
<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>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>TxA</b>	Texas Society of Architects
<b>TSPE</b>	Texas Society of Professional Engineers

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS**  
**Minutes of May 7, 2015 Board Meeting**

William P. Hobby Jr. Building, 333 Guadalupe Street  
Tower II, Conference Room 350L  
Austin, TX 78701

9:00 a.m. until completion of business

**1. Preliminary Matters**

**A. Call to Order**

Chair called the meeting of the Texas Board of Architectural Examiners to order at 9:00 a.m.

**B. Roll Call**

Chuck Anastos called the roll

**C. Excused and unexcused absences**

Paula Ann Miller (Excused)  
Chase Bearden (Excused)

**Present**

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

**TBAE Staff Present**

Julie Hildebrand	Executive Director
Lance Brenton	General Counsel
Glenn Garry	Communications Manager
Glenda Best	Director of Operations
Christine Brister	Staff Services Officer
Mary Helmcamp	Registration Manager
Kenneth Liles	Finance Manager
Jack Stamps	Managing Investigator
Dale Dornfeld	IT Manager
Katherine Crain	Legal Assistant
Julio Martinez	Network Specialist

**D. Determination of a quorum**

A quorum was present.

**E. Recognition of guests**

The Chair recognized the following guests: DeAnn Walker from Governor Abbott's office, Dan Hart, Regional Director of AIA for the Texas Society of Architects, David Lancaster, Senior Advocate for Texas Society of

Architects and Donna Vining, Executive Director for Texas Association for Interior Design.

**F. Chair's Opening Remarks**

The Chair opened the meeting by stating that he was pleased that the Board hired a new Executive Director and was excited to be conducting a meeting with a new Executive Director and a new General Counsel. He also expressed his appreciation and acknowledgment for the hard work done by the departing three board members, Bert Mijares, Chase Bearden, and Alfred Vidaurri. It was noted that Chase Bearden was absent from the meeting as he was testifying at the Capitol. He said that if time allows, he may offer the three board members some time for closing comments. He concluded his comments and opened up the meeting for public comment.

**G. Public Comments**

Dan Hart made a presentation to the Board. He stated that he represented the Texas Society of Architects (hereafter TxA) and in 2013, they studied and wrote a report to remove unnecessary barriers for licensure. He opined that although NCARB did not agree to all the stipulations, they did move in the right direction. His main message was to thank the Board for its proactivity on the item for interns and architecture. The second part of the message was to assist the Board in the continuation of working on licensure and offered his involvement through TxA. He thanked the Chair for his proactive measures on the issue.

**2. Approval of Board Meeting Minutes (Action)**

January 22, 2015 -- A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE JANUARY 22, 2015 MINUTES. THE MOTION PASSED UNANIMOUSLY.

April 2, 2015 -- A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE APRIL 2, 2015 MINUTES. THE MOTION PASSED UNANIMOUSLY.

**3. Executive Director Report (Information)**

**A. Legislative Report**

The Executive Director directed the Board to page 20 of their notebooks. She stated that the agency does not put together a written report regarding legislation, but she wanted to give them an update on some of the bills. The RID deregulation bill has been dormant from March 17<sup>th</sup>; the \$200 professional fee bill has passed the House and gone over to the Senate which was then referred to the Senate Finance. The SDSI Sunset bill has passed, but no hearing date is set yet. A resolution for an interim study on occupational licensing was referred to the House Licensing, but no hearing date is set. In addition, the newest agency to be added to SDSI would be the State Securities Board under proposed legislation.

The Executive Director gave a brief report on her accomplishments during the first 30 days of her employment at TBAE. She stated that she sent weekly updates via email and has completed her initial orientation with

Board management staff and went over forms, policies and procedures and signature authorizations. In addition, she stated that the agency had been tracking legislation and keeping Board members abreast of legislative activity. She has met all the representatives and staff at the Legislature and had a conversation with the Governor's office. Also, she met with TxA representatives and plans on getting with ASLA and NCIDQ representatives as well.

Next, she hired a General Counsel and his name is Lance Brenton. He is from Montana and graduated from UT Law School. He previously worked at the Nursing Board and the Pharmacy Board where he got a lot of experience at SOAH. He is interested in developing policies for the Board. He worked heavily on the compact between the states to allow nurses to be licensed across the states easier. She emphasized how happy she was to have hired the new General Counsel.

Furthermore, she has worked on the quarterly SDSI report and it was submitted to the relevant parties. Most recently, she met with NCARB representatives and got a lot of helpful information from them and how the agency works with them on licensing issues. She stated that she was planning on attending the NCARB conference scheduled for New Orleans this summer.

The Executive Director said that the newsletter went out and there was an article in it from her introducing herself to registrants and the public. She redid the organizational chart and moved the Legal Assistant under the General Counsel and made the Finance Department a direct report to the Executive Director and left Enforcement as its own division. She stated that even in her previous role, she worked closely with the Finance Director. She said that the agency has not receive any Board appointments from the Governor's office.

She stated that in the future, the packets for the Board meetings will be coming from her email rather than Staff. She plans on reviewing the Strategic plans this summer by creating a draft that focuses on what the agency needs to accomplish in the next year. Rather than having a meeting on the actual planning, she will prepare a document with questions for the Board members that will help her get with the societies to prepare a Strategic Plan.

B. 2<sup>nd</sup> Quarter 2015 Operating Budget

As far as the budget, the agency is running a surplus of \$77,000 due to the additional revenues of \$25,000. In addition, the agency did not have expenditures as high as expected due to the fact that the Executive Director was missing from the agency for a while and the agency saved money by having Glenn Garry do two jobs for the price of one. Additional travel increased due to the Board hiring a new Executive Director, but staff travel was down. Chuck Anastos suggested that the agency have a "Blue Sky" meeting prior to the next Board meeting because of some of the major financial issues that the agency will be facing in the future. The Executive

Director acknowledged that the agency will have a 2016 planning session with Board members.

C. Report on Action Items assigned at the January 22, 2015 Board Meeting: Architect Registration Examination Financial Assistance Fund (AREFAF) Scholarship Fund Overview

The Executive Director directed the Board members to pages 23 and 24 in the notebooks and stated that number 1 on the list was an update on disciplinary matters. She said that all of the Respondents have completed their continuing education so that this action item will come off the list for the next Board meeting. Item number 2 was the answer to the questions regarding the scholarship fund. She said that there was an overview of the chart of annual compensation by experience level. Chad Davis commented that he appreciated staff's consolidation of this information. Also, he suggested that the Board consider having a Rules Committee Meeting prior to the regular Board Meeting on August 24<sup>th</sup> in order to address the scholarship issue. It was decided that the Rules Committee would take place on the morning of August 25<sup>th</sup>. There was discussion amongst the Board members regarding NCARB's proposal for an additional path to licensure which would allow a student still enrolled in architectural school to begin taking the exam prior to graduation.

D. Report on Conferences and meetings

I. NCARB Member Board Executives Workshop & Regional Summit March 12-14

Ms. Dockery reported on this workshop and stated that it was a Regional Summit for Region III held in Long Beach, California and Alfred Vidaurri led the meeting. She stated that the resolutions to be voted on in June were discussed as well as updates on additional paths to licensure. Legislative issues and rule changes occurring within the states were discussed at length. In addition, 38 states are expected to vote on IDP measures.

II. TX ASLA Conference – April 22-24

Mr. Davis reported on the Texas ASLA Conference held in Galveston, Texas on April 22-24. There were 600 people in attendance which is an increase from the prior year. He stated that TBAE had a booth at the conference and Jack Stamps and Mike Alvarado made a great presentation to roughly 100 people. He said that it was a very good conference overall and that TBAE was there to help the registrants.

**4. Proposed Rules for Adoption (Action)**

Amend Rule 1.91, relating to the Intern Development Program, to reduce the number of hours required to complete an internship by eliminating elective hours. The Executive Director stated that there are proposed rules and draft rules and directed them to the first rule for adoption. She said that it was published in the Texas Register and no comments were received by the agency. She explained that the Board had previously seen this rule when they proposed it, but essentially



the rule removes the 1860 elective hours from the Internship Development Program.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO ADOPT RULE 1.191 RELATING TO THE INTERN DEVELOPMENT PROGRAM, TO REDUCE THE NUMBER OF HOURS REQUIRED TO COMPLETE AN INTERNSHIP BY ELIMINATING ELECTIVE HOURS. THE MOTION PASSED UNANIMOUSLY.

**Draft Rule for proposal (Action)**

- A. Amend Rule 7.10, relating to the fee schedule, to implement fee changes for certain online transactions

The Executive Director explained that this proposed rule was technically a minor change because the agency uses a third party vendor through a state agency which is outside the agency's control. Currently, anyone renewing their license incurs a credit card fee which is already in our rule. There will be a flat fee of \$1.00 for a direct withdrawal from one's bank account which will be effective September 1<sup>st</sup>.

A MOTION WAS MADE AND SECONDED (Mijares/Edwards) TO PROPOSE RULE 7.10, RELATING TO THE FEE SCHEDULE, TO IMPLEMENT FEE CHANGES FOR CERTAIN ONLINE TRANSACTIONS. THE MOTION PASSED UNANIMOUSLY.

- B. New Rule 7.95 relating to the criteria for determining which agency contracts will be subject to enhanced monitoring. The draft rule also defines the term "enhanced monitoring" for purposes of the rule. The rule excludes interagency contracts from requirements of the rule.

The Executive Director explained to the Board that this was a working draft of a proposal for contract procurement, not an actual proposed rule. She stated that the Legislature wanted agencies to look at contracts with a tendency to be abused. She said that TBAE does not have any contracts of this type, but will be drafting a rule for enhanced monitoring. Mr. Edwards inquired as to where the language came from regarding this proposed draft. The Executive Director stated that the language originated from the previous General Counsel, but the agency was going to check with the Comptroller's office regarding specific language for the rule. Also, the agency was reviewing the Texas Register to determine what other agencies had passed a similar rule. She plans on working with the Rules Committee to get this proposed at the August meeting.

**The Board took a break at 10:12 a.m. and reconvened at 10:25 a.m.**

**5. Enforcement Cases (Action)**

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

**A. SOAH Case**

TBAE v. Juan Giraldo, Individually and as President of Link International Design, d/b/a Interlink Consortium, Inc.; SOAH Docket No. 459-15-1174; TBAE#054-13N

The Managing Investigator presented the facts contained in the Final Order to the Board. He stated that the Respondent never showed up at the hearing. Therefore, the Administrative Law Judge (hereafter "ALJ") entered an order imposing a proposed fine of \$35,000 as well as a Cease and Desist. He said that the ALJ ordered a \$35,000 fine because the Respondent was using the title "architect" and continues to use it today. He had been the subject of a previous enforcement case regarding the same or similar circumstances back in 2006. In addition, the Assistant District Attorney for Harris County contacted the agency to notify it that Respondent was under indictment in Houston for a criminal case involving fraud. The General Counsel reminded the Managing Investigator to keep the discussion on the case to the findings of fact because the Respondent was not in attendance at the Board meeting.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE STAFF'S RECOMMENDATION FOR THE PENALTY IMPOSED IN SOAH DOCKET NUMBER 459-15-1174, TEXAS BOARD OF ARCHITECTURAL EXAMINERS VS. JUAN GIRALDO, INDIVIDUALLY AND AS PRESIDENT OF LINK INTERNATIONAL DESIGN, D/B/A INTERLINK CONSORTIUM, INC. THE MOTION PASSED UNANIMOUSLY.

#### **Registrant/Non-Registrant Cases**

I. Anthony Amenta (#045-15A)

The Managing Investigator stated that Respondent had provided architectural services on a project in Houston while his architectural registration was inactive.

He previously requested that his administrative staff change his status to active, but that request had fallen through the cracks. He self-reported the error and has violated no other statutes and is presently in good standing on active status. Staff is recommending a penalty of \$500.

A MOTION WAS MADE AND SECONDED (Edwards/Davis) TO APPROVE CASE NUMBER 045-15A INVOLVING ANTHONY AMENTA. THE MOTION PASSED UNANIMOUSLY.

II. Randy Harrison (#035-15N)

The Managing Investigator stated that Respondent is not and never has been a registered architect in Texas. He was employed by Ilcor Homes, a home building company in Texas. During the course of his investigation, the Managing Investigator contacted the Respondent and he admitted that he had taken a seal from an earlier project and placed it on the one sheet of plans. The Respondent took the original drawings to the City and the seal of James Orr was on that sheet. The Respondent did engage in the practice of architecture, but Staff is recommending a \$2,000 penalty due to mitigating circumstances. Mr. Mijares raised an objection to the amount of the penalty stating that he did not believe it was adequate for the violation. In addition, he questioned the General Counsel regarding his opinion on the case and the General Counsel stated that he had not been involved in this case

as it was settled prior to his beginning work at TBAE. Mr. Mijares suggested that the Board table the case in order to let the new General Counsel review the facts and make a presentation in August.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO TABLE CASE NUMBER 035-15N INVOLVING RANDY HARRISON AND BRING IT BACK TO THE BOARD IN AUGUST AFTER IT IS REVIEWED BY THE GENERAL COUNSEL. THE MOTION PASSED UNANIMOUSLY.

III. Dawn Moore (#088-14N)

The Managing Investigator read the case summary into the record. During the course of the investigation, the Managing Investigator contacted the architect, Steven Meyers and he stated that she altered his seal. He stated that Staff is recommending a \$40,000 penalty which Respondent has agreed to pay. Mr. Mijares suggested that the Board table this case and bring it back in August with a recommendation from the new General Counsel. Mr. Edwards suggested that the agency should open separate cases based upon the number of projects.

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO TABLE CASE NUMBER 088-14N INVOLVING DAWN MOORE AND BRING IT BACK IN AUGUST AFTER IT IS REVIEWED BY THE GENERAL COUNSEL. THE MOTION PASSED UNANIMOUSLY.

There was discussion amongst the Managing Investigator and Board members regarding the referral of architectural cases involving criminal charges to district attorneys across the state. Mr. Stamps explained to the Board that there were two cases presently being investigated by District Attorneys – one in Travis County and one in Harris County.

**Continuing Education Cases**

The Chair read the four cases of continuing education and stated that the Board would be hearing them as a whole. Mr. Mijares read each case name and number into the record.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO ADOPT THE INTERIM EXECUTIVE DIRECTOR'S RECOMMENDED ADMINISTRATIVE PENALTIES IN THE PROPOSED AGREED SETTLEMENTS OF THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:

Phillip R. Rivers (#049-15A)

Andrew P. Sheehan (#043-15A)

Joseph J. Sorci (#043-15A)

Wesley L. Wilkerson (#057-15L)

**6. Upcoming Board Meetings (Information)**

Monday, August 24, 2015 – Room III-102

Thursday, October 29, 2015 – Room 111-102

## **7. Chair's Closing Remarks**

The Chair began his remarks by saying closing remarks were made by departing Board members back at the April meeting. However, he wanted to offer the opportunity to share any other comments. Mr. Mijares stated that it was an honor to serve on this Board and he appreciated the staff's courtesies. He expressed his pleasure regarding the Board hiring a new Executive Director and wish he could be here to see how the agency progresses in the future. He said he will miss coming to Austin because he has been coming here for the last 16 years as a Board member to two different agencies. Mr. Vidaurri thanked him for his service with the Board and the previous Board.

First and foremost, the Chair expressed his appreciation for the staff during the transition period between Executive Directors. The Board was very thoughtful and specific in appointing Glenn Garry as the Interim Executive Director and I want to give a special thanks for him for his service. It was not an easy job and he did an excellent job handling this position. Much credit is deserved to Mr. Garry for his leadership and everything he did while acting as Interim Executive Director. We are very fortunate that those people are still here.

Furthermore, the Chair opined that the three most important accomplishments made while he served on this Board was the peace accord with the Engineering Board on the architectural/engineering overlap. Thanks to Mr. Hart for all of his hard work and leadership during this difficult time. Another important accomplishment was the number of licenses that he has signed as Vice Chair and Chair which total 4,872. The last, but not least, most important accomplishment was hiring the new Executive Director, Julie Hildebrand.

Mr. Anastos expressed his appreciation for the hard work done by Dan Hart and Alfred Viduarri on the architectural/engineering overlap.

## **8. Adjournment**

A MOTION WAS MADE AND SECONDED (Anastos/Davis) TO ADJOURN THE MEETING AT 11:00 o'clock a.m. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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

## Summary of Executive Accomplishments

### *Development of FY16 Proposed Operating Budget*

#### *Budget Process*

Our budget process includes development of next year's budget plus a long-range planning forecast for an additional three years for a total four-year outlook. This year's budget development included planning for FY16 through FY19. This will aid staff in planning for significant events effecting both revenues and expenditures.

We began the budget process with a historical trend analysis of our agency's revenues, expenses and licensure statistics. We next take into consideration licensure and economic projections. Finally, we define the initiatives planned for the next four years and the resources needed to accomplish those initiatives. The outcome from this process is the proposed FY16 Budget.

#### *Legislative Mandates Will Require Increased Agency Expenses*

For FY16, the Legislature will require that state employees pay 9.5% of their salary (previously set in statute at 6.9% for FY15) to shore up the state's pension fund. In turn, the legislature will require that the state also increase its contribution to 9.5% (previously set in statute at 7.5% for FY15). Because we are an SDSI agency, we are responsible for the payment of this increase. To off-set the employees' increased contribution, the Legislature is mandating a 2.5% salary increase for all state employees across the board. Again, the agency will be responsible for the payment of this increase. There are also additional increases for the state, and in turn the agency, for rising health insurance premiums for employees and retirees.

Additionally, pursuant to a law change after the sunset process for the State Office of Administrative Hearings, the agency will be required to contract with SOAH on a flat fee basis rather than a fee for services basis. This results in the need for an increase in the budget.

#### *Registration Trends*

There are 11,622 architects and 1,456 landscape architects actively licensed in Texas, an increase of 15% and 21% respectively since 2007. There are 3,778 Interior Designers, a decrease of 28% since 2007.

The pipeline of new talent for Architects, our largest licensing base, is thriving. NCARB reports that in 2014, more than 37,000 aspiring architects (4,276 in Texas) were testing and/or reporting hours, a 28% increase from 2013 and the highest to date. A total of 3,543 candidates (280 in Texas) completed the IDP, an 85% increase from 2013. And 3,719 exam candidates (230 in Texas) completed the ARE in 2014, the highest number of completions since 2008. Considering these statistics, NCARB expects growth in licensees to continue in future years. Additionally, NCARB has removed some of the barriers to licensure by streamlining the IDP and ARE and decreasing the overall cost of becoming licensed. These changes will allow the licensure process to be easier for the applicant without lowering the standards for licensure.

It is expected that the number of Registered Interior Designers will continue to decrease in future years due to legislative mandates requiring all renewing Interior Designers to have passed the registration examination. These mandates could negatively impact the licensure of up to 1,800 licensees beginning September 1, 2017.

### *The Construction Industry*

According to the AIA Chief Economist, prospects look to continue to improve as they have the past year, with overall growth projected to increase almost 8% for both 2015 and 2016, with improvements in commercial, industrial, and institutional activity. Additionally, according to the US Census Bureau, revenue at architecture and related firms has increased since 2010 by 20%.

### *Fund Balance*

The level of our fund balance as a percent of our annual budget will be approximately 80% at the close of FY15. It is the Board's current policy to maintain a fund balance of 50% of our annual budget. When benchmarked against other similar agencies (18% and 25%), our current level is high. Additionally, according to a risk assessment exercise recommended by the Government Finance Officers Association and completed by staff, our fund balance should be at a level of 25% of our annual budget. Because the current level is substantially higher than the Board's current policy, other benchmarked levels and the GFOA recommended level, staff advises the Board to take any future revenue shortfalls from the fund balance rather than by increasing revenue through increased licensing fees. If the fund balance is used in this way in the future, it is not expected for there to be a need for licensing fee increases until FY19 at the earliest.

### *Implementation of Repeal of \$200 Professional Fee – HB7*

Staff has fully implemented the repeal of the \$200 professional fee, which will be effective for all renewals on or after September 1. Implementation included the modification of existing rules and fee structures, notification to registrants via list-serve, staff education for customer service inquiries, and modification of automated technology processes.

### *Implementation of Other Legislation*

SB20 and HB1295 – Enhanced contract monitoring and other contracts requiring board approval. The Comptroller's Office is developing policies and guidelines and will be publishing them this fall.

SB807 and SB1307 – Related to application and renewal fees and processes for military service members and veterans.

HB763 – Rule requestors must be Texas residents.

The agency will need to update rules and internal procedures, which will be addressed by the Rules Committee.

Also see 84<sup>th</sup> Legislative Bills Affecting Operations, HR & Administration.

### *Development of Agency Goals and Objectives and Quarterly and Annual Board Reports*

As part of my management processes, I believe that it is important to provide management staff with agency goals and objectives that are specific for the upcoming fiscal year and to their division. Enclosed in the board meeting packet you will find the goals and objectives for the entire agency. In future years, it will be my plan for the board to provide input to and approve the goals and objectives prior to the upcoming fiscal year.

With the goals and objectives as a guidepost, the managers have begun to report to me on a monthly basis on their division's progress towards the goals and objectives. I then compile their reports into a quarterly report for the board meetings, summarizing the agency's activities since the previous board meeting.

After the end of each fiscal year, the agency will publish an Annual Report, which will include information on relevant licensing and enforcement statistics and the status of the completion of that years' goals and objectives.

Feedback and guidance on the format and content of these reports from board members and other stakeholders will be greatly appreciated.

### *Communications*

The Executive Director and Communications Manager will be working on the development of a "coalition approach" to policy and rule development where the agency will form strong relationships with agency stakeholders to more actively elicit input regarding the potential effect of policies or rules on stakeholders, and to develop opportunities for combined action to resolve issues within the regulated professions. The Communications Manager will begin to reach out to stakeholders on a regular basis beginning in FY16. A summary of relevant information obtained from stakeholders will be provided to the board at each meeting.

Presentations with Impressions:

Two Houston RID Groups with 46 total impressions  
Two METROCON with approximately 200 impressions

Overall Evaluation of Presentations: 4.6 out of 5

Group Emails Sent:

- Summary of passed legislation, including the repeal of the \$200 professional fee
- Reminder of required payment of annual record maintenance fees
- Description of enhancements to online user interface and notification to specific users regarding required changes for the usernames and passwords

Collateral Recognition/Earned Media:

- TxA Magazine – Announcement of Executive Director
- TAID Newsletter – Repeal of \$200 professional fee
- Texas Tribune – Repeal of \$200 professional fee

**--DRAFT FOR DISCUSSION/APPROVAL AS TO FORM AND CONTENT--**

	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>		<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>
Cases Received and Opened													
Cases Closed by Investigations													
Cases Referred to Legal													
Average Number of Days to Investigate													
Cases Referred for Criminal Prosecution													
Notices of Violation by Legal													
Warnings from Executive Director													
Average Number of Days to Institute Disciplinary Proceedings													
Complaints Filed at SOAH													
Average Number of Days to Refer Unsettled Case to SOAH													

- Investigations Implemented changes to the online business registration process to make registration more user friendly to our customers and more efficient for our staff
- General Counsel Responded to DIR’s Request for Open Records Ruling from the Attorney General regarding a request for information relating to the legacy systems study.
- Staff assisted plans reviewers and building officials with rule interpretations



**Enforcement Statistics**

**Complaints Received**

	FY15	FY14	FY13	FY12	FY11
Received from Public		82	85	98	96
Opened by Staff		72	127	74	32
Total		154	212	172	128

**Complaint Resolution**

	FY15	FY14	FY13	FY12	FY11
Dismissed		73	111	88	59
Dismissed with Voluntary Compliance		32	17	29	44
Administrative Penalty		72	77	46	27
Revocation		0	1	0	1
Cease and Desist Order		9	10	7	6

**Disposition of Complaints Involving Public Health, Safety and Welfare**

	FY15	FY14	FY13	FY12	FY11
Administrative Penalty		25	24	21	14
Revocation		0	1	0	1
Cease and Desist Order		25	24	21	14
Total		50	49	42	29

**Administrative Penalties**

	FY15	FY14	FY13	FY12	FY11
Assessed		\$151,950	\$70,750	\$173,000	\$90,750
Collected		\$140,650	\$68,050	\$61,675	\$56,992
Percent Collected		92.56%	96.18%	35.65%	62.80%

**Average Time to Resolve Cases**

FY15	FY14	FY13	FY12	FY11
	172	200	226	198

**--DRAFT FOR DISCUSSION/APPROVAL AS TO FORM AND CONTENT--**

**Summary of Registration Department Accomplishments**

	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>
Examination Applications Received												
Reciprocal Applications Received												
Total Applications Received												
Exam Scores Received and Entered												
Examination Registrations Issued												
Reciprocal Registrations Issued												
Total Registrations Issued												
CE Audits Conducted												
CE Audits Referred for Investigation												
Approved Scholarship Applications												
Certificates of Standing												

- All new registrants were registered within one day of all documentation being received and the fee being deposited.
- Will begin a pilot project to use GoToTraining to provide online information sessions for students rather than traveling to the schools for presentations

**--DRAFT FOR DISCUSSION/APPROVAL AS TO FORM AND CONTENT--**

**Registration Statistics**

**Architects**

Number of Applicants with Open and Closed Files

	FY15	FY14	FY13	FY12	FY11
Applicants	3858	3338	3105	2934	3117

Number of Registered Architects

	FY15	FY14	FY13	FY12	FY11
Active	11622	11443	11539	11427	11292
Inactive	544	573	481	494	524
Emeritus	1014	928	805	738	666
Total	13180	12944	12825	12659	12482

**Landscape Architects**

Number of Applicants with Open and Closed Files

	FY15	FY14	FY13	FY12	FY11
Applicants	290	260	253	240	275

Number of Registered Landscape Architects

	FY15	FY14	FY13	FY12	FY11
Active	1456	1405	1380	1341	1329
Inactive	108	107	100	103	114
Emeritus	80	72	59	49	42
Total	1644	1584	1539	1493	1485

**Interior Designers**

Number of Applicants with Open and Closed Files

	FY15	FY14	FY13	FY12	FY11
Applicants	460	460	453	438	530

Number of Registered Interior Designers

	FY15	FY14	FY13	FY12	FY11
Active	3778	3972	4247	4484	4643
Inactive	440	573	508	549	573
Emeritus	214	163	78	1	1
Total	4432	4708	4833	5034	5217

Average Time to Issue All Registrations

FY15	FY14	FY13	FY12	FY11
	1	6	3	2

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

FISCAL YEAR 2016 BUDGET WITH SERVERS

	FY 2016 Proposed Budget	FY 2015 Approved Budget	FY 2015 Projected through 8-31-2015	FY 2016 Versus Approved 2015 as a Percentage (Col. 1/ Col.2)	FY 2016 Versus Proj. 2015 as a Percentage (Col. 1/Col. 3)
<b>Revenues:</b>					
Licenses & Fees	2,601,504	2,446,000	2,584,154	106.36%	100.67%
Business Registration Fees	75,000	72,000	75,000	104.17%	100.00%
Late Fee Payments	120,000	85,000	120,000	141.18%	100.00%
Other	2,500	1,000	2,500	250.00%	100.00%
Interest	1,000	500	1,000	200.00%	100.00%
<b>Potential Draw on Fund Balance</b>		<b>67,105</b>	-		
<b>Total Revenues</b>	<b>2,800,004</b>	<b>2,671,605</b>	<b>2,782,654</b>	<b>104.81%</b>	<b>100.62%</b>
<b>Expenditures:</b>					
Salaries and Wages	1,456,300	1,356,156	1,308,222	107.38%	111.32%
Payroll Related Costs	445,904	398,000	412,814	112.04%	108.02%
Professional Fees & Services	36,000	32,000	20,000	112.50%	180.00%
Travel					
Board Travel	30,000	30,000	30,000	100.00%	100.00%
Staff Travel	18,000	18,000	12,000	100.00%	150.00%
Office Supplies	12,000	12,000	10,000	100.00%	120.00%
Postage	15,000	15,000	12,000	100.00%	125.00%
Communication and Utilities	18,800	18,800	18,000	100.00%	104.44%
Repairs and Maintenance	1,000	1,000	1,400	100.00%	71.43%
Office Rental	78,000	60,910	78,000	128.06%	100.00%
Equipment Leases--Copiers	10,000	10,000	10,000	100.00%	100.00%
Printing	20,000	23,475	23,000	85.20%	86.96%
Operating Expenditures	41,000	47,000	35,000	87.23%	117.14%
Conference Registration Fees	4,000	4,000	-	100.00%	
Membership Dues	20,000	20,000	20,000	100.00%	100.00%
Staff Training	6,000	5,000	4,000	120.00%	150.00%
SWCAP Payment	38,000	68,939	38,000	55.12%	100.00%
Payment to GR	510,000	510,000	510,000	100.00%	100.00%
<b>IT Upgrades in 2014 with Servers</b>	<b>40,000</b>	<b>41,325</b>	<b>40,000</b>	<b>96.79%</b>	<b>100.00%</b>
<b>Total Expenditures</b>	<b>2,800,004</b>	<b>2,671,605</b>	<b>2,582,436</b>	<b>104.81%</b>	<b>108.42%</b>
<b>Excess/ (Deficiency) of Rev over Exp.</b>	<b>-</b>	<b>-</b>	<b>200,217</b>		
<b>Funding for 6 months</b>	<b>1,400,002</b>				
<b>Excess Fund Balance</b>	<b>902,137</b>				
<b>Total Fund Balance</b>	<b>2,302,139</b>				

Enforcement Penalties Collected

20

\$ 43,714

General Revenue Collected

\$ 3,267,000

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS  
FISCAL YEAR 2015 BUDGET  
SCHOLARSHIP FUND**

	FY 2015 Budget	FY 2015 Actual Expenditures Sept 1, 2014---May 31, 2015	FY 2015 Remaining Budget
<b>Operating Fund Beginning Fund Balance:</b>	-	-	98,969.39
<b>Adjusted Beginning Balance</b>	-	-	-
<b>Scholarship Fund Beginning Balance</b>	122,951.56		
<b>Total Beginning Scholarship Fund Balance</b>	122,951.56	122,951.56	98,969.39
<b>Expenditures:</b>			
Operating Expenditures-Scholarship Payments		23,982.17	-
<b>Total Expenditures</b>		23,982.17	-
<b>Excess/(Deficiency) of Rev. over Exp.</b>	122,951.56	98,969.39	-
<b>Fund Balance</b>	122,951.56	98,969.39	98,969.39

Number of Scholarships Awarded

48

<b>Policy Title:</b>	Reserve Fund Balance	<b>Policy Number</b>	FA-007
<b>Originally Issued</b>	January 1, 2011	<b>Revisions</b>	April 1, 2012 May 30, 2013 reviewed with no changes <b>June 26, 2015: Rewritten by the executive director. Previous edition is obsolete</b>
<b>Approved By:</b>	Julie Hildebrand, Executive Director		
<b>Responsible Department</b>	Finance		
<b>Primary Policy Custodian</b>	Finance Manager		

### Purpose

To establish a formal policy for the utilization of the Reserve Fund Balance, which are funds that are in excess of normal operating requirements. These funds are only to be used for special purposes, which will be recommended by the Executive Director and approved by the Board on a year by year basis. Capital projects, unfunded legislative mandates, retirees' health insurance premiums, employee lump sum retirement payments, and oversight agency audits are examples of special purposes.

1. The minimal balance of the fund will be maintained at an amount equal to six months of agency operations, which includes the SDSI payment. This level is set to mitigate any current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable service levels and license fee rates despite any temporary revenue shortfalls or unpredicted one-time expenditures. The basis of this level is the predictability of the agency's revenues and the low volatility of expenditures on the one hand and the agency's moderate exposure to mandated outlays (e.g., unfunded legislative mandates, various required payroll related costs, and unbudgeted payments to oversight agencies) on the other.
2. If the balance of the fund exceeds the minimal amount stated above, a draw on those funds may be made, but may not exceed 5% of the current fund balance. This amount is to be requested in the proposed operating budget by the Executive Director, based on identified needs. The Board will deal with emergencies as they arise through the fiscal year and may grant additional spending authority above the 5%.
3. The Executive Director will order the creation of internal procedures to monitor the Reserve Fund Balance and will report the fund balance to the Board at least quarterly.

4. If the agency were to generate surplus revenues to fund items previously designated as being funded from the Reserve Fund, those items will be funded as normal operating expenses. The Reserve Fund would be unaffected for that year in that scenario.

**Review Cycle**

Policies and procedures are reviewed at least every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.

<b>Policy Title:</b>	Reserve Fund Balance	<b>Policy Number</b>	FA-007
<b>Originally Issued</b>	January 1, 2011	<b>Revisions</b>	April 1, 2012 May 30, 2013 reviewed with no changes
<b>Approved By:</b>	Cathy L. Hendricks, RID/ASID/IIDA, Executive Director		
<b>Responsible Department</b>	Finance		
<b>Primary Policy Custodian</b>	Finance Manager		

**Purpose**

To establish a formal policy on the level of Reserved and Unreserved Fund Balance that should be maintained in the Safekeeping Trust and the State Treasury for Fund 0859. The balance of the fund will be maintained at an amount equal to six months of agency operations.

**References:**

[http://www.gfoa.org/index.php?option=com\\_content&task=view&id=120&Itemid=134](http://www.gfoa.org/index.php?option=com_content&task=view&id=120&Itemid=134)

**Procedures**

1. TBAE will consider the predictability of its revenues and the volatility of its expenditures when determining appropriate levels of Reserved Fund Balance.
2. TBAE will consider perceived exposure to significant one-time outlays; such as, disasters, immediate capital needs, and state budget cuts.
3. TBAE will analyze actual revenues and monitor for potential losses which may require the use of the Unreserved/Undesignated Fund Balance to cover the approved Annual Operating Budget.
4. TBAE will analyze unexpected legislative actions and recommend actions to the Board.
5. TBAE Executive Director will develop internal procedures to monitor the Reserved Fund Balance and will report reserve fund balance to the full Board quarterly.

**Review Cycle**

Policies and procedures are reviewed at least every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.



<b>Policy Title:</b>	TBAE Budget Development	<b>Policy Number</b>	<b>FA-010</b>
<b>Originally Issued:</b>	April 1, 2012	<b>Revisions:</b>	June 25, 2015
<b>Approved By:</b>	Julie Hildebrand, Executive Director		
<b>Responsible Department:</b>	Finance Department		
<b>Primary Policy Custodian</b>	Finance Manager		

**Purpose**

The Executive Director of the Texas Board of Architectural Examiners is required to develop and present an Operating Budget to the Board each August for its review and approval.

**References and related Resources or Statutory Authority**

Policies: FA-001, FA-006, and FA-007

**Scope**

All departments of the Texas Board of Architectural Examiners

**Procedures**

The paramount financial requirement of the agency is to prepare a balanced budget. A balanced budget is one that accomplishes the goal of providing required services within available funding.

As a first step, the agency should identify the critical building blocks. These include: *recurring and non-recurring revenues, recurring and non-recurring expenditures, and reserves.*

*Recurring revenues* are the portion of the agency’s revenues that can reasonably be expected to continue year to year, with some degree of predictability. License fees are an example of recurring revenue and are the dominant source of funding for the agency. However, unusually high or low revenue yields may be considered as a non-recurring revenue under the assumption that such revenues are unlikely to continue, making it imprudent to use them for recurring expenditures.

*Recurring expenditures* appear in the budget each year. Salaries, benefits, materials and supplies, professional services, utilities and rent, and other overhead costs are common examples of recurring expenditures. Capital asset acquisitions are typically not thought of as recurring because although some capital assets may be acquired every year, they are not the same assets year after year. In general, recurring expenditures should be those that

you expect to fund every year in order to maintain current/status quo service levels. In general, the agency has a greater degree of flexibility to defer non-recurring expenditures than recurring ones.

*Reserves* are the portion of fund balance that is set aside as hedge against risk or to fund certain activities. The agency has defined its minimum amount of funds it will hold in reserve at no less than six months of regular operating expenditures. *See FA-007 for more information.*

There are times when a balanced budget using available revenues is not achievable. It could be the result of an external influence, such as a legislative mandate, or internal, such as a board directive. In such cases, using reserves to balance the budget may be considered but only in the context of a plan to return to structural balance, replenish fund balance to the above defined level, and ultimately remediate the negative impacts of any other short-term balancing actions that may be taken. Further, the plan should be clear about the time period over which returning to structural balance, replenishing reserves to the above defined level, and remediating the negative impacts of balancing actions are to occur.

### **Review Cycle**

Policies and procedures are reviewed at least every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.

<b>Policy Title:</b>	Strategic Planning	<b>Policy Number</b>	<b>EA-010</b>
<b>Originally Issued:</b>	April 1, 2012	<b>Revisions:</b>	May 30, 2013 – no changes June 30, 2015 – Change: Responsibility from Communications to the Executive Director
<b>Approved By:</b>	Julie Hildebrand, Executive Director		
<b>Responsible Department:</b>	Executive Administration		
<b>Primary Policy Custodian</b>	Executive Director		

**Purpose**

It is the purpose of the agency to comply fully with all applicable reporting requirements, whether statutory or otherwise, and to do so consistently and accurately.

**References and related Resources or Statutory Authority**

[VTCS Article 8930, the Self-Directed, Semi-Independent Pilot Project statute](#)  
[Strategic Planning instructions](#) (Office of the Governor)  
Chapter 2056, Texas Government Code

**Scope**

Staff members of the Texas Board of Architectural Examiners

**Policy**

It is the policy of the agency to develop and implement a strategic plan in accordance with the referenced statutory authority above. The strategic plan shall cover a period of 5 fiscal years and include an analysis of the anticipated resources and activities necessary for the agency to operate effectively and efficiently over that period. The strategic plan shall identify the agency’s goals and serve as a guide on the means and methods to attain the identified goals.

**Procedures**

1. The Communications Manager is responsible for coordinating, drafting and submitting the Strategic Plan to the executive director for review in accordance with [the instructions provided by the Governor’s Office](#)  
[http://www.lbb.state.tx.us/Strategic\\_Plans/Instructions%20for%20Preparing%20and%20Submitting%20Agency%20Strategic%20Plans.pdf](http://www.lbb.state.tx.us/Strategic_Plans/Instructions%20for%20Preparing%20and%20Submitting%20Agency%20Strategic%20Plans.pdf)
2. Performance measures will be obtained by the automatically generated report discussed in TBAE Policy Number CO-005, Performance Measures.

3. The agency's Strategic Plan is due on a specified date in June every even-numbered year. Beginning in January of that year and concluding by the due date, the following tasks will be completed:
  - a. a request of input from stakeholders, including the Customer Service Survey and the Survey of Employee Engagement, will be made by the Communications Manager at the Executive Director's direction;
  - b. the responses will be compiled and summarized along with findings from an environmental scan of the regulated professions by the Communications Manager;
  - c. the Management Team will meet to analyze the collected information and recommend internal and external issues to be addressed by the Strategic Plan;
  - d. the full Board will meet to review the collected information and staff recommendations and will identify trends in the profession resulting in the strategic policy issues expected to have the most significant impact on the professions and regulation of architecture, landscape architecture and interior design over the upcoming five year period;
  - e. staff, in consultation with an assigned board member if appropriate, will draft each required portion of the Strategic Plan;
  - f. the initial draft will be reviewed and revised as necessary by the Executive Director;
  - g. the final draft of Strategic Plan will be approved by the full board; and
  - h. the Communications Manager will distribute the Strategic Plan to the appropriate oversight agencies and legislators on the distribution list, retain an electronic copy in the appropriate folder on the agency's network, and arrange for the IT department to post a copy of the document in PDF format on the agency website.

#### **Review Cycle**

Policies and procedures are reviewed at least every two years or updated as required to ensure they reflect current information and requirements. Policies and procedures are reviewed in consultation with staff, management, and agency regulatory bodies to ensure they accommodate and are reflective of the needs of our registrants, oversight agencies, and best practice guidelines.

# 84<sup>th</sup> Legislative Bills Affecting Operations, HR & Administration

Bill No.	Summary	Proponent (Oversight Agency)	Policy & Procedure Change	Implementation Status
<b>Senate Bills</b>				
<b>SB 374</b>	Requires TBA to participate in E-Verify	Texas Workforce Commission (TWC)	UPDATE HR-002 Recruitment, Selection and On-Boarding policy and Employee Handbook when the TWC adopts rules and prescribes forms to implement this chapter 673	Two E-Verify certified employees: Christine Brister and Glenda Best. Awaiting guidance from proponent to implement policy on September 1, 2015.
<b>SB 389</b>	Add military occupation specialty (MOS) codes to job postings	Texas Veterans Commission (TVC)	<p>UPDATE HR-002, Recruitment, Selection and On-Boarding policy &amp; Employee Handbook</p> <p>A state agency shall include on all forms and notices related to a state agency employment opening the Military Occupational Specialty code for each branch of the armed forces of the US, that corresponds to the employment opening if the duties of the available position correlate with a military occupational specialty.</p> <p>A form prescribed by the commission under Subsection (a) must include a space for a state agency to list a Military Occupational Specialty code as provided by Section 656.002</p>	<p>Updated Employee Handbook. Will include on all job postings and recruitment forms effective September 1.</p> <p>Updates pending General Counsel review</p>
<b>SB 805</b>	Widens class of veterans eligible for veterans' preference in hiring and changes to how preference is applied	State Auditor's Office (SAO)	UPDATE HR-002 Recruitment, Selection and On-Boarding policy and Employee Handbook	Updated Employee Handbook; pending General Counsel review.
<b>SB 1032</b>	<b>Permits agency allow "flexible" hours and work-from-home; establishes reporting requirements</b>		<b>The ED may determine agency's participation Revert back to original statute</b>	<b>Bill Vetoed by Governor</b>

Bill No.	Summary	Proponent (Oversight Agency)	Policy & Procedure Change	Implementation Status
<b>House Bills</b>				
HB 9	Increases employees' contribution to ERS, and the agency's a well. Intended to be "offset" by Appropriations bill.  Eliminates the 90-day waiting period for membership in the retirement system	Employees Retirement System of Texas	UPDATE Employee Handbook. Increases the employee contribution to 9.5% (from current 6.9%)  State employees hired on or after September 1, 2015.	Review and revised on ... to meet September 1, 2015 implementation  Updates pending General Counsel review
HB 1 Retirement Fund	Increases state (TBAE) contribution to 9.5% (from current 7.5%) for both years of FY2016-2017 biennium, plus an additional state agency contribution of 0.5% of base payroll.		UPDATE Employee Handbook. All ERS plan members and retirees – This change puts the ERS plan significantly closer to actuarial soundness	HR benefits (ERS) presentation to staff on Wednesday, July 1
HB 1 Health plan funding	Funded sufficiently to avoid benefits changes through FY17. Maintains 100% state contribution for eligible full-time employees and retirees and 50% dependent contribution. Maintains 1% payroll contribution from employer		Review Employee Handbook and Benefits policy	Updates pending General Counsel review
HB 426	Require TBAE to accept job applications electronically through WorkinTexas.com, per their policies TBD	Texas Workforce Commission	UPDATE Employee Handbook and Policy HR-002 Recruitment, Selection and On-Boarding	Updates pending General Counsel review
HB 445	Provide notice to military service members of number of paid leave days available	Comptroller of Public Accounts (CPA)	UPDATE Employee Handbook. No military personnel currently onboard  The agency shall provide written notice of the number of workdays of paid leave to which an officer or employee described by Subsection (a) is entitled each fiscal year under Subsection (a) and, if applicable, the number of workdays of paid leave to which an officer or employee described by Subsection (a) is entitled to carry forward each fiscal year under Subsection (b); (1) on employment, in the case of an employee; or (2) as soon as practicable after appointment or election, in the case of an officer.  The agency, on the request of an officer or employee described in Subsection (a), provide to that officer or employee a statement that contains: (1) the number of workdays for which	

Bill No.	Summary	Proponent (Oversight Agency)	Policy & Procedure Change	Implementation Status
			the officer or employee claimed paid leave under Subsection (a) in that fiscal year; and (2) if the statement is provided to an officer or employee of this state; (A) the net balance of unused accumulated leave under Subsection (a) for that fiscal year that the officer or employee is entitled to carry forward to the next fiscal year; and (B) the net balance of all unused accumulated leave under this section to which the officer or employee is entitled.	
<b>HB 786</b>	Employees allowed to express breast milk at work	State Auditor's Office (SAO)	UPDATE Employee Handbook	Updates pending General Counsel review
<b>HB 1278</b>	Increases lump sum survivor benefit from \$250,000 to \$500,000 and doubles monthly benefit to survivor children	ERS	UPDATE Employee Handbook.  Survivors of certain law enforcement officers, firefighters and others killed in the line of duty	Updated handbook
<b>HB 1771</b>	Allows one TBAE employee to donate sick time to another TBAE employee, after the sick employee has used up all available time (leave would be unpaid)	Employees Retirement System of Texas (ERS); Comptroller of Public Accounts (CPA)	UPDATE HR-008 Employee Benefits Program & Employee Handbook	
<b>HB 3307</b>	Make available a TRICARE Military Health System Supplemental plan	Employees Retirement System of Texas (ERS)	UPDATE Employee Handbook and update HR-008 Employee Benefits Program. Military veterans and their families	Updates pending General Counsel review
<b>HB 3337</b>	To receive tuition reimbursement by agency, an employee must successfully complete the course	State Auditor's Office (SAO); Comptroller of Public Accounts (CPA)	Not an authorized agency policy at this time. The ED may authorize a tuition assistance program in the future. If so, a policy will be developed and a chapter will be added to the Employee Handbook addressing the procedures	Created a new policy HR-011 Training and Staff Development: Educational Assistance Program identifying the various educational training available and added an agency tuition assistance program to comply with HB 3337  Pending Executive Director review and approval

Bill No.	Summary	Proponent (Oversight Agency)	Policy & Procedure Change	Implementation Status
HB 3511	Filer of personal financial statements shall include certain types of property information; can file without notarized affidavit if filing is done electronically with a digital signature; otherwise an affidavit and notary are required; filings are an oath and the filer is subject to prosecution under Penal Code	Ethics Commission	Board member training. Forms are currently prepared electronically (PDF format) and notarized and then Email to Ethics Commission. Reinforce revision with Board members to apply for password from Ethics Commission to file Personal Financial Statements electronically.	Created a new policy EA-011 Filing Personal Financial Statements  Pending Executive Director review and approval  Distribute to Board on or before September 1 or at Board Training in 2016 TBD. (Preferably before April 2016)
HB 3680	Relating to the confidentiality of certain information stored as part of the preparation of reports and personal financial statements required to be filed with the Ethics Commission. Filings began but not yet finalized are not subject to Public Information Request (PIR). After they're filed, they are subject to PIRs	Ethics Commission	UPDATE event calendar and Board member training	Update Board members either in writing on or before September 1 or at Board member training (date TBD)
HB 3683	Ethics filings must be done electronically	Ethics Commission	Forms are currently prepared electronically (PDF Format), notarized and emailed. Revision to apply for password from Ethics Commission to file PFSs electronically.	Update Board members Before April 30, 2016



## Goals and Objectives Fiscal Year 2016

### ***Executive Director***

Goal - To provide policy advice to the Board, implement agency policies, and manage the organization in a manner that will accomplish the stated mission, goals, and objectives of the Board.

### Objectives

1. To assist and participate with the Board in updating and preparing the Board's Strategic Plan and submitting the plan to the Governor's Office of Budget, Planning, and Policy and Legislative Budget Board by the due date.
2. To coordinate the development of proposed goals and objectives for the agency; prepare a report on the accomplishments of the agency; and direct the preparation and submission of the Board's Annual Report to be presented to the Board.
3. To manage and monitor the agency's performance and operational efficiency in the licensing of architects, landscape architects and registered interior designers and in the enforcement of each respective practice act.
4. To direct the preparation of the operating budget for review and approval by the Board.
5. To assist in the development and implementation of the practice act, rules, policies, procedures and guidelines to enhance the Board's ability to protect the public and to improve the efficiency and effectiveness of the agency's operations; and to review and implement legislation passed by the Texas Legislature that affects agency operations and the practice of architecture, landscape architecture and interior design.
6. To direct the collection of data and the preparation and submission of the Self-Directed Semi-Independent Reports as required by Chapter 472 of the Government Code.
7. To direct the communication of public information to the public, registrants and stakeholders via publications, news releases, staff presentations, the agency website and social media.
8. To represent agency policies and programs to local, state, and national architecture, landscape architecture, interior design and consumer organizations; act as the Board's liaison to the professional associations; represent the Board before the state legislature and executive branch; and assure coordination of agency activities with those of other state and federal agencies involved in the regulation of the practice of architecture, landscape architecture and interior design.
9. To review all federal and state statutes, regulations, policies and trends that may impact the regulation of the practice of architecture, landscape architecture and interior design and make timely recommendations to the Board for implementation of any required Board actions.
10. To coordinate and participate in the orientation of new Board Members appointed by the Governor.

11. To maintain a staff development program by encouraging staff to participate in professional and interpersonal development seminars, cross training, and on-the-job training; conduct periodic reviews and annual evaluations of Division Directors and Executive Division staff and to monitor evaluations of employees in all Board Divisions.

### **All Divisions**

Goal – To assist the Executive Director, in cooperation with other Divisions, to manage the Division in a manner that will accomplish the stated mission, goals and objectives.

#### Objectives

1. To assist the Executive Director, in cooperation with other Divisions, to update and prepare the Board's Strategic Plan.
2. To assist the Executive Director, in cooperation with other Divisions, to prepare and propose the operating budget for review and approval by the Board.
3. To assist the Executive Director, in cooperation with other Divisions, to review and implement legislation passed by the Texas Legislature that affects agency operations and the practice of architecture, landscape architecture and interior design.
4. To assist the Executive Director, in cooperation with other Divisions, to collect data and prepare and submit the Self-Directed Semi-Independent Report as required by Chapter 472 of the Government Code.
5. To assist the Executive Director, in cooperation with other Divisions, to communicate public information to the public, registrants and stakeholders via publications, news releases, staff presentations, the agency website and social media.
6. To provide verbal and written information in a timely manner to Board staff and customers as needed or required, to include providing technical assistance to other Divisions, agencies and legislators.
7. To destroy records in accordance with the agency's record retention plan.
8. To recommend changes to the practice acts and rules and to recommend policies and procedures that will enhance the Board's ability to protect the public or will improve the efficiency and effectiveness of the agency's operations, and forward the recommendations to the Executive Director.
9. To update the agency Personnel Handbook and the Division's Policies and Procedures Manual as needed and submit any revisions to the Executive Director for approval.
10. To manage employees under the supervision of the Division, in compliance with all applicable state and federal personnel statutes, including the following: to hire qualified applicants for new or vacant positions; to update or develop job descriptions in compliance with the State Classification System; to participate in State Classification audits of positions; to conduct periodic reviews and annual evaluations of Division employees; and to promote self-development through such activities as on-the-job training, cross-training, and attendance at professional seminars.

11. To prepare monthly reports on the accomplishment of Division objectives, for incorporation into the Board's Annual Report.

### ***Finance Division***

Goal – To administer finance and purchasing operations for the agency.

#### Objectives

1. To prepare a proposed budget for submission to the Board and plan, organize and execute all budgetary activities.
2. To prepare and submit all required accounting and fiscal reports, statements and reconciliations in compliance with all applicable state statutes.
3. To inform management of budget deviations, problems, and events likely to affect operations; explain causes; and measure effect on the agency's mission and resources.
4. To review and recommend to the Executive Director possible uses of funds and additional sources of spendable revenue and to assess fees charged for agency services.
5. To assess the material needs of the agency and supervise the purchasing and supply activities in accordance with all Texas Procurement and Support Services rules and procedures.

### ***Administration Division***

Goal – To administer agency operations including human resources, risk management, business continuity and board member and agency administrative support.

#### Objectives

1. To provide administrative and technical assistance to the Board members and Executive Director, including preparation for Board Meetings.
2. To develop and maintain business continuity and crisis management strategies, plans and procedures.
3. To serve as the agency's Human Resource Coordinator in ensuring agency compliance with all applicable state and federal personnel statutes.
4. To serve as the Agency Risk Manager by annually assessing areas of agency risk exposures and recommending procedures to control these exposures.
5. To increase the efficiency and productivity of Board office operations by managing and coordinating space needs and on-site maintenance of the Board's office facilities.
6. To assist Board members and staff with processing travel arrangements and to ensure compliance with all applicable state laws and rules.
7. To ensure that the best possible customer service is provided to all customers, both internal and external.

8. To ensure proper processing and distribution of agency mail.

### ***Information Technology Division***

Goal – To administer the information technology operations for the agency.

#### Objectives

1. To manage the information resource needs (data processing, telecommunication, and Web site) of the agency.
2. To evaluate and implement solutions for the evolving computing needs of the agency.
3. To provide a stable infrastructure for existing information technology systems.
4. To increase the efficiency and productivity of Board operations with the use of information resources.
5. To secure the agency's system against internal and external information security threats.

### ***Licensing Division***

Goal – To conduct an architect, landscape architect and interior designer registration and ongoing renewal system.

#### Objectives

1. To issue registrations by examination or reciprocity within an average of three working days after the date the agency receives all required documents.
2. To issue renewals to all registrants within an average of three working days of receipt of the required fee and all required documents.
3. To audit the registrants' compliance with continuing education and to initiate complaints on registrants who are not in compliance with the rules regarding mandatory continuing education for renewal, in cooperation with the Investigations and Legal Divisions.

### ***Investigations Division***

Goal – To enforce laws and rules relating to the practice of architecture, landscape architecture and interior design through investigations of complaints. To monitor the complaint process and transfer complaints involving substantive allegations to the Legal Division for review and potential prosecution.

## Objectives

1. To coordinate and monitor the receipt, assignment, and resolution of all complaints filed with the agency and the notification of complainants.
2. To investigate complaints within an average of 90 days according to the priorities set by the Executive Director.
3. In cooperation with the Licensing Division and in compliance with the agency's policies and procedures, to process criminal background checks on applicants and registrants, including fingerprint-based criminal background checks.
4. To provide technical assistance, maintain liaison, and coordinate joint investigations of architects, landscape architects, registered interior designers, and practicing non-licensees with federal, state, and local law enforcement agencies, including regulatory or administrative agencies.

### **Legal Division**

Goal – To prosecute violations of the laws and rules related to the practice of architecture, landscape architecture, and interior design. To monitor compliance with Disciplinary Orders. To provide adjudicative information to Board customers. To provide legal services and guidance to the Board and the Board staff relating to the regulation of the practice of architecture, landscape architecture, and interior design and the administration of the agency. To coordinate the drafting of and amendments to Board rules and serve as the liaison to the Texas Register. To respond to public information requests in compliance with the Public Information Act.

## Objectives

1. To coordinate and monitor the receipt, assignment, and resolution of all cases accepted by the Legal Division.
2. To review all cases referred to the Division for potential disciplinary action; and if sufficient evidence exists to warrant action, to institute disciplinary proceedings against licensees within an average of 30 days in accordance with priorities established by the Executive Director.
3. To refer disciplinary cases to the State Office of Administrative Hearings (SOAH) and file a complaint with SOAH within an average of 60 days in accordance with priorities established by the Executive Director.
4. To monitor compliance with all Board Orders and Agreed Settlement Orders.
5. To provide legal assistance and maintain liaison with appropriate local, state, and federal prosecutors, legal divisions, and enforcement agencies involved in the investigation or prosecution of Board registrants, in conjunction with the Investigations Division.
6. To coordinate the drafting of and amendments to Board rules; act as agency liaison to the *Texas Register*; coordinate and monitor all submissions to the *Texas Register*; review and monitor the *Texas Register* for activities of other agencies that would impact the agency or the practice of architecture, landscape architecture or interior design; and provide periodic notice of publications to Board Members, staff and other interested parties.

7. To respond to public information requests in accordance with the procedures set forth in the Texas Public Information Act and draft requests for Attorney General Letter rulings.
8. To research legal issues and provide legal services and advice to the Board and Board staff.
9. To serve as the Agency Records Retention Manager to the Texas State Library, in maintaining a Records Retention Program for the economical and efficient management of agency records.
10. To serve as liaison for the Board to the Office of the Attorney General (OAG); to monitor and assist with opinion requests, appeals, injunctions, or civil litigation handled by the OAG against licensees and non-licensees.

### ***Communications***

Goal – To share timely and accurate information with the public, registrants and stakeholders in order to enhance the transparency of the agency's processes.

#### Objectives

1. To assist with the communication of public information to the public, registrants and stakeholders via publications, news releases, staff presentations, the agency website and social media.
2. To provide information to Board Members, Staff and customers, including responses to surveys and questionnaires, oral and written communication, and public speaking engagements, as needed and required.
3. To publish a newsletter in order to promote voluntary compliance with the law by providing information to educate registrants about their responsibilities under current law and rules, and to provide information consistent with the responsibilities of the Board.

## Report of the 2015 NCARB Annual Business Meeting

**June 17 – 20, 2015 New Orleans, LA**

### **Highlights of this year's annual meeting:**

The Election of officers results were Kristine Harding, First VP/Pres Elect, Greg Erny 2nd VP, David Hoffman, Treasurer and Terry Allers, Secretary.

The key note speaker was Kurt Weigler of the Downtown Development District of New Orleans with a presentation on the economic development, business improvements, and clean and safe initiatives in downtown New Orleans, post-Katrina otherwise titled "A better version of ourselves".

The workshops were informative, interactive, and in one instance very entertaining. The workshop "Who wants to be an Architect" was patterned after the "Who wants to be a millionaire" game show and was really well done. Another workshop on the "Broadly Experienced Intern" is the subject of an agenda item today.

The resolution passed to revise the Broadly Experienced Foreign Architect to require completion of the ARE and do away with the dossier. The resolution to modify the requirements of the Public Director on the NCARB passed. The resolution modifying the Broadly Experienced Architect program failed by one vote.

We also heard from NCARB CEO Michael Armstrong about continued efforts to streamline the organization for better services but also to continue to hold or roll-back council fees. The NCARB prizes went to Clemson, \$30K in a program of Architecture and Health, and Parsons University, \$20 K to develop a Building Performance Evaluation.

Debra J. Dockery, AIA, NCARB  
Vice Chair  
Texas Board of Architectural Examiners



# FAST FACTS

a monthly Member benefit for NCARB Member Board Executives

## BROADLY EXPERIENCED INTERN PROPOSAL

### Request for Comments

The NCARB Board of Directors is currently seeking Member Board comments on a proposal for a new process that will satisfy the requirements of the Intern Development Program (IDP). This program is being designed to provide a pathway for design professionals to validate that they have substantial past experience that meets the requirements of the IDP. A copy of the proposal was distributed to all Member Board Members and Member Board Executives on July 1, 2015, and a detailed outline of the proposal is available for downloading on our [Members Only](#) website. Note that this is a lengthy document, so please take your time reviewing it and do not hesitate to reach out if you have any questions.

[Comments](#) from our Member Boards will be received through **September 29th**. Although the comment period will still be open, our Board of Directors will review comments received to date during their September meeting.

### Virtual Feedback Sessions

In order to assure sufficient engagement by the Member Boards, we will also offer additional feedback opportunities for Member Board Members through virtual meetings that will be held in October. The meetings will be held on the following dates:

- October 8
- October 14
- October 19

Additional details on these meetings will be distributed closer to the meetings.

The Board hopes that Member Board engagement through the comment period and the virtual meetings will enable them to make a final determination on this program when they meet again in December 2015. For questions about the proposal, please contact Harry Falconer at [hfalconer@ncarb.org](mailto:hfalconer@ncarb.org) or Derek Haese at [dhaese@ncarb.org](mailto:dhaese@ncarb.org).

# NCARB

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## TRI-LATERAL MUTUAL RECOGNITION NEGOTIATIONS CONTINUE

The Board of Directors voted to move forward with formal negotiations in support of a Tri-lateral Mutual Recognition Agreement with the Architects Accreditation Council of Australia and the New Zealand Registered Architects Board. The agreement will be similar to the streamlined model established with Canada. However, the period of post-licensure experience will be increased to three years. More details will be released as the negotiations progress.

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## NEW *DESTINATION ARCHITECT* E-NEWSLETTER FOR ASPIRING ARCHITECTS

NCARB has released a new digital resource, *Destination Architect*, offering news, tips, and tools to help future architects complete the path to licensure. *Destination Architect* covers:

- Requirements for the new streamlined Intern Development Program (IDP), as well as a look forward to what you need to know about the IDP overhaul in June 2016.
- The Architect Registration Examination® (ARE®), including the new ARE 4.0 Google Community, helpful prep resources, and the latest updates on the move to ARE 5.0.
- Best practices regarding portfolios and presentations, leadership opportunities like the Intern Think Tank, the latest licensure data from *NCARB by the Numbers*, and much more.

You can subscribe to *Destination Architect* [here](#).

## TRANSITION TO NEW ROSTER

On July 1 we launched a new Roster database which houses information on all Member Board Members and NCARB volunteers. This new application has been designed to improve your user experience when accessing the Members Only site, searching the Roster, or utilizing the group mail feature. A detailed user guide explaining the changes and new system was sent to all MBEs and their staff at the end of June. If you or your staff did not receive this, or if you have any questions pertaining to the new system, please contact Nefertari Carver at [ncarver@ncarb.org](mailto:ncarver@ncarb.org).

## PROCESS IMPROVEMENT—TRANSMITTAL NOTIFICATIONS

Our Information Systems (IS) Team continues to work on enhancements to our database to streamline the workflow. In early July, a new feature was deployed that automates the notification to you and the applicant when a transmittal has been uploaded for your review. The introduction of this new feature should be transparent to you and your staff, as you are already receiving these notifications manually from our Transmittals team. This is just one of many new features that are being developed in an effort to streamline the workflow and make the process of delivering transmittals to you in a more efficient and expedient manner.

Please bear in mind that it is important your Board keep us apprised of your staff members who are authorized to retrieve the transmittals, as they will receive these notifications. Please note that measures have been taken to alert our Transmittals team if there is any issue with delivery of the message to your staff. Requests for changes to staff authorized to retrieve transmittals should be forwarded to Nefertari Carver at [ncarver@ncarb.org](mailto:ncarver@ncarb.org).

## FARB REGULATORY LAW SEMINAR

Formerly known as the FARB Attorney Certification Seminar, the rebranded FARB Regulatory Law Seminar (RLS) has been expanded to appeal to board members and board staff as well as board attorneys. The 2015 RLS will address relevant topics related to administrative law and representing regulatory boards. FARB's conferences are intended to improve the effectiveness and efficiency of boards by giving board staff, board members, and attorneys the tools and information they need to fulfill their duties as protectors of the public.

Topics covered in the RLS learning sessions include Comprehensive Regulatory Training (CRT); the post United States Supreme Court ruling in the *North Carolina State Board of Dental Examiners v. FTC* decision; new legislation affecting the regulatory community; the popular Top Regulatory Cases session presented by Dale Atkinson; administrative sanction options; and the FARB Model Consent Agreement.

Further details about the seminar can be found [here](#).

## DIGITAL MARKETING TOOLS FOR YOUR BOARD

Digital media has become one of the most effective means to reach aspiring architects and practitioners. To help you integrate the latest tools into your communications plan, we invite you to explore the following resources.

### Social Media in a Regulatory World

#### [Download the Presentation](#)

During the Regional Summit in March, we shared best practices for using social media in a regulatory world. Learn about popular platforms (including Facebook, Twitter, and LinkedIn), tips to help you get started, and more! [Download](#) your copy from the Member Resources section in My NCARB.

### NCARB's Resources

We've developed a number of resources for aspiring architects, Certificate holders, and everyone in between. We encourage you to share these tools on your own platforms.

- [NCARB Blog](#): A social hub where professionals can learn about the path to licensure and industry trends.
- [NCARB.Live](#): A webinar series for aspiring architects. Recent topics include career tips, women in architecture, and ARE 5.0.
- [ARE 4.0 Community](#): An online space where candidates can come together ask questions, share best practices, and interact with our experts.
- [Getting It Done](#): Tools to help aspiring architects streamline their time to licensure.
- [IDP Supervisors Group](#): A LinkedIn group where supervisors and mentors can learn about program changes and share best practices.
- [Monograph Series](#): Earn CEHs through our Monograph Series—free for Certificate and intern Record holders.

### Questions?

If you have any questions about reaching your audience, please contact the Marketing and Communications team at [communications@ncarb.org](mailto:communications@ncarb.org).

## UPDATED NCARB GUIDELINES/PROGRAM

### **Intern Development Program (IDP)**

The IDP streamline went into effect starting July 2015, with the program now requiring 3,740 total hours defined by 17 [experience areas](#). The *IDP Guidelines* have been updated to reflect these changes to ensure aspiring architect and IDP supervisors understand the new requirements.

Learn more about the IDP streamline and download the updated *IDP Guidelines* [here](#).

### **Architect Registration Examination® (ARE®)**

The *ARE Guidelines* have been updated to include the new preapproved list of personal items that can be brought into the testing room. These items relate to supporting candidates that are dealing with common temporary or permanent medical conditions. This change helps to reduce the burden these candidates may have had in previously applying for a testing accommodation.

The updated *ARE Guidelines* can be downloaded [here](#).

### **New Certification Program for Foreign Architects**

At the 2015 NCARB Annual Business Meeting, Member Boards agreed to discontinue the current Broadly Experienced Foreign Architect (BEFA) program in favor of a simplified alternative for receiving an NCARB Certificate. The change, effective July 1, 2016, will optimize the process for foreign-licensed architects who do not currently meet the requirements for the NCARB Certificate.

Learn more about the new certification program for foreign architects [here](#).



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### Summary of Changes to CLARB Bylaws April 2015

As a result of the Board of Directors assessment of CLARB's governance structure and processes, they developed a set of recommended enhancements that require changes to the organization's bylaws. The Board is proposing the following changes:

1. Modest clean up and housekeeping
  - The name of the organization was changed throughout the document to "Council of Landscape Architectural Registration Boards Inc." the organization's legal name
  - Standard capitalization of titles was corrected throughout
  - Official title "Committee on Nominations" was corrected throughout
  - Consistent use of spelling numbers out followed by the numeric characters in parenthesis i.e. "two (2)" was corrected throughout
  - Other minor edits
2. Provide all detail (qualifications, terms, nomination and election process, etc.) on every member of the Board of Directors within the same article of the bylaws (much of the content from Article VIII is unchanged, just relocated into Article VII)
3. Codify the new practice for Committee on Nominations involvement in the vetting of all elected positions, officers and directors
4. Bring the bylaws into alignment with best practices (According to [Robert's Rules](#))
5. Implement recommended enhancements to CLARB's governance structure and processes

Below is a summary of the substantive changes to the bylaws that support the Board of Director's recommendations for enhancing CLARB's governance structure and process:

#### Article V – Membership

- Section 3. Organizational Structure – Added "The Board of Directors may also adjust regional boundaries as needed" to the last paragraph

#### Article VII – Officers

- Changed title to "Board of Directors and Officers" and moved all relevant content from Article VIII into this article
- Proposed "Section 2. Members"
  - Identifies all members of the Board of Directors including proposed position of Member Board Executive Director





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- Proposed "Section 4. Qualifications"
  - Qualifications updated to reflect competency based selection criteria – licensed landscape architect, experience on a regulatory board and current knowledge and understanding of CLARB
- Proposed "Section 5. Nomination of Officers and Regional Directors"
  - Codifies nominations and elections process for all officer and regional director positions
  - Deleted transitional language in paragraphs 1-5 that supported the transition for the previous Committee on Nominations elections process
  - Paragraphs 6-8 updated to reflect current duties and practices of the Committee on Nominations
  - Relocated committee on nominations structure and eligibility requirements to proposed "Article IX – Committees. Section 5D Standing Committees"
  - Removed language to support nominations from the floor process
- Proposed "Section 6. Election of Officers and Regional Directors"
  - Added language to reflect that the qualifications to serve as a regional director and the nominations process for the regional director position is the same as the officer positions. Ensures all members of the Board meet the same standards and are vetted in a consistent way
- Proposed "Section 7. Terms of Office"
  - Proposed Item F contains new content that provides term of service and appointment process for the proposed MBE director position
- Proposed "Section 8. Vacancies and Removal from Office"
  - Added "or member board executive director" in the first paragraph to recognize proposed MBE director position
  - Paragraph 2 - Added revised content from Article VIII Section 6 that describes the new vacancy process for regional director position which supports the proposed elimination of the alternate regional director position
  - Paragraph 3 – removed "or alternate regional director" to support proposed elimination of the position

Article VIII – The CLARB Board of Directors – Deleted and all content has been incorporated into Article VII

Article X – Committees

- Section 5. Standing Committees, Item D Committee on Nominations – Committee structure and qualifications added

## **Summary**

### **Proposed Amendment to Rule 7.10 – Fee Schedule**

#### **Current Rule/Background**

Rule 7.10 sets out the Board's fees as well as the service charges that are collected if an online payment is made. Online payment services are provided by Texas.gov, a third-party provider under contract with the Texas Department of Information Resources. The cost of providing and maintaining these services is covered by an additional charge on payments processed through the Internet. The formula for determining the amount of the additional charge is based in part upon the amount of the fee. The charge is 2.25% of the sum of the fee and 25 cents, plus 25 cents. The charge applies to all online payments, including payments made by credit card and payments made through the Automated Clearing House Network (commonly referred to as "ACH"). An ACH payment makes an immediate draw upon the payer's bank account.

Effective September 1, 2015, Texas.gov will assess a flat fee of \$1.00, for each ACH payment in lieu of the current charge. The charge of 2.25% of the sum of the fee plus 25 cents will remain for each credit card payment. For most payments made through ACH, this will be a lower fee.

During 2014, the number of ACH online transactions with TBAE was 713 – 3.7% of online transactions. During the same period there were 18,493 credit card transactions and 2,248 payments by check.

In addition, the current version of Rule 7.10 includes the \$200 professional fee that, effective September 1, 2015, will no longer be collected as a result of the legislature's passage and governor's signature of House Bill 7.

#### **Proposed Amendments**

The proposed amendment modifies the fee schedule to include separate columns for total fees with ACH payments and total fees with credit card payments. The fee schedule includes a \$1 addition for ACH payments, and retains the fee of 2.25% of the sum of the fee and 25 cents, plus 25 cents for credit card payments.

Additionally, the amendments reflect the elimination of the \$200 professional fee required under House Bill 7.

The proposed amendments were published in the July 17, 2015, issue of the Texas Register (40 TexReg 4497). No comments were received.

Staff recommends adoption of the proposed amendments. A copy of the proposed amendments to Rule 7.10 is attached, with underscoring and strike-through language included.

RULE §7.10 General Fees

1 (a) FAILURE TO TIMELY PAY A REGISTRATION RENEWAL WILL RESULT IN THE  
 2 AUTOMATIC CANCELLATION OF REGISTRATION BY OPERATION OF LAW.

3 (b) The following fees shall apply to services provided by the Board in addition to any fee  
 4 established elsewhere by the rules and regulations of the Board or by Texas law. Payment of fees  
 5 through the Internet is an online service provided by Texas.gov, the official Web site of the State  
 6 of Texas. The following additional payments for the online service are not retained by the Board:

7 (1) A person who uses the online service to pay fees with a credit card must pay an additional  
 8 \$.25 plus 2.25% of the sum of the fee and \$.25.

9 (2) A person who uses online services to pay fees by utilizing the Automated Clearing House  
 10 Network (“ACH” sometimes referred to as an “electronic check” or a “direct bank draft”) must  
 11 pay \$1.00 per transaction instead of the fee referenced in Subsection (1).

12 [~~to cover the ongoing operations and enhancements of Texas.gov which is provided by a third~~  
 13 ~~party in partnership with the State of Texas.]~~

Description	Architects	Landscape Architects	Registered Interior Designers	Total Fee Using Credit Card Payment (With the 25 cents times 2.25%)	With the 25 cents times 2.25%	Total Fee Using ACH
Exam Application	\$100	\$100	\$100	\$102.51	\$2.51	\$101
Examination	***	***	**		-	
Registration by Examination-Resident*	\$155	\$155	\$155	\$158.74	\$3.74	\$156
Registration by Examination-Nonresident*	\$180	\$180	\$180	\$184.31	\$4.31	\$181
Reciprocal Application	\$150	\$150	\$150	\$153.63	\$3.63	\$151
Reciprocal Registration*	\$200	\$200	\$200	\$204.76	\$4.76	\$201
Active Renewal--Resident*	\$105	\$105	\$105	\$107.62	\$2.62	\$106
Active Renewal--Nonresident*	\$200	\$200	\$200	\$204.76	\$4.76	\$201
Active Renewal 1-90 days late--Resident*	\$157.50	\$157.50	\$157.50	\$161.30	\$3.80	\$158.50
Active Renewal > than 90 days late--Resident*	\$210	\$210	\$210	\$214.98	\$4.98	\$211
Active Renewal 1-90 days late--Nonresident*	\$300	\$300	\$300	\$307.01	\$7.01	\$301



Active Renewal > than 90 days late--Nonresident <sup>±</sup>	\$400	\$400	\$400	\$409.26	\$9.26	\$401
Emeritus Renewal--Resident	\$10	\$10	\$10	\$10.48	\$0.48	\$11
Emeritus Renewal--Nonresident	\$10	\$10	\$10	\$10.48	\$0.48	\$11
Emeritus Renewal 1-90 days late--Resident	\$15	\$15	\$15	\$15.59	\$0.59	\$16
Emeritus Renewal > than 90 days late--Resident	\$20	\$20	\$20	\$20.71	\$0.71	\$21
Emeritus Renewal 1-90 days late--Nonresident	\$15	\$15	\$15	\$15.59	\$0.59	\$16
Emeritus Renewal > than 90 days late--Nonresident	\$20	\$20	\$20	\$20.71	\$0.71	\$21
Inactive Renewal--Resident	\$25	\$25	\$25	\$25.82	\$0.82	\$26
Inactive Renewal--Nonresident	\$125	\$125	\$125	\$128.07	\$3.07	\$126
Inactive Renewal 1-90 days late--Resident	\$37.50	\$37.50	\$37.50	\$38.60	\$1.10	\$38.50
Inactive Renewal > than 90 days late--Resident	\$50	\$50	\$50	\$51.38	\$1.38	\$51
Inactive Renewal 1-90 days late--Nonresident	\$187.50	\$187.50	\$187.50	\$191.97	\$4.47	\$188.50
Inactive Renewal > than 90 days late--Nonresident	\$250	\$250	\$250	\$255.88	\$5.88	\$251
Reciprocal Reinstatement	\$610	\$610	\$610	\$623.98	\$13.98	\$611
Change in Status--Resident	\$65	\$65	\$65	\$66.72	\$1.72	\$66
Change in Status--Nonresident	\$95	\$95	\$95	\$97.39	\$2.39	\$96
Reinstatement--Resident	\$685	\$685	\$685	\$700.67	\$15.67	\$686
Reinstatement--Nonresident	\$775	\$775	\$775	\$792.69	\$17.69	\$776
Certificate of Standing--Resident	\$30	\$30	\$30	\$30.93	\$0.93	\$31
Certificate of Standing--Nonresident	\$40	\$40	\$40	\$41.16	\$1.16	\$41
Replacement or Duplicate Wall Certificate--Resident	\$40	\$40	\$40	\$41.16	\$1.16	\$41
Replacement of Duplicate Wall Certificate--Nonresident	\$90	\$90	\$90	\$92.28	\$2.28	\$91
Duplicate Pocket Card	\$5	\$5	\$5	\$5.37	\$0.37	\$6
Reopen Fee for closed candidate files	\$25	\$25	\$25	\$25.82	\$0.82	\$26
Annual Business Registration Fee****	\$45	\$45	\$45	\$46.27	\$1.27	\$46
Business Registration Renewal 1-90 days late****	\$67.50	\$67.50	\$67.50	\$69.27	\$1.77	\$68.50

Business Registration Renewal >than 90 days late*****	\$90	\$90	\$90	\$92.28	\$2.28	\$91
Examination--Record Maintenance	\$25	\$25	\$25	\$25.82	\$0.82	\$26
Returned Check Fee	\$25	\$25	\$25	\$25.82	\$0.82	\$26

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

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

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

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

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

18 (c) The Board cannot accept cash as payment for any fee.

19 (d) An official postmark from the U.S. Postal Service or other delivery service receipt may be  
20 presented to the Board to demonstrate the timely payment of any fee.

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

26 (f) A Registrant who is in Good Standing or was in Good Standing at the time the Registrant  
27 entered into military service shall be exempt from the payment of any fee during any period of  
28 active duty service in the U.S. military. The exemption under this subsection shall continue through  
29 the remainder of the fiscal year during which the Registrant's active duty status expires

**Summary**  
**Adoption of Plan for Review of Agency Rules**

**Current Rule/Background**

Under Texas Government Code Section 2001.039, a state agency is required to review and consider for readoption each of its rules every four years. The rule review process must include an assessment of whether the reasons for initially adopting the rule continue to exist. After reviewing agency rules, the state agency must determine whether each rule should be readopted, readopted with amendments, or repealed.

The most recent review of agency rules began in June of 2012. Staff proposes that the attached rule review plan be adopted. The plan calls for the review of Chapters 1 and 3 to begin in March of 2016, and the review of Chapters 5 and 7 to begin in June of 2016. Pursuant to the rule review, Staff will publish a notice in the Texas Register that a rule review has commenced, inviting the public to provide comments on the existing agency rules. Based upon Staff's review of agency rules and any comments received, Staff will return to the Board with recommendations on readoption or repeal of the existing rules.

Staff recommends adoption of the attached proposed rule review plan. If adopted, the plan will be published in the Texas Register.

## **Texas Board of Architectural Examiners Rule Review Plan**

In accordance with Texas Government Code §2001.039, the Texas Board of Architectural Examiners (Board) files this rule review plan setting out the schedule on which the Board's rules will be reviewed.

The Board will conduct a review of its rules on a chapter-by-chapter basis and individual notices of intent to review all rules under each chapter will be published in the Rule Review section of the *Texas Register*. An assessment will be made by the Board as to whether the reasons for adopting or readopting the rules continue to exist. Readopted rules will be noted in the Rules Review section without publication of the text. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be open for a 30-day public comment period prior to final adoption or repeal.

The review of the chapters listed below will begin in March of 2016:

Chapter 1, Architects

Chapter 3, Landscape Architects

The review of the chapters listed below will begin in June of 2016:

Chapter 5, Registered Interior Designers

Chapter 7, Administration

Comments and questions may be directed to Lance Brenton, General Counsel, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8519 or by email at [lance.brenton@tbae.state.tx.us](mailto:lance.brenton@tbae.state.tx.us)

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

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

**Case Number:** 137-14N  
**Respondent:** Judy Blundell  
**Location of Respondent:** Taylor, TX  
**Date of Complaint Received:** June 17, 2014  
**Instrument:** Revised Report and Notice of Violation

Findings:

- Judy Blundell (hereafter “Respondent”) is not and never has been registered as an architect in Texas.
- Respondent is an owner of a business entity named “LIVING LINE DESIGN.”
- On or about April 24, 2014, the Board received a telephone call from an anonymous party notifying the Board that she had used the title ‘Architect.’ The Board obtained a copy of the newspaper article from the *Austin American Statesman* dated April 19, 2014, regarding the remodel of a building in Taylor, Texas, identified as the “McCrary Timmerman Building” located at 201 N. Main St., Taylor, Texas. Further investigation revealed the project was for the remodel of a commercial building which was in excess of 20,000 square feet. The newspaper article included photographs of her and at least three references to her as the “architectural designer” for the project.
- On or about June 16, 2014, the Board obtained a copy of a form titled “Commercial Building Application” from the City of Taylor. The form included the words “McCrary Timmerman Building” on a line labeled “Project Name.” The form specified “33,000” as the total square feet of the project, the name “Judy Blundell” is written in a box titled “Architect” and her signature appears on a line adjacent to the words “Signature of Applicant” which is dated July 29, 2013. A statement is printed immediately above the signature which begins “I hereby certify that I have read and examined this application and know the same to be true and correct.”
- The Board also obtained a copy of a set of architectural plans which had been filed with the commercial building application. The words “The McCrary Timmerman Building” appear on the title block on each plan sheet under the heading “Project Title.” The term “Living Line Design for Cwmry\_Boyd II, LLC” appeared on the title block in a section titled “Design Firm” and the initials “jmb” appear in a section of the title block which is titled “Drawn By.”
- On or about June 24, 2014, the Board contacted her to inform her that it had received information which indicated she may have violated the laws enforced by the Board and requested that she respond in writing. In her initial response dated July 1, 2014, she stated that she had been actively involved in the project on a daily basis because she was a co-owner of the building. Furthermore, her written response included the following sentence: “I did develop the concept for the project and I have set out the proposed floor plans and I have also worked alongside our appointed contractors, engineers and planners throughout the demolition, design and preliminary construction process.”
- During the course of its investigation the Board contacted the Director of Planning and Development for the City of Taylor. He stated she filed the application for a commercial building permit for the restoration and renovation of the “McCrary Timmerman Building” on July 29, 2013, together with the set of architectural plans the Board obtained from the City of Taylor.
- In addition, she indicated in her response that she had studied architecture at The University of Texas at Austin for four years as well as studied architecture at the University of Technology in

Sydney, Australia during which time she was a student and apprenticed member of the Royal Institute of Architects (RAIA).

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. §§1051.351(a) &1051.701(a).
- A person who is not registered by the Board as an architect may prepare architectural plans and specifications for exempt projects only if the person does not use a professional or business title that uses a form of the word “architect” or otherwise represents the person as an architect or architectural designer. TEX. OCC. CODE ANN. §1051.606(a).
- The preparation of the architectural plans and specifications for the construction, enlargement or alteration of a commercial building is exempt from the Act only if the building does not exceed a height of two stories or a square footage of 20,000 square feet.
- Only architects, duly registered by the Board, may use any form of the words “architect” or “architecture” to describe themselves or to describe the services they offer or perform in Texas. TEX. OCC. CODE ANN. §1051.701(a) and 22 TEX. ADMIN. CODE §1.123(a).
- By preparing architectural plans for the renovation of a commercial building which exceeds 20,000 square feet and by using the title “architect” on an application to obtain a building permit for the construction of the project, she violated TEX. OCC. CODE ANN. §1051.701(a) which prohibits a person from engaging in the practice of architecture unless registered as an architect.

Action Recommended by Executive Director:

The Executive Director recommends, and Respondent is prepared to accept, the issuance of a Revised Report and Notice of Violation imposing an administrative penalty in the sum of **\$10,000** and an Order prohibiting Respondent from practicing architecture.

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

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

**Case Number:** 035-15N  
**Respondent:** Randy Harrison  
**Location of Respondent:** Hutto, Texas  
**Date of Complaint Received:** December 2, 2014  
**Instrument:** Revised Report and Notice of Violation

**Findings:**

- Randy Harrison (hereafter “Respondent”) is not and never has been registered as an architect in Texas.
- Respondent was an employee of *Ilcor Homes*.
- On or about January 27, 2014, *Ilcor Homes* submitted an application for a building permit for a residential project with the City of Brownwood. Construction documents for the project were submitted with the application.
- The City of Brownwood performed a plan review and prepared a list of notes to be addressed by *Ilcor Homes* which was transmitted to them on January 28, 2014. A note written on a sheet numbered S-1 addressed the spacing of concrete cross beams in the concrete slab on grade. The note reads as follows: “Minimum spacing of grade beams is 16’ 0” O.C. each way, unless an engineered plan is provided with signed seal.”
- Upon receiving the list of notes to be addressed by *Ilcor Homes*, Respondent contacted the client, Jim Williamson of Central Texas Opportunities, about the additional structural needs of the project. He indicated Mr. Williamson stated that he did not have the money in the budget for the additional beam and that he would contact the architect on the project, who was identified as “Orr and Associates.”
- Furthermore, Respondent stated that Mr. Williamson subsequently contacted him and stated that the architect was in failing health and would no longer be working on the project with him. He instructed Respondent to take the original drawing with the architectural seal to the City.
- On February 4, 2014, the City of Brownwood received a resubmittal of the drawings. Sheet S-1 had an architectural seal of architect, James Orr, bearing architectural number 4692, along with the architect’s firm name and contact information.
- In his written response, Respondent included the following statement: “I had to make a few changes to the overall width and length of the floor plan in order for it to fit on the lot and I assumed that with those being the only changes that I had made since the architect was in failing health that I would add his seal to my drawing. It was a wrong assumption on my part and I can see now that I should have contacted the architect myself.”
- Respondent admitted to the infraction and cooperated with the investigation. In addition, he expressed remorse for his wrong assumption and bad judgment and is no longer working in the construction industry.

**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).
- A person may not use or attempt to use an architect’s seal, a similar seal, or a replica of the seal unless the use is by or through an architect. TEX. OCC. CODE ANN. §1051.702(b).

- By creating a copy of an architect's seal without the knowledge or consent of the architect and by affixing the copy of the seal and the architect's signature to plans submitted to a governmental entity for permitting purposes, Respondent violated TEX. OCC. CODE ANN. §1051.702(b).

Action Recommended by Executive Director:

The Executive Director recommends, and Respondent is prepared to accept, the issuance of an Agreed Order imposing an administrative penalty in the sum of **\$5,000** and an Order prohibiting Respondent from practicing architecture, using any architectural title and using or replicating an architectural seal in order to mislead a governmental entity or any other person.



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

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

**Case Number:** 088-14N  
**Respondent:** Dawn Moore  
**Location of Respondent:** Austin, TX  
**Date of Complaint Received:** February 10, 2014  
**Instrument:** Agreed Order

**Findings:**

- Dawn Moore (hereafter “Respondent”) is not and never has been registered as an architect in Texas.
- Respondent is an owner of a business entity named “MOORE | TATE PROJECTS + DESIGN L.L.C.” (hereafter MOORE | TATE).
- MOORE | TATE has never been registered with the Board as an architectural firm.
- On or about February 10, 2014, the Board received a telephone call from a plans examiner for the City of Austin. The plans examiner advised that she had reviewed 4 sheets of construction documents for a residential project known as “New 2 Story House” to be located at 1510 Newton, Austin, Texas. The construction documents that were filed with the City of Austin had a replica of an architectural seal affixed to them.
- During the course of the investigation, the Board’s Managing Investigator interviewed architect, Steven Meyers. Mr. Meyers acknowledged that he had a business relationship with Respondent in the past and had agreed to do some design work for her business. The Board’s Investigator advised Mr. Meyers that his seal had been altered and placed on construction documents for the project located at 1510 Newton.
- Subsequently, Mr. Meyers advised the Board that he had learned that his seal image and signature had been placed on construction documents for six other residential projects wherein permits were issued and the projects were constructed.
- Mr. Meyers swore that he did not affix the seals or signatures to any of the documents and he was not familiar with the projects or the development of the project construction documents.
- Respondent has cooperated with and been forthright during the investigation as well as the Informal Settlement Conference.

**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. §§1051.351(a) &1051.701(a).
- A person may not use or attempt to use an architect’s seal, a similar seal, or a replica of the seal unless the use is by or through an architect. TEX. OCC. CODE ANN. §1051.702(b).
- By creating a copy of an architect’s seal without the knowledge or consent of the architect and by affixing the copy of the seal and the architect’s signature to plans submitted to a governmental entity for permitting purposes, Respondent violated TEX. OCC. CODE ANN. §1051.702(b).

**Action Recommended by Executive Director:**

The Executive Director recommends, and Respondent is prepared to accept, the issuance of an Agreed Order imposing an administrative penalty in the sum of **\$40,000** and an Order prohibiting

Respondent from practicing architecture, using any architectural title and using or replicating an architectural seal in order to mislead a governmental entity or any other person.

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

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

**Case Number:** 075-11A  
**Respondent:** James Calvin Walker  
**Location of Respondent:** Brownsville, TX  
**Date of Complaint Received:** June 25, 2012  
**Instrument:** Final Order

**Background Information:**

- James Calvin Walker (hereafter “Respondent”) is a registered architect in Texas bearing architectural registration number 5428.
- On June January 27, 2011, the Board received a copy of a set of construction documents from the City of McAllen for a project identified as “Mosaic Lofts.” The set of construction documents for the Mosaic Lofts project included architectural and engineering plans for an apartment complex of six buildings, identified as building “A” through building “F.” Sheets A-10 through A-4.10 were for residential lofts which exceed two stories in height and which contain more than two separate units intended to be used for human habitation. The units are separated by walls rather than open space and are, therefore, “multifamily dwellings.”
- Respondent’s architectural seal and signature were affixed to twenty-two of the sheets of construction documents. Respondent’s signature on the sheet from the set titled “Sheet Index” was dated February 8, 2007. Respondent’s signature on the sheets depicting site plans, floor plans, and exterior elevations was dated January 10, 2007. Respondent’s signature on two sheets titled “Roof Plan” was dated January 12, 2007.
- Although note 23 of sheet “S-1” from the structural engineering construction documents stated: “Refer to architectural roof plan and elevations for roof slope,” the roof plans, which Respondent prepared, and the architectural plans depicting building elevations, which Respondent reviewed and to which he affixed his architectural seal, did not specify the degree of slope, the height of parapet walls or other vertical elements, the materials for construction, the location of HVAC equipment, the penetration for electrical conduit and refrigerant piping through the roof deck, or the method or manner for assembling the roof system.
- The plans prepared or reviewed and modified by Respondent also did not include details such as the design of curbs, flashing, scuppers, the sealing of transitions between the roof deck and parapet walls, the transition between parapets and walls, and flashing over the coping on parapet walls. The construction documents titled “Roof Plans” did not include any material notations or sizes or detail dimensions of elements, including scuppers. There is not notation as to size, vertical location, or construction of the scuppers.
- The contractor constructed roofs for the buildings of the Mosaic Lofts by “hot mopping” one layer of cap sheet to the wooden roof decking without a base sheet which is not in compliance with industry standards. Also, the roofs were constructed with flaws regarding the height of curbs, flashing at curbs, parapets, scuppers and other locations and improperly installed electrical and refrigerate conduit penetrating through the roofs which resulted in leaks into the building and the walls of the building. The roofs allowed water penetration at the top of the parapet walls, through the flashing at the base of the parapet walls, and through penetrations in the middle of the roof fields.

- Sheets A-4.0, A-4.1, A-4.2, A-4.3, A-4.4, A-4.6, A-4.7, A-4.8 A-4.9 and A-4.10 depict building elevations for the buildings of the Mosaic Lofts project. Each sheet of construction documents bear Respondent's architectural seal, signature and date of signing. Each sheet depicts brick veneer on the facing of portions of the exterior walls of buildings which exceed 30 feet in height without notation or indication of control joints or structural support.
- The building elevation sheets, bearing Respondent's architectural seal, lacked any notation or indication regarding the attachment of the brick veneer to the building, weep holes to allow drainage of water from the walls, or proper installation of windows.
- The brick veneer, to the extent exceeding 30 feet in height without a horizontal structural support, posed a potential hazard at the Mosaic Lofts apartment complex.
- Water entered the buildings at the base of the walls.
- The architectural plans did not include building sections or wall section details. The construction documents did not include a set of specifications.
- On October 21, 2014, Board members, Chuck Anastos, Debra Dockery and Davey Edwards along with Board staff attended a mediation in this matter with Respondent and his attorneys at the State Office of Administrative Hearings. At that time, the case was tentatively settled pursuant the terms listed in the "Action Recommended by Executive Director" with approval by the full Board.

#### Applicable Statutory Provisions and Rules:

- By preparing roof plans with minimal detail or instruction, and affixing his seal to building elevation plans which depicted insufficiently detailed structural design of the brick veneer, Respondent affixed his seal to a set of plans that inadvertently omitted details and that the Board regards as insufficient for the purpose of construction. 22 TEX. ADMIN. CODE §1.101(1).
- By failing to prepare, review, or have anything to do with the specifications of materials for the construction of the Mosaic Loft project, the Board contends that Respondent did not sufficiently integrate all components or systems of the building and its environs. The Board contends that Respondent's conduct deviated from the standards of conduct established by the Board, pursuant to TEX. OCC. CODE §1051.208.
- 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 terms of the mediated agreement reached by Board representatives and Respondent and his attorneys, the Executive Director recommends that the Board adopt the attached "Final Order" that was agreed to during mediation by Mr. Anastos, Ms. Dockery, and Mr. Edwards. Adoption of the Order would impose the following discipline upon Respondent:
  - a. The architectural registration of Respondent shall be placed on probated suspension for a period of twenty-four (24) months commencing upon the effective date of this Order. During the period of probated suspension, Respondent shall submit a list of his sealed projects quarterly to the Texas Board of Architectural Examiners for the agency to perform a spot audit at its discretion.
  - b. Respondent shall pay to the Board an administrative penalty of Twenty Five Thousand Dollars (\$25,000.00) to be paid over a five (5) year period. Respondent shall pay a minimum of \$15,000 to be paid over the first three (3) years of the five (5) year period. If Respondent voluntarily surrenders his certificate of registration or changes his registration status to emeritus status after the conclusion of the first three (3) year period, the remainder of the administrative penalty will be waived until Respondent reinstates his registration status or reactivates his emeritus registration. Respondent may arrange for monthly payments.

IN THE MATTER OF  
JAMES CALVIN WALKER

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BEFORE THE TEXAS BOARD

OF

TEXAS ARCHITECT  
Registration Number 5428

ARCHITECTURAL EXAMINERS

**FINAL ORDER**

This Final Order is executed and presented for review and approval pursuant to the authority of the Administrative Procedures Act (APA), Texas Government Code §2001.056, which authorizes the informal disposition of contested cases. In the desire to conclude this matter without further delay and expense, the Board and Respondent contract to resolved all current differences and disputes through this Final Order. The Respondent agrees to this Order for the purpose of resolving this proceeding and, except to the extent of his acknowledgment below, neither admits nor denies the findings of fact and conclusions of law set forth.

Upon recommendation of its Interim Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

**FINDINGS OF FACT**

1. For all times pertinent to this Notice of Violation, James C. Walker ("Respondent") has been registered as an architect in the State of Texas. Respondent's architectural registration number is 5428.
2. On or about 2006 Respondent was retained to review and, if necessary, modify a set of architectural plans for a project identified as "Mosaic Lofts." The architectural plans had been prepared by Mr. Rafael Sanchez who is not an architect registered in the State of Texas.
3. Respondent made modifications to the architectural plans by hand. Draftsmen employed by Mr. Sanchez incorporated Respondent's changes into a final set of architectural plans to which Respondent affixed his architectural seal, signature and the date of signing.
4. During the course of Respondent's plan review, Respondent discovered that there were no construction documents depicting the design of the roofs of the Mosaic Lofts buildings. Respondent prepared Sheet A-3.0 and Sheet A-3.10 each titled "Roof Plan." Respondent affixed his architectural seal, his signature and the date of signing to the roof plan construction documents.



5. On January 27, 2011, the Board received a copy of a set of construction documents from the City of McAllen for a project identified as "Mosaic Lofts." The set of construction documents for the Mosaic Lofts project included architectural and engineering plans for an apartment complex of six buildings, identified as building "A" through building "F". Sheets A-1.0 through A-4.10 were for residential lofts which exceed two stories in height and which contain more than two separate units intended to be used for human habitation. The units are separated by walls rather than open space and are, therefore, "multifamily dwellings." 22 TEX. ADMIN. CODE §1.211(b).

6. Respondent's architectural seal and signature were affixed to twenty-two of the sheets of construction documents. Respondent's signature on the sheet from the set titled "Sheet Index" was dated February 8, 2007. Respondent's signature on the sheets depicting site plans, floor plans, and exterior elevations was dated January 10, 2007. Respondent's signature on two sheets titled "Roof Plan" was dated January 12, 2007.

7. In addition to the sheets of construction documents bearing Respondent's architectural seal, there were twenty-two sheets of construction documents depicting floor plans, numbered A-2.0 through A-2.21, which did not bear Respondent's seal or the seal of any other design professional. The copies of unsealed construction documents duplicate the floor plans depicted on plan sheets bearing Respondent's seal, except that they were set to a larger scale. These sheets of construction documents were listed on the sheet titled "Sheet Index" which bears Respondent's architectural seal, signature, and the date of sealing.

8. Respondent prepared Sheet A-3.0 and Sheet A-3.1 which are titled "Roof Plan." The roof plan sheets depict the footprint of the building from edge to edge of the perimeter of each of the six buildings that make up the Mosaic Lofts project. Arrows on the roof plans appears to indicate the direction of slope. The Board maintains that the roof plans include a scale but do not provide adequate direction or information.

9. Although note 23 of sheet "S-1" from the structural engineering construction documents stated: "Refer to architectural roof plan and elevations for roof slope," the roof plans, which Respondent prepared, and the architectural plans depicting building elevations, which Respondent reviewed and to which he affixed his architectural seal, did not specify the degree of slope, the height of parapet walls or other vertical elements, the materials for construction, the location of HVAC equipment, the penetration for electrical conduit and refrigerant piping through the roof deck, or the method or manner for assembling the roof system.

10. The plans prepared or reviewed and modified by Respondent also did not include details such as the design of curbs, flashing, scuppers, the sealing of transitions between the roof deck and parapet walls, the transition between parapets and walls, and flashing over the coping on parapet walls. The construction documents titled "Roof Plans" did not include any material notations or sizes or detail dimensions of elements, including scuppers. There is no notation as to size, vertical location, or construction of the scuppers.

11. The construction documents titled "Roof Plan" did not include any notation or direction to install flashing. There were no references or notations to refer to the Sheet Metal and Air

Conditioning Contractors National Association Manual, commonly referred to as “SMACNA Manual” or the National Roofing Contractors’ Association Manual, the “NRCA Manual” to provide details and direction for the installation of flashing and other construction details for a watertight roof. In addition, there is no reference on the construction documents to a resource book titled *Architectural Graphic Standards* for roof details. It is a common standard of practice by reasonably prudent architects to include notations to reference these resources to provide direction to construction contractors to properly construct a roof and other building details.

12. The contractor constructed roofs for the buildings of the Mosaic Lofts by “hot mopping” one layer of cap sheet to the wooden roof decking without a base sheet which is not in compliance with industry standards. Also, the roofs were constructed with flaws regarding the height of curbs, flashing at curbs, parapets, scuppers and other locations and improperly installed electrical and refrigerant conduit penetrating through the roofs which resulted in leaks into the building and the walls of the building. The roofs allowed water penetration at the top of the parapet walls, through the flashing at the base of the parapet walls, and through penetrations in the middle of the roof fields.

13. Sheets A-4.0, A-4.1, A-4.2, A-4.3, A-4.4, A-4.6, A-4.7, A-4.8, A-4.9 and A-4.10 depict building elevations for the buildings of the Mosaic Lofts project. Each sheet of construction documents bear Respondent’s architectural seal, signature and date of signing. Each sheet depicts brick veneer on the facing of portions of the exterior walls of buildings which exceed 30 feet in height without notation or indication of control joints or structural support.

14. The building elevation sheets, bearing Respondent’s architectural seal, lacked any notation or indication regarding the attachment of the brick veneer to the building, weep holes to allow drainage of water from the walls, or proper installation of windows.

15. The Brick Industry Association publishes a reference titled “Tech Notes” on the Internet which architects may reference to provide construction guidance on control joints and structural support for brick walls. It is a standard professional practice for architects to reference industry association technical bulletins and other resources to provide direction in the proper construction of building details. The construction documents depicting building elevations do not include any reference to “Tech Notes” or any other resource to provide direction in the construction of the brick veneer.

16. The brick veneer, to the extent exceeding 30 feet in height without a horizontal structural support, posed a potential hazard at the Mosaic Lofts apartment complex.

17. Water entered the buildings at the base of the walls.

18. The architectural plans did not include building sections or wall section details. The construction documents did not include a set of specifications.

19. The Board offered Respondent an opportunity to attend an informal conference at the Board’s offices. Respondent requested and was granted an informal conference on May 22, 2014. At the informal conference, Respondent stated he had been retained solely for the purpose



of modifying the plans and sealing them for the purpose of obtaining a building permit. Respondent stated he was told to make no further modifications than the minimum necessary to secure a building permit. Respondent also stated he was told that the materials from another apartment complex would be used for the Mosaic Lofts apartments and therefore there was no need for a separate set of specifications. Respondent reported that he had a 40-year career as an architect, has been active in civic organizations, and has always endeavored to be a positive representation of the profession.

20. Respondent maintains that his scope of work for the Mosaic Lofts Project did not include coordination of engineering sub-consultants, construction administration, and the preparation of specifications.

#### CONCLUSIONS OF LAW

1. The Texas Board of Architectural Examiners possesses jurisdiction over the Respondent. The Texas Board of Architectural Examiners may take disciplinary action against Respondent if the Board finds Respondent has violated the laws enforced by the Board. TEX. OCC. CODE ANN., Subchapters I & J; 22 TEX. ADMIN. CODE § 1.177.

3. The limited exemption which is created by TEX. OCC. CODE ANN. § 1051.606(a)(4)(C) for multifamily dwellings is not applicable to this case because the apartment buildings were in excess of two stories and, therefore, the Architects' Practice Act requires that the architectural plans and specifications be prepared and issued only by an architect.

4. Respondent's architectural seal on construction documents indicates Respondent's confirmation that the architectural plans depicted on the construction documents are complete and suitable for issuance for construction, permitting and regulatory approval. 22 TEX. ADMIN. CODE §1.101(1).

5. By preparing roof plans with minimal detail or instruction, and affixing his seal to building elevation plans which depicted insufficiently detailed structural design of the brick veneer, Respondent affixed his seal to a set of plans that inadvertently omitted details and that the Board regards as insufficient for the purpose of construction. 22 TEX. ADMIN. CODE §1.101(1).

6. By failing to prepare, review, or have anything to do with the specifications of materials for the construction of the Mosaic Loft project, the Board contends that Respondent did not sufficiently integrate all components or systems of the building and its environs. The Board contends that Respondent's conduct deviated from the standards of conduct established by the Board, pursuant to TEX. OCC. CODE §1051.208.

7. The Board has a compelling interest in ensuring that architects prepare construction documents which provide adequate direction to contractors regarding details and materials to construct the project in a manner which complies with building codes and the standards of practice of a reasonably prudent architect. The Board has an especially compelling interest in



ensuring architects do not disregard the need for details and instructions on construction documents.

8. Pursuant to TEX. OCC. CODE §1051.752, Respondent is subject to disciplinary action for violation of the rules of the Board. Pursuant to TEX. OCC. CODE §1051.751, the Board's disciplinary powers include revocation, suspension, refusal to renew registration, reprimand and the imposition of an administrative penalty.

9. Due to the seriousness of the conduct, the alleged damages resulting from Respondent's conduct and the alleged hazard posed to health, safety and welfare, it is appropriate for the Board to impose the following Order:

a. The architectural registration of Respondent shall be placed on probated suspension for a period of twenty-four (24) months commencing upon the effective date of this Order. During the period of probated suspension, Respondent shall submit a list of his sealed projects quarterly to the Texas Board of Architectural Examiners for the agency to perform a spot audit at its discretion.

b. Respondent shall pay to the Board an administrative penalty of Twenty Five Thousand Dollars (\$25,000.00) to be paid over a five (5) year period. Respondent shall pay a minimum of \$15,000 to be paid over the first three (3) years of the five (5) year period. If Respondent voluntarily surrenders his certificate of registration or changes his registration to emeritus status after the conclusion of the first three (3) year period, the remainder of the administrative penalty will be waived until Respondent reinstates his registration status or reactivates his emeritus registration. Respondent may arrange monthly payments.

10. Until approval by the Board, the members representing the Board (Chuck Anastos, Debra Dockery and Davey Edwards) during mediation are authorized to sign this order on behalf of the Board. By signing this Final Order, Respondent acknowledges his understanding of it and agrees that he will satisfactorily comply with the mandate of this Order in a timely manner or be subject to further disciplinary action by the Board. Further, Respondent knowingly and voluntarily waives his right to a formal hearing before the State Office of Administrative Hearings and any other right to judicial review or other challenge to these proceedings or any order or judgment which may have issued by direct appeal or any other cause of action, including declaratory or injunctive relief. Respondent does not by agreement to this Final Order agree with or ratify the Board's Findings of Fact or Conclusions of Law. Respondent and the Board enter into this Final Order in the interest of avoiding costs associated with further litigation relating to this enforcement matter.

11. Respondent agrees to waive any claim that presentation of a settlement agreement that has been agreed to by the Respondent, and recommended to the Board by the Interim Executive Director, will prejudice or disqualify the Board from future consideration of this case should it be necessary for the Board to again consider this case. This waiver does not waive other potential procedural defects.

I, James Calvin Walker, hereby offer to resolve all matters pending before the Texas Board of Architectural Examiners in Case #075-11A. In consideration for the Board dismissing all investigatory and enforcement proceedings against me and taking no further action in response to the facts set out in this Report and Notice of Violation I hereby waive all rights to a hearing. I do not, by agreement to this Final Order, agree with or ratify the board's Findings of Fact or Conclusions of Law. The Board and I enter into this Final Order in the interest of avoiding costs associated with further litigation relating to this enforcement matter.

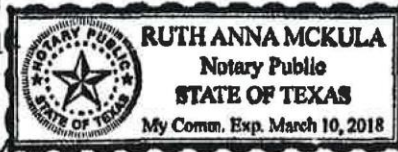
*RM/Vcw 30th*

Signed this the 21<sup>st</sup> day of October, 2014;

*[Handwritten signature of James Calvin Walker]*  
JAMES CALVIN WALKER, RESPONDENT

Came before me this day the above-named James C. Walker, who, upon sufficient identification, did execute the foregoing in witness whereof I set my hand and seal of office.

DATED: *RM/Vcw* October 21, 2014



*[Handwritten signature of Ruth Anna Mckula]*  
NOTARY IN AND FOR THE STATE OF TEXAS

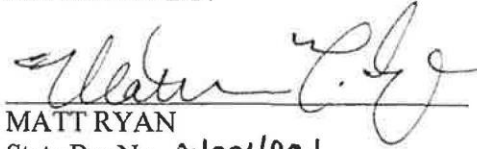
Approved by representative board members of the Texas Board of Architectural Examiners on this 21<sup>st</sup> day of October, 2014.

*[Handwritten signature of Charles (Chuck) Anastos]*  
CHARLES (CHUCK) ANASTOS,  
TBAE BOARD MEMBER

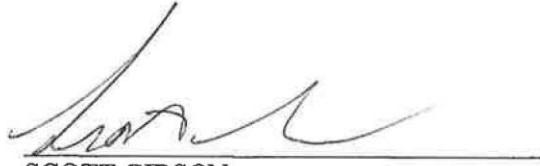
*[Handwritten signature of Debra Dookery]*  
DEBRA DOOKERY,  
TBAE BOARD MEMBER

*[Handwritten signature of Davey Edwards]*  
DAVEY EDWARDS,  
TBAE BOARD MEMBER

APPROVED BY:



MATT RYAN  
State Bar No. 24004901  
ALLENSWORTH & PORTER, L.L.P.  
100 Congress Ave., Ste. 700  
(512) 708-1250  
ATTORNEY FOR RESPONDENT,  
JAMES CALVIN WALKER



SCOTT GIBSON  
State Bar No. 00793185  
333 Guadalupe St., Ste. 2-350  
Austin, TX 78701  
(512) 305-9000  
ATTORNEY FOR THE TEXAS BOARD  
OF ARCHITECTURAL EXAMINERS

**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>083-151</b>
<b>Respondent:</b>	<b>Lea Ann Burns</b>
<b>Location of Respondent:</b>	<b>Houston, 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:

- Lea Ann Burns (hereafter "Respondent") is a registered interior designer in Texas with registration number 3370.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2014 through December 31, 2014, but completed them prior to the renewal of her interior design registration.

Applicable Statutory Provisions and Rules:

By failing to timely complete the required continuing education program hours during the audit period, but before her renewal period, Respondent violated Board rule 5.79. The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

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

**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>073-151</b>
<b>Respondent:</b>	<b>Martie Kay Huggins</b>
<b>Location of Respondent:</b>	<b>Georgetown, 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:

- Martie Kay Huggins (hereafter "Respondent") is a registered interior designer in Texas with registration number 6842.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2014 through December 31, 2014, but completed them prior the renewal of her interior design registration.

Applicable Statutory Provisions and Rules:

By failing to timely complete the required continuing education program hours during the audit period, but before her renewal period, Respondent violated Board Rule 5.79. The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

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



**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>084-15A</b>
<b>Respondent:</b>	<b>Garrett P. Martin</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>Revised Report and Notice of Violation</b>

**Findings:**

- Garrett P. Martin (hereafter "Respondent") is registered as an architect in Texas with registration number 17927.
- Based upon the results of a random continuing education audit, it was determined that he falsely reported continuing education compliance to the Board for the audit period of January 1, 2014 through December 31, 2014.

**Applicable Statutory Provisions and Rules:**

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board's standard assessment for providing false information is **\$700**.

**Action Recommended by Executive Director:**

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

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

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

<b>Case Number:</b>	<b>074-15A</b>
<b>Respondent:</b>	<b>Ellen Maureen Moriarty</b>
<b>Location of Respondent:</b>	<b>Carrollton, 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:

- Ellen Maureen Moriarty (hereafter "Respondent") is registered as an architect in Texas with registration number 19792.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2014 through December 31, 2014, but completed them prior to the renewal of her interior design registration.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

**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>071-15A</b>
<b>Respondent:</b>	<b>John James Speegle</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:

- John James Speegle (hereafter “Respondent”) is registered as an architect in Texas with registration number 7751.
- On January 15, 2015, 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, 2013 through December 31, 2013.
- On April 23, 2015, he responded by submitting a CEPH Log and supporting documentation. 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 indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is **\$700**.
- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2013 through December 31, 2013, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500**.

Action Recommended by Executive Director:

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



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

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

<b>Case Number:</b>	<b>070-15A</b>
<b>Respondent:</b>	<b>Colin Lee Stanley</b>
<b>Location of Respondent:</b>	<b>Dallas, 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:

- Colin Lee Stanley (hereafter “Respondent”) is registered as an architect in Texas with registration number 22606.
- On December 15, 2014, 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, 2013 through December 31, 2013.
- On March 27, 2015, he responded by submitting a CEPH Log and supporting documentation. 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 indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is **\$700**.
- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2013 through December 31, 2013, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500**.

Action Recommended by Executive Director:

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

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

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

<b>Case Number:</b>	<b>050-14A</b>
<b>Respondent:</b>	<b>Scott L. Stone</b>
<b>Location of Respondent:</b>	<b>Dallas, 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:

- Scott L. Stone (hereafter "Respondent") is registered as an architect in Texas with registration number 12288.
- On June 17, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of June 1, 2011 through May 31, 2012.
- Shortly thereafter, he responded by contacting the Continuing Education Coordinator and informed him that he had a computer crash and had lost all of his certificates.
- On May 29, 2015, he contacted the Board and pre-paid the administrative penalty and all back renewal and late fees online. Therefore, Respondent is currently in good standing with the Board.

Applicable Statutory Provisions and Rules:

By failing to maintain a detailed record of his continuing education activities for the period of June 1, 2011 through May 31, 2012, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500**.

Action Recommended by Executive Director:

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

**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>082-151</b>
<b>Respondent:</b>	<b>Christina Beeney Wilburn</b>
<b>Location of Respondent:</b>	<b>Houston, 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:

- Christina Beeney Wilburn (hereafter "Respondent") is a registered interior designer in Texas with registration number 11317.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2014 through December 31, 2014, but completed them prior to the renewal of her interior design registration.

Applicable Statutory Provisions and Rules:

By failing to timely complete the required continuing education program hours during the audit period, but before her renewal period, Respondent violated Board Rule 5.79. The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

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

## NCARB

### INTERN DEVELOPMENT PROGRAM

#### EXPERIENCE PORTFOLIO DOCUMENTATION METHOD

**FOR COMMENT BY TBAE AUGUST 24, 2015**

#### **SUMMARY OF CURRENT REQUIREMENTS – REPORTING TRAINING HOURS FOR IDP**

Six-month Rule: In July 2010, the six-month rule for reporting intern development training hours went into effect. The rule requires all interns to submit their training hours in reporting periods no longer than 6 months and to submit the training reports no later than 2 months after the reporting period. Previous to this rule, there was not a time limit on the training reporting.

5 Year Look Back: In 2014, the reporting period was expanded to allow 50% credit for experience up to 5 years old that had not been reported per the six month rule. TBAE voted to accept this rule change.

#### **BASIC CRITERIA**

Per recent changes in the IDP streamlining effort, currently 3,740 training hours in prescribed experience areas are required. At least 1,860 hours must be earned under the supervision of a U. S. licensed architect. Experience in an alternative setting under a licensed engineer, landscape architect or architect not licensed in the U.S. may be submitted for the remaining experience hours. Hours may be earned upon high school graduation. The candidate’s supervisor/employer validates and confirms the experience.

#### **PROPOSED REPORTING CHANGE**

For experience beyond 5 years that was not reported, the candidate would prepare documentation of the past experience including work product examples demonstrating competent performance of IDP tasks and submits electronically to the candidates current supervisor or mentor (not the supervisor under whom the work was performed).

#### **PROGRAM RATIONALES**

Facilitating licensure is the primary goal for NCARB.

Provide a path for completing experience for those that left the profession and want to come back, did not previously document the experience, and did not pursue licensing in a timely manner.

Program needs to “not be overly complicated and financially burdensome.”

Recognize that “experience is experience.”

The current supervisor certifying the competence of the applicant will have a “complete” picture of the applicant’s experience.

### **QUESTIONS**

Would the experience documented through this program be counted at 50% like the 5 Year Look Back, or at full value?

What happens if the current employer/supervisor is not an architect or otherwise qualified by the NCARB requirements to perform the certification?

Why couldn’t the supervisor under whom the work was preformed certify the experience?

Summary prepared by Debra J. Dockery, Architect, PC

NCARB

National  
Council of  
Architectural  
Registration  
Boards

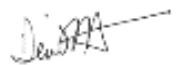
**MEMORANDUM**

Dennis S. Ward, AIA, NCARB  
President/Chair of the Board  
Greenville, South Carolina

**TO:** NCARB Member Boards

Kristina A. Harding, AIA, NCARB  
1st Vice President/President-Elect  
Huntsville, Alabama

**FROM:** Dennis S. Ward, AIA, NCARB  
President/Chair of the Board



Gregory L. Emy, NCARB, AIA  
2nd Vice President  
Reno, Nevada

**DATE:** July 1, 2015

David L. Hoffman, FAIA, NCARB  
Treasurer  
Tomball, Alabama

**RE:** INTERN DEVELOPMENT PROGRAM  
Experience Portfolio Documentation Method  
Member Board Comment Period

Tony L. Allers, AIA, NCARB  
Secretary  
Fort Dodge, Iowa

Dale McKinney, FAIA, NCARB  
Past President  
Sioux City, Iowa

**INTRODUCTION**

The NCARB Board of Directors is considering development of a new program and is seeking input from Member Boards and other related organizations. After over a year of deliberation by the Board, this concept was introduced to Member Boards at the 2015 Regional Summit in Long Beach, California. During the recent 2015 NCARB Annual Business Meeting, workshops were held to better inform our membership about this proposal and begin the process of garnering feedback.

David R. Prangaman, AIA, NCARB  
Director, Region 1  
Providence, Rhode Island

Susan B. McClymonds, AIA, CSI  
Director, Region 2  
Amsterdam, New York

Alfred Vicariis Jr., FAIA, NCARB, AICP  
Director, Region 3  
Fort Worth, Texas

Comments from our Member Boards will be received through September 29<sup>th</sup>. Although the comment period will still be open, our Board of Directors will review comments received to date during their September meeting. We will then seek additional feedback from Member Board Members through virtual meetings to be offered in October in order to assure sufficient engagement by the Member Boards with this proposal. We hope that the Member Board feedback through the summer and fall will enable us to make a final determination on this program when our Board of Directors meets again in December, 2015.

Stephen L. Sharp, AIA, NCARB  
Director, Region 4  
Springfield, Ohio

Bayless Ward, NCARB, AIA  
Director, Region 5  
Bossier, Louisiana

Robert M. Calvani, NCARB, AIA  
Director, Region 6  
Albuquerque, New Mexico

Your participation in the comment period as well as the virtual meetings is important. The Board of Directors would like to assure that we have heard from our membership on this issue and that they are developing a program that will be valued and utilized by our Member Boards. If your Board has not scheduled a meeting during this comment period, we urge you to convene a special meeting to provide comment. If your Board is unable to meet during the comment period and provide collective feedback, we encourage you to submit your individual comments and plan to participate in the virtual meetings.

Kingsley Johnson-Glegow  
Member Board Executive Director  
Little Rock, Arkansas

John G. Cameron Jr.  
Public Director  
Grand Rapids, Michigan

Michael J. Armstrong  
Chief Executive Officer

1801 K Street NW, Suite 700K  
Washington, DC 20006  
202/783-6500  
FAX 202/783-0290  
[www.ncarb.org](http://www.ncarb.org)

An Equal Opportunity Employer

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

The following pages provide a detailed description of the program. There is much information contained in this document, so please read carefully. Questions regarding the proposal should be directed to Harry Falconer ([hfalconer@ncarb.org](mailto:hfalconer@ncarb.org)) or Derek Haese ([dhaese@ncarb.org](mailto:dhaese@ncarb.org)).

#### **BACKGROUND**

The Intern Development Program reporting requirement (known as the “six month rule”) was implemented in July, 2010. At that point, no experience older than eight months could be reported and used to satisfy the IDP experience requirements. Last year, the Council expanded the reporting of experience to allow 50% credit for experience up to five years in the past. According to our Member Boards, there is a cohort of individuals who have work experience that falls outside of the current reporting requirements, i.e. more than 5 years old. This proposed program is intended to provide a path for completing the experience requirement for those who:

- left the profession and would like to come back.
- did not document their IDP experience with NCARB
- did not pursue licensure in a timely fashion, e.g. Project Managers
- can otherwise meet licensure requirements including education and examination

Past President Dale McKinney remarked at the Annual Business Meeting, “We all know folks who stepped away from a career in architecture and want to come back. In some cases, we work with people who have a degree from a NAAB-accredited program, loads of experience, and now want to move up from being a project manager to a licensed architect. However, their IDP-relevant experience is more than five years old – and thus outside of the reporting requirements for IDP.”

The NCARB Board of Directors agrees a gap exists in our program. Therefore Council staff was directed to develop a concept that would allow individuals to submit experience that identifies proficiency in the IDP experience categories that fall outside of the current reporting requirement. Staff was given two directives:

- Protect the traditional IDP path, or whatever the future program is called, as the preferred experience path.
- Develop a conceptual program that will not be overly complicated and financially burdensome.



This concept was first introduced to the Board of Directors two years ago when we launched the Broadly Experienced Special Project Team. An outline for this program was developed through numerous discussions during the past year. NCARB staff have presented research and presentations of a conceptual program to the Board. The facilitation of licensure is a primary goal for NCARB and this program is one of many that redefines the path to licensure without sacrificing the value or rigor that we place on experience, education, and examination.

We have learned some valuable lessons in the past year regarding introduction of new or revised programs. As a result, we sought initial reaction and feedback from our Member Board Members at the Annual Business Meeting through five workshops.

Over 175 member board members and member board executives attended the workshops. Initial reaction to the proposed concept and its components was positive by a clear majority. Feedback from the attendees was similar in nature at each session:

- They support the concept of a program that will allow persons to document experience that falls outside of the current IDP reporting rules.
- They like the concept that the current architect supervisor or a mentor will sign off on the experience. They noted this concept could be enhanced by adding a minimum number of years that the supervisor/mentor has known the applicant.
- The majority agree that documentation of work product to demonstrate competency is better than documentation of hours. They noted that applicants may not be able to obtain actual work samples from previous employers. The program will need to define options for all applicants.
- They recommended the Council develop a robust supervisor/mentor training program to support this program.

We now continue to seek your engagement on this proposal through two very important steps:

- Member Board 90-day Comment Period
- Virtual meetings with our Member Board Members to be held in early October

These steps are being taken because implementation of this program will require a change to the *IDP Guidelines*. Changes at this level require a vote by the Board of Directors.

Subsequently, our Board has indicated a desire to take action on this proposal before the end of this calendar year. I assure you however, that no Board vote will be taken until sufficient discussion and feedback has occurred.

I want to strongly urge you to provide your feedback over the summer during this comment period, and again when we hold virtual meetings this fall. Your Board of Directors and I thank you in advance for your consideration and thoughtful insight on this proposed program.

**THE PROPOSED PROGRAM***EXECUTIVE SUMMARY*

In August 2013, an NCARB multi-departmental team was formed to thoroughly analyze the need, identify options, and develop an approach for individuals to document valid work experience fulfilling the spirit of the Intern Development Program (IDP) but falling outside the limits of current IDP reporting requirements. Currently, licensure applicants can earn full credit for experience reported within eight months, and 50 percent credit for experience earned beyond eight months and up to five years.

NCARB is committed to supporting the facilitation of licensure. NCARB is committed to our message that “experience is experience.” There is a group of individuals educated, trained, and experienced in architecture who, for whatever life event occurred, did not pursue licensure. These individuals now want to join fully in the profession through licensure. They can meet their jurisdiction’s education requirement, and they are willing to take the Architect Registration Examination® (ARE®); however they are negatively impacted by our current IDP reporting requirements.

NCARB’s records estimate that about 12,000 professionals in our system currently show experience older than five years, not counting the others who have never engaged with experience reporting. A recent poll of this group found that 80 percent would be interested in such a program if it becomes available.

The research team was tasked with identifying ways to be more inclusive of intern architects’ path to initial licensure while ensuring the process is objective, attainable, sustainable, and defensible. The team leaders presented thoughts, concepts, and approaches to the Board of Directors at the December 2013; and April, September, and December 2014 meetings. In December the Board directed the research team to develop proposed program elements and requirements, with the intent to engage the Member Boards at the 2015 Annual Business Meeting. These elements include the proposed audience, proposed eligibility requirements, and proposed programmatic details and processes:

**Eligibility:**

- Work experience occurred outside of current IDP reporting requirement (i.e. older than 5 years)
- Work experience that meets the current IDP requirements (tasks, etc.)

**Documentation of Experience:**

- Work history, including role, project types, project descriptions, project budgets, etc.
- Work product samples demonstrating competent performance of IDP tasks in each of the six practice categories

**Certification/Affirmation of Competency:**

- Current architect supervisor
- Architect mentor who is NCARB certified

**Process:**

- Work samples of valid experience will be submitted through automated e-portfolio system to the supervisor or mentor

NCARB is committed to supporting the facilitation of licensure. This program can provide a pathway for design professionals (e.g. project managers, project designers) who cannot complete the experience hours in the IDP experience areas based on their current employment role and responsibilities, though work experienced performed beyond the limits of the reporting requirements would meet today's requirements.

NCARB is committed to our message that "experience is experience" and firmly maintains that timely reporting is an essential element of the IDP. This proposed program recognizes that the implementation of the reporting requirement was a substantial benefit validating the IDP. The facilitation of licensure is a primary goal for NCARB and this proposal is one of many that redefines the path to licensure without sacrificing the value that we place on experience, education, and examination.

***PROGRAM OVERVIEW***

To participate, an applicant will need to validate that they have substantial past experience that meets the current requirements of the IDP. The proposed approach requires detailed, verified documentation to support the claim that experience gained outside of the IDP reporting requirements has been completed competently and satisfies the current IDP requirements. Specifically, applicants will need to do the following:

- Document work history since graduation to present.
  - a. Include brief description of projects (type, size, cost, duration, and role on projects.)
- Document project work product to demonstrate acquisition of knowledge/skills and competent performance of the expected tasks.
  - a. NCARB will develop descriptions and a format for applicants to follow.

- Submit documentation to a current architect supervisor or mentor who is NCARB certified.

The applicant must be able to provide all required information and documentation for review and certification/affirmation of competence by their current supervisor or mentor.

#### *ELIGIBILITY*

The applicant must have:

- Work experience that occurred outside of current IDP reporting requirement (i.e. older than 5 years)
- Work experience that meets the current IDP requirements (tasks, etc.)

#### *Rationale:*

All persons participating in the IDP were required to comply with the IDP reporting requirements (a.k.a. six month rule) as of July 1, 2010. There are individuals who have not reported experience in accordance with the IDP reporting requirement, but have substantial experience that is further in the past than the current IDP reporting requirement allows. While these individuals may currently be working in architecture or a related field, their current role and responsibilities will not allow them to perform tasks that are required by the IDP.

#### *DOCUMENTATION OF EXPERIENCE*

Each applicant will be required to provide detailed, verified documentation to support his/her claim that their experience gained outside of the IDP reporting requirements has been completed competently and satisfies the current IDP requirements.

The applicant will be required to document their complete work history. The information required will include:

- Employer Name
- Employer Address
- Dates of Employment
- Position(s) Held
- Roles and Responsibilities

#### *Rationale:*

The current architect supervisor or mentor certifying/affirming the competence of the applicant will be have a 'complete picture' of the applicant's experience. This will allow for a more comprehensive look at and consideration of one's overall experience.

The applicant will be required to list projects they are submitting to their supervisor to document satisfaction of the current IDP requirements: The information required will include:


- Project Name
- Project Type
- Project Size
- Project Budget
- Project Duration
- Project Description
- His/her Role in the Project
- Identify relevant IDP Practice Areas (reason for inclusion)

*Rationale:*

The current architect supervisor or mentor certifying/affirming the competence of the applicant needs to have a 'complete picture' of the projects the applicant is submitting in support of their prior experience. This will allow for a comprehensive and informed review and consideration of one's experience in the practice areas defined by the IDP.

The applicant will be required to submit work samples that represent competent performance of the tasks identified in six practice areas of the overhauled IDP that will be implemented in July 2016. The following charts reflect the required tasks in each IDP practice area. Further, the charts provide the applicant with recommended examples of work products they may choose from to demonstrate competent performance of each of the tasks:






Experience Portfolio Documentation Method	
Practice Management	
Tasks	Work Sample Demonstrating Competent Performance
Adhere to ethical standards and codes of professional conduct	Letter from supervisor/mentor; letter to or from client; letter to or from consultant; brief written report addressing this topic
Comply with laws and regulations governing the practice of architecture	Letter from architect supervisor; building or planning permit; brief written report addressing this topic
Prepare final procurement and contract documents	Client contract; consultant contract; RFP; RFQ
Understand implications of project delivery technologies	Sketches; digital presentations; letter to client recommending a type of project delivery
Participate in professional development activities that offer exchanges with other design professionals	Continuing education transcripts; evidence of professional presentations given at conferences; professional development conference registrations
Understand implications of policies and procedures to ensure supervision of design work by architect in responsible charge/control	Letter from architect supervisor; quality control procedure documents; brief written report addressing this topic
Maintain positive work environment within firm that facilitates cooperation, teamwork, and staff morale	Participation in office committees; leadership in project team; professional development review
Develop and maintain effective and productive relationships with clients	Reference letter from client; project close-out letter; project follow-up
Develop professional and leadership skills within firm	Participation in office committees; professional development review; certificate of completion from a leadership development program
Prepare proposals for services in response to client requirements	RFP sections; pre-proposal meeting minutes; research documents/findings depicting insight on client requirements
Participate in community activities that may provide opportunities for design of facilities that reflect community needs	Photos of events attended; information surveys written by applicant; letter from leader of community activity describing candidate's role
Develop procedures for responding to contractor requests (Requests for Information)	Checklist for RFI response, plus RFI response; documentation of conversations with client and/or firm leadership on process documentation
Prepare marketing documents that accurately communicate firm's experience and capabilities	Marketing proposal or brochure prepared by applicant; PowerPoint (or similar) presentations; evidence of online or virtual media demonstrating marketing capabilities




Establish procedures for documenting project decisions	Code checklist or similar document for a project; meeting minutes; examples of template forms (RFI, change orders, meeting minutes, site visit documentation, etc.)
Develop procedures for responding to changes in project scope	Checklist for scope change, CO request to client; examples of template forms (RFI, change orders, meeting minutes, site visit documentation, etc.)
Establish procedures to process documentation during contract administration	Request for information; notice of clarification; shop drawing logs; punchlist; similar contract administration documents



Experience Portfolio Documentation Method	
Project Management	
Tasks	Work Sample Demonstrating Competent Performance
Participate in pre-construction, pre-installation and regular progress meetings with design team	Sign-in sheet demonstrating candidate was in attendance; agenda; meeting minutes
Coordinate design work of consultants	Coordination meeting minutes; correspondence with consultants; letters from consultants describing the candidate's coordination efforts on a project
Determine project schedule	Provide a project schedule depicting internal milestones (quality control, printing, etc.) and external milestones (client receives deliverable, design review meeting date, etc.)
Understand implications of project delivery methods	A letter from candidate to client/firm/design team members indicating the scope of work, fee, and project delivery methods; samples of different delivery contracts for projects
Prepare written communications related to design ideas, project documentation and contracts	Design submittals; emails; letters; written contracts
Monitor project schedule to maintain compliance with established milestones	Project schedules with updates/modifications during project, emails or other relevant documents that describe a recovery plan in the event that more staffing is required
Assist Owner in obtaining necessary permits and approvals	Authority having jurisdiction submittals, comments, comment responses, plan approvals, PowerPoint presentations given to Owner/City Council/any approving authority
Conduct periodic progress meetings with design and project team	Meeting minutes; Outlook meeting invitations distributed to design team; agenda

Identify changes in project scope that require additional services	Correspondence; additional service proposals; contract modifications
Manage information exchange during construction	Data logs (i.e. submittals, RFIs, etc.); meeting minutes; capturing information exchange; site visit reports with photograph excerpts
Perform quality control reviews throughout the documentation process	Quality control review checklists, meeting minutes; red-lined drawings performed by candidate
Determine scope of services	Fee letter and proposal; meeting minutes or documentation of scoping efforts between candidate and owner
Monitor performance of design team consultants	Email or documentation from candidate to consultant's point of contact providing update on performance
Present design concept to stakeholders	PowerPoint presentations; meeting minutes; design models; submittals
Resolve conflicts that may arise during design and construction process	Email or documentation from candidate demonstrating conflict resolution
Manage implementation of sustainability criteria	LEED (or other facilitating program) checklist; documents demonstrating sustainability goals; letter from client describing candidate's sustainability initiatives in project
Determine design fee budget	Fee letter and fee proposals; man-hour estimates
Collaborate with stakeholders during design process to maintain design intent and comply with Owner specifications	A document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings; meeting minutes of coordination meetings
Coordinate design work of in-house team members	A document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings; meeting minutes of coordination meetings
Prepare Architect-Consultant Agreement	A contract; documentation of dialogue between the professional liability insurance provider/attorney discussing contract clauses; documentation of conversations between candidate and consultant
Assist client in determining delivery method for construction of project	Letter from client that describes candidate's efforts; letter of recommendation from candidate to client providing the recommendation
Prepare Owner-Architect Agreement	A contract; documentation of dialogue between the professional liability insurance provider/attorney discussing contract clauses; documentation of conversations between candidate and owner
Perform constructability review to determine buildability, bidability, and construction sequencing of proposed project	Provide a quality control review document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings; relevant checklists

Establish methods for Architect-Client communication based on project scope of work	Job plan that depicts method of communication; phone logs with client; email documentation with client documenting key decisions
Manage modifications to the construction contract	RFI response on formal template; meeting minutes capturing information exchange; change order documentation endorsed by candidate
Perform constructability reviews throughout the design process	Provide a quality control review document that captures candidate's comments after performing an interdisciplinary coordination review; red-lined drawings
Define roles and responsibilities of team members	Project team directory with work plan; design consultant fee letter and scope of services proposal
Manage project-specific bidding process	Pre-bid meeting agenda and meeting minutes, addenda; bid form and log
Evaluate appropriateness of building information modeling (BIM) for proposed project	Project software comparison matrix
Submit schedule of Architect's services to Owner for each phase	A contract that demonstrates the scope of work and deliverables for each phase of design; a schedule of values that assigns a dollar amount relative to the total fee assigned to each design deliverable
Prepare staffing plan to meet project goals	Project work plan with staff assigned; a document from a scheduling program (ex: PlanTrax) that depicts the actual project percent complete versus goal to date percent complete
Assist client in selecting contractors	Letter from client that describes candidate's efforts; contractor request for qualifications; bid log


 <h2 style="color: #C00000;">Intern Development Program</h2>	
<b>Experience Portfolio Documentation Method</b>	
<b>Programming &amp; Analysis</b>	
<b>Tasks</b>	<b>Work Sample Demonstrating Competent Performance</b>
Determine impact of applicable zoning and development ordinances to determine project constraints	Zoning & building code analysis documentation
Analyze existing site conditions to determine impact on facility layout	Graphic site analysis, including environmental conditions

Determine impact of environmental, zoning and other regulations on site	Graphic site analysis, including environmental conditions
Prepare diagrams illustrating spatial relationships and functional adjacencies	Bubble diagrams; 3D + section programming models representing vertical adjacencies; program stacking; other programming logics that might inform a concept massing organizational strategy
Prepare site analysis diagrams to document existing conditions, features, infrastructure and regulatory requirements	Graphic site analysis, including environmental conditions and land/topo/utility surveys; 3D models illustrating zoning-compliant massing / programming strategies
Assist Owner in preparing building program including list of spaces and their characteristics	Project programming document, including summary of space square footages; other programming logics that might inform a concept massing organizational strategy
Gather information about client's vision, goals, budget, and schedule to validate project scope and program	Project programming document; agenda or minutes from a client meeting; copy of a 3rd party document to form the basis of design and/or part of owner/architect agreement
Assess environmental impact to formulate design decisions	Graphic site analysis, including environmental conditions, diagrams, preliminary site planning, geotech report, environmental reports
Consider results of environmental studies when developing site alternatives	Graphic site analysis, including environmental conditions, diagrams, preliminary site planning, geotech report, environmental reports
Establish sustainability goals affecting building performance	Meeting minutes from environmental kick-off meeting with clients; LEED checklist; any supplemental budgetary analysis evaluating pros and cons of achieving certain levels of certification
Establish project design goals	Meeting minutes from kick-off meeting with clients establishing aesthetic goals, budget goals, sustainability goals, performance criteria, and time frame
Consider recommendations from geotechnical studies when establishing design parameters	Structural schematics; preliminary site planning; geotech report; environmental reports
Develop conceptual budget	Project budget; cost estimate; written review of contractor's preliminary estimate
Evaluate opportunities and constraints of alternative sites	Site studies with report on pros/cons; preliminary site planning; geotech report; environmental reports
Determine impact of existing transportation infrastructure on site	Graphic site analysis, including transit infrastructure, entry/exit onto streets, setbacks, servitudes/easements, height limitations, FAR, etc.
Review legal documents related to site to determine project constraints	Site analysis with planning & zoning report, including covenants, easements, etc.
Gather information about community concerns and issues that may impact proposed project	Project programming document, agenda or minutes from a client meeting on related subject matter
Evaluate results of feasibility studies to determine project's financial viability	Report/minutes regarding project cost/benefit; preliminary cost opinion/rough order of magnitude; preliminary project timeline

Experience Portfolio Documentation Method	
Project Planning & Design	
Tasks	Work Sample Demonstrating Competent Performance
Perform building code analysis	Written building code analysis or worksheet
Prepare code analysis documentation	Graphic building code plan; completed code search or code analysis document; correspondence regarding code analysis
Select materials, finishes, and systems based on technical properties and aesthetic requirements	Material schedule; cut sheets of products or finishes; listing of clients technical requirements for finishes; materials and systems; examples of completed finish boards.
Prepare design alternatives for client review	Examples of design options which were presented to a client; sketches or other in-progress documents from creating design alternatives.
Oversee design integration of building components and systems	Progress/development drawings; final drawings; coordination meeting minutes
Review local, state and federal codes for changes that may impact design and construction	Completed code analysis document; correspondence with code officials; written documentation of other codes that may impact design and construction.
Determine impact of existing utilities infrastructure on site	Preliminary site narrative; existing site survey; conceptual site plan
Understand implications of evolving sustainable design strategies and technologies	Sustainability diagrams; correspondence with team members or consultants; meeting minutes
Develop sustainability goals based on existing environmental conditions	Sustainability checklist and diagrams; meeting minutes; correspondence regarding sustainability.
Define requirements for site survey based on established project scope	Request for proposal for site survey; site survey contract
Determine design parameters for building engineering systems	Meeting minutes & agendas; questionnaire; correspondence with owner and engineers; design parameters checklist.
Present design ideas to client orally	Design presentation meeting minutes and agenda
Evaluate results of feasibility studies to determine project's technical viability	Documentation of studies; feasibility study follow-up correspondence/reports



Prepare Cost of Work estimates	Floor plans, sections, elevations used for estimates; supporting documentation on sources of pricing
Apply principles of historic preservation for projects involving building restoration or renovation	Meeting notes; historic preservation checklist; correspondence with team members
Develop mitigation options to address adverse site conditions	examples of alternate site plans; correspondence regarding alternate plans.
Design landscape elements for site	Landscape plans; sections, etc. plant options; renderings/3D views

 <b>Intern Development Program</b>	
Experience Portfolio Documentation Method	
Project Development	
Tasks	Work Sample Demonstrating Competent Performance
Communicate design ideas to the client graphically	Drawings, sketches, renderings, images, etc. used in correspondence with client.
Prepare submittals for regulatory approval	Exhibits prepared for regulatory reviews; checklists of documents required for regulatory approval.
Communicate design ideas to client with two-dimensional (2-D) computer aided design software	Floor plans, elevations, sections, or other views created specifically for communicating with the client.
Select furniture, fixtures and equipment that meet client's design requirements and needs	Cut sheets of products; clients requirements for furniture, fixtures and equipment; meeting minutes
Communicate design ideas to the client using hand drawings	Sketches and design presentation submittal using hand drawings
Communicate design ideas to client with three-dimensional (3-D) computer aided design software	Renderings, or other views created specifically for communicating with the client.
Update Cost of Work estimates	Floor plans used for estimates; supporting documentation on sources of pricing; revised construction cost estimates

Experience Portfolio Documentation Method	
Construction & Evaluation	
Tasks	Work Sample Demonstrating Competent Performance
Review shop drawings and submittals during construction for conformance with design intent	Returned shop drawings or submittals with comments; correspondence regarding submittals with contractor
Respond to Contractor Requests for Information	RFI responses; correspondence regarding RFI's.
Complete field reports to document field observations from construction site visit	Issued field reports, construction photos, notes from a site visit.
Review results from field reports, third-party inspections, and other test results for conformance with contract documents	Correspondence regarding these documents; examples of returned documents.
Review Application and Certificate for Payment	Examples of approved documents
Manage project close-out procedures and documentation	Punch list; certificate of substantial completion; final application for payment; operation and maintenance manual submittal reviews

*Rationale:*

The 2012 NCARB *Practice Analysis of Architecture* identified the tasks the profession sees as important experience one should develop competence in prior to the independent practice of architecture upon initial licensure. Successful completion of the IDP indicates that the applicant, at the completion of the program requirements, be able to competently perform the tasks in each practice area. Everyone's experience path can be different. This program acknowledges that the current architect supervisor or mentor is aware of the applicant's competence in their current role; and that they are confident the applicant is competent to practice architecture independently. The documentation of past experience demonstrating competence at the task level is to inform the supervisor or mentor of the applicant's experience to support their competency in the defined areas of the IDP. The work products listed to support each task are descriptive of appropriate work samples the applicant may wish to provide in support of their demonstration of competency. The descriptive work products also provide the supervisor or mentor with a definition of what they should expect to see in their review of the applicant's experience.



**CERTIFICATION/AFFIRMATION OF COMPETENCY**

The applicant must have a current architect (licensed) supervisor or mentor (licensed to practice architecture and NCARB certified) who will certify/affirm that the applicant's work experience meets the current requirements of the IDP.

***Rationale:***

The aspiring architect's supervisor has historically held the responsibility for certifying that the experience of the applicant has demonstrated competence to practice architecture. The recollection of hours of experience completed, or level of competency, from work performed over 5 years ago is not probable or realistic. Therefore, this program proposes that the applicant must have a current architect supervisor or a current architect mentor to certify his or her past experience demonstrates the comprehension of the knowledge/skills necessary to perform the tasks required by the IDP.

Historically, the IDP has required an intern's work experience to be certified by an architect supervisor exercising *direct supervision*:

*"Direct supervision" of interns shall occur either through personal contact or through a mix of personal and remote communication (e.g. e-mail, online markups, webinars, internet) such that the IDP supervisor has control over the work of the intern and has sufficient professional knowledge of the supervised work so that the IDP supervisor can determine that the intern understands and is performing his or her work experience within the professional standard of care. To earn experience hours in workplace settings described in this document, the intern must work under the direct supervision of an IDP supervisor. The supervisor shall verify the experience of the intern and foster a professional relationship that is grounded in a direct professional association between the intern and the supervisor.*

Currently, the IDP requirements also recognize a mentors' critical oversight of an interns work in specific areas:

*"A mentor is defined as a loyal advisor, teacher, or coach. In IDP, there are opportunities for your mentor to certify certain supplemental experience opportunities and provide guidance in your professional development. To serve as your mentor for the IDP, the individual must hold a current license to practice architecture in a U.S. or Canadian jurisdiction; however, your mentor does not have to be registered in the jurisdiction where you are located."*

The success of this program relies on the allowance for broader verification of work experience, through certification of the work by the current architect supervisor or mentor. Restricting certification of experience to only those that have a qualified direct supervisor of existing experience will limit many applicants that may have many hours of experience but no access to previous supervisors for its verification.

#### *PROCESS*

The documentation and exchange of information will be a paperless, completely electronic exchange of information between the applicant and their supervisor or mentor. This electronic exchange will be facilitated through NCARB's information systems and supported by Customer Relations. Candidates for this program will be required to:

- Submit documentation to a current architect supervisor or mentor who is NCARB certified.
- Architect supervisor or mentor will review the work and attest to satisfaction of the experience requirement per our guidelines.
- NCARB will develop descriptions and a format for supervisor/mentor to follow.
- NCARB will perform random audits of electronic portfolios.
- Audit reviews to be performed by IC or EDU committee members and/or staff architects.

#### *Rationale:*

The applicant will be able complete all required information and upload all project documentation for review. This system will allow for collaboration on additional or corrective work samples needed to document competence in any content area, and obtain final certification/affirmation by their supervisor. NCARB will maintain all reported experience in the applicant's NCARB Record.

# The Texas Board of Architectural Examiners



## Be It Known That Mary B. Helmcamp

Has distinguished herself through her dedicated and conscious service as an employee of this Board for more than twenty years from March 1995 through August 2015, and

**Whereas**, Ms. Helmcamp has served in the Board's Registration Division supporting its Mission to ensure a safe built environment for Texas by regulating the professions of architecture, landscape architecture and interior design, and has served as the manager of the division since 1997;

**Whereas**, Under her supervision, the Board has granted approximately 12,390 registrations for architects, landscape architects and interior designers;

**Whereas**, Ms. Helmcamp has been responsible for the implementation of the computerization of the Architect Registration Examination and Landscape Architect Registration Examination, the development of countless new programs related to the registration of all three professions, the integration of ever developing new technologies, the drafting of many new and revised Board rules, and has always given excellent customer service;

**Whereas**, Ms. Helmcamp has performed her job with professionalism and integrity and has made the registration process more accessible and responsive to the needs of the citizens of Texas;

**Whereas**, Ms. Helmcamp has made a significant contribution to the health, safety and welfare for all citizens of our State.

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 24<sup>th</sup> Day of August, 2015, does publicly acknowledge its appreciation of outstanding board service and have voted unanimously for this

### Resolution of Commendation

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

---

Alfred Vidaurri, Jr., FAIA, NCARB, AICP  
Chair

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Debra Dockery, AIA  
Vice-Chair

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Paula Ann Miller  
Secretary/Treasurer

# The Texas Board of Architectural Examiners



Be It Known That

## William D. "Davey" Edwards

Has distinguished himself through his dedicated and conscious service as a member of this Board from April 11, 2013 through August 24, 2015, having been appointed by Governor Rick Perry; and during his term having served as a member of the Rules Committee and

**Whereas**, Mr. Edwards is a Fighting Texas Aggie Class of '93 with a Bachelor's of Science degree in Biomedical Science, a Master's of Science degree in Geospatial Surveying Engineering from Texas A&M University at Corpus Christi, and is completing his Doctorate of Philosophy degree in Geoscience and Geospatial Sciences at the University of Texas at Dallas; and

**Whereas**, Mr. Edwards is co-owner with his father of a 38-year old surveying company in Decatur, Texas; Edwards Surveying, LLC. and also owns a land consulting company called Cadastre Resolution Group; and

**Whereas**, Mr. Edwards has served the public and further distinguished himself by serving on the executive committee for the Texas Society of Professional Surveyors (TSPS) since 2008 and as past president for TSPS and on the board of directors as director at large, as vice president, president and past president of the Fort Worth Chapter of TSPS; and

**Whereas**, Mr. Edwards was awarded the 2006 TSPS Young Surveyor of the Year and the 2007 TSPS Chapter President, and is a member of TSPS, the Oklahoma Society of Land Surveyors, and the National Society of Professional Surveyors; and

**Whereas**, Mr. Edwards created and taught several continuing education courses for TSPS including the two boundary retracement courses in Brady and Concan, Texas.

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 24<sup>th</sup> Day of August, 2015, does publicly acknowledge its appreciation of outstanding board service and have voted unanimously for this

### Resolution of Commendation

to William D. "Davey" Edwards, and have caused a copy of this Resolution to be included within the Minutes of this Board.

---

Alfred Vidaurri, Jr., FAIA, NCARB, AICP  
Chair

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Debra Dockery, AIA  
Vice-Chair

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Paula Ann Miller  
Secretary/Treasurer

# TBAE EVENT CALENDAR 2015

- 01 New Year's Day (*Agency Closed*)
- 02 TBAE Holiday (*Skeleton Crew*)
- 19 M.L. King Day (*Agency Closed*)
- 21 **Board Meeting** – Select Candidates
- 22 **Board Meeting**

84<sup>th</sup> Legislative Session begins

JANUARY						
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- 03 Independence Day (*Agency Closed*)

- 16 Presidents Day (*Agency Closed*)
- 19 **Board Meeting** – ED Position Interviews

FEBRUARY						
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- 13 **METROCON15** (*Aug 13-14*)
- 24 **Board Meeting**
- 27 LBJ Birthday (*Skeleton Crew*)

\*2016 BOAT Annual Conference (*Aug 2-5*)  
Sugarland

- 02 Texas Independence (*Skeleton Crew*)
- 12 **NCARB MBE Workshop** (*Mar 12-14*)  
Hilton Long Beach, Long Beach, CA
- 13 **NCARB Regional Summit** – Long Beach, California

MARCH						
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- 07 Labor Day (*Agency Closed*)
- 16 **CLARB Annual Meeting** (*Sep 16-19*)  
Loews New Orleans Hotel  
New Orleans, Louisiana
- 24 **2015 LRGV-AIA BBC Conference** (*Sep 24-26*)  
South Padre Island Convention Centre

- 02 **Board Meeting** – ED Appointment
- 03 Good Friday (*Optional*)
- 21 San Jacinto Day (*Skeleton Crew*)
- 22 **TX ASLA Conference** (*Apr 22-24*)  
Galveston
- 30 **Personal Financial Statement due to the Ethics Commission**

APRIL						
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- 29 **Board Meeting**

- 07 **Board Meeting**
- 25 Memorial Day (*Agency Closed*)

MAY						
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- 05 **TxA 76<sup>th</sup> Annual Convention & Design Expo** (*Nov 5-7*)  
Dallas, Texas
- 11 Veterans Day (*Agency Closed*)
- 13 **2015 Annual CIDQ Council of Delegates Meeting** (*Nov 13-14*)  
The Georgian Terrace Hotel,  
Atlanta, Georgia
- 25 **TBAE Holiday** (*4 hrs. Skeleton Crew*)
- 26 Thanksgiving Day (*Agency Closed*)
- 27 Day after Thanksgiving (*Agency Closed*)

- 01 **84<sup>th</sup> Legislative Session Ends**
- 17 **NCARB Annual Meeting** (*Jun 17-20*)  
Roosevelt Hotel,  
New Orleans, Louisiana
- 19 Emancipation Day (*Skeleton Crew*)

JUNE						
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DECEMBER						
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- 23 **TBAE Holiday** (*4 hrs. Skeleton Crew*)
- 24 Christmas Eve (*Agency Closed*)
- 25 Christmas Day (*Agency Closed*)
- 28 **TBAE Holiday** (*Agency Closed*)
- 31 **New Year's Eve** (*4 hrs. Skeleton Crew*)