

1 TITLE 22 EXAMINING BOARDS

2 PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS

3 CHAPTER 1 ARCHITECTS

4 SUBCHAPTER A SCOPE; DEFINITIONS

5 RULE §1.5 Terms Defined Herein

6 (1) - (68) NO CHANGE

7 ~~(69) Texas Guaranteed Student Loan Corporation (TGSLC)–A public, nonprofit corporation that~~
8 ~~administers the Federal Family Education Loan Program.~~

9 ~~–(70) TGSLC–Texas Guaranteed Student Loan Corporation.~~

10 (7169) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the
11 absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the
12 Chair until a new Chair is appointed.

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14 SUBCHAPTER D CERTIFICATION AND ANNUAL REGISTRATION

15 RULE §1.65 Annual Renewal Procedure

16 (a) The Board shall send via email an annual registration renewal notice to each Architect. An Architect
17 must notify the Board in writing (email, fax, on the Board's Web site, or by U.S. mail) each time the
18 Architect's email address or mailing address of record changes. The written notice of the Architect's
19 change of address must be submitted to the Board within thirty (30) days after the effective date of the
20 change of address.

21 (b) An Architect may renew his/her registration prior to its specified annual expiration date by:

22 (1) remitting the correct fee to the Board; and

23 (2) providing the information or documentation requested by the annual registration renewal notice.

24 (c) If an Architect fails to remit a completed registration renewal form and the prescribed fee on or
25 before the specified expiration date of the Architect's registration, the Board shall impose a late
26 payment penalty that must be paid before the Architect's registration may be renewed.

27 ~~.(d) If the Board receives official notice that an Architect has defaulted on the repayment of a loan~~
28 ~~guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC), the Board may not renew the~~
29 ~~Architect's registration unless:~~

30 ~~–(1) the renewal is the first renewal following the Board's receipt of official notice regarding the default;~~

31 ~~–(2) the Architect presents to the Board a certificate from TGSLC certifying that the Architect has~~
32 ~~entered into a repayment agreement for the defaulted loan; or~~

1 ~~(3) the Architect presents to the Board a certificate from TGSLC certifying that the Architect is not in~~
2 ~~default on a loan guaranteed by TGSLC.~~

3 (ed) If the Board receives official notice that an Architect has failed to pay court ordered child support,
4 the Board may be prohibited from renewing the Architect's registration.

5 (fe) If a registration is not renewed within 2 years after the specified registration expiration date, the
6 registration shall be cancelled by operation of law on the two-year anniversary of its expiration without
7 an opportunity for a formal hearing. If a registration is cancelled pursuant to this subsection, the
8 registration may not be reinstated. In order to obtain a new certificate of registration, a person whose
9 registration was cancelled pursuant to this subsection must:

10 (1) submit an application for registration and satisfy all requirements for registration pursuant to §1.21
11 of this title (relating to Registration by Examination), including the successful completion of the
12 registration examination;

13 (2) submit an application for registration by reciprocal transfer and satisfy all requirements for
14 registration by reciprocal transfer pursuant to §1.22 of this title (relating to Registration by Reciprocal
15 Transfer); or

16 (3) submit an application for registration and demonstrate that he/she moved to another state and is
17 currently licensed or registered and has been in practice in the other state for at least the 2 years
18 immediately preceding the date of the application.

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CHAPTER 3 LANDSCAPE ARCHITECTS

SUBCHAPTER A SCOPE; DEFINITIONS

RULE §3.5 Terms Defined Herein

(1) – (60) NO CHANGE

~~(61) Texas Guaranteed Student Loan Corporation (TGS LC) -- A public, nonprofit corporation that administers the Federal Family Education Loan Program.~~

~~(62) TGS LC -- Texas Guaranteed Student Loan Corporation.~~

~~(63)~~ (61) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

SUBCHAPTER D CERTIFICATION AND ANNUAL REGISTRATION

RULE §3.65 Annual Renewal Procedure

(a) The Board shall send via email an annual registration renewal notice to each Landscape Architect. A Landscape Architect must notify the Board in writing (email, fax, on the Board's Web site, or by U.S. mail) each time the Landscape Architect's email address or mailing address of record changes. The written notice of the Landscape Architect's change of address must be submitted to the Board within thirty (30) days after the effective date of the change of address.

(b) A Landscape Architect may renew his/her registration prior to its specified annual expiration date by:

(1) remitting the correct fee to the Board; and

(2) providing the information and documentation requested by the annual registration renewal notice.

(c) If a Landscape Architect fails to remit a completed registration renewal form and the prescribed fee on or before the specified expiration date of the Landscape Architect's registration, the Board shall impose a late payment penalty that must be paid before the Landscape Architect's registration may be renewed.

~~(d) If the Board receives official notice that a Landscape Architect has defaulted on the repayment of a loan guaranteed by the Texas Guaranteed Student Loan Corporation (TGS LC), the Board may not renew the Landscape Architect's registration unless:~~

~~(1) the renewal is the first renewal following the Board's receipt of official notice regarding the default;~~

~~(2) the Landscape Architect presents to the Board a certificate from TGS LC certifying that the Landscape Architect has entered into a repayment agreement for the defaulted loan; or~~

1 ~~(3) the Landscape Architect presents to the Board a certificate from TGSLC certifying that the~~
2 ~~Landscape Architect is not in default on a loan guaranteed by TGSLC.~~

3 (ed) If the Board receives official notice that a Landscape Architect has failed to pay court ordered child
4 support, the Board may be prohibited from renewing the Landscape Architect's registration.

5 (fe) If a registration is not renewed within 2 years after the specified registration expiration date, the
6 registration shall be cancelled by operation of law on the two-year anniversary of its expiration without
7 an opportunity for a formal hearing. If a registration is cancelled pursuant to this subsection, the
8 registration may not be reinstated. In order to obtain a new certificate of registration, a person whose
9 registration was cancelled pursuant to this subsection must:

10 (1) submit an application for registration and satisfy all requirements for registration pursuant to §3.21
11 of this title (regarding Registration by Examination), including the successful completion of the
12 registration examination;

13 (2) submit an application for registration by reciprocal transfer and satisfy all requirements for
14 registration by reciprocal transfer pursuant to §3.22 of this title (regarding Registration by Reciprocal
15 Transfer); or

16 (3) submit an application for registration and demonstrate that he/she moved to another state and is
17 currently licensed or registered and has been in practice in the other state for at least the 2 years
18 immediately preceding the date of the application.

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CHAPTER 5 REGISTERED INTERIOR DESIGNERS

SUBCHAPTER A SCOPE; DEFINITIONS

RULE §5.5 Terms Defined Herein

(1) – (54) NO CHANGE

~~(55) Texas Guaranteed Student Loan Corporation (TGS LC) – A public, nonprofit corporation that administers the Federal Family Education Loan Program.~~

~~(56) TGS LC – Texas Guaranteed Student Loan Corporation.~~

(~~57~~55) Vice-Chair--The member of the Board who serves as the assistant presiding officer and, in the absence of the Chair, serves as the Board's presiding officer. If necessary, the Vice-Chair succeeds the Chair until a new Chair is appointed.

SUBCHAPTER D CERTIFICATION AND ANNUAL REGISTRATION

RULE §5.75 Annual Renewal Procedure

(a) The Board shall send via email an annual registration renewal notice to each Registered Interior Designer. A Registered Interior Designer must notify the Board in writing (email, fax, on the Board's Web site, or by U.S. mail) each time the Registered Interior Designer's email address or mailing address of record changes. The written notice of the Registered Interior Designer's change of address must be submitted to the Board within thirty (30) days after the effective date of the change of address.

(b) A Registered Interior Designer may renew his/her registration prior to its specified annual expiration date by:

- (1) remitting the correct fee to the Board; and
- (2) providing the information or documentation requested by the annual registration renewal notice.

(c) If a Registered Interior Designer fails to remit a completed registration renewal form and the prescribed fee on or before the specified expiration date of the Registered Interior Designer's registration, the Board shall impose a late payment penalty that must be paid before the Registered Interior Designer's registration may be renewed.

~~(d) If the Board receives official notice that a Registered Interior Designer has defaulted on the repayment of a loan guaranteed by the Texas Guaranteed Student Loan Corporation (TGS LC), the Board may not renew the Registered Interior Designer's registration unless:~~

~~(1) the renewal is the first renewal following the Board's receipt of official notice regarding the default;~~

1 ~~–(2) the Registered Interior Designer presents to the Board a certificate from TGSLC certifying that the~~
2 ~~Registered Interior Designer has entered into a repayment agreement for the defaulted loan; or~~

3 ~~–(3) the Registered Interior Designer presents to the Board a Certificate from TGSLC certifying that the~~
4 ~~Registered Interior Designer is not in default on a loan guaranteed by TGSLC.~~

5 (ed) If the Board receives official notice that a Registered Interior Designer has failed to pay court
6 ordered child support, the Board may be prohibited from renewing the Registered Interior Designer's
7 registration.

8 (fe) If a registration is not renewed within two (2) years after the specified registration expiration date,
9 the registration shall be cancelled by operation of law on the two-year anniversary of its expiration
10 without an opportunity for a formal hearing. If a registration is cancelled pursuant to this subsection, the
11 registration may not be reinstated. In order to obtain a new certificate of registration, a person whose
12 registration was cancelled pursuant to this subsection must:

13 (1) submit an application for registration and satisfy all requirements for registration pursuant to §5.31
14 of this title (relating to Registration by Examination), including the successful completion of the
15 registration examination;

16 (2) submit an application for registration by reciprocal transfer and satisfy all requirements for
17 registration by reciprocal transfer pursuant to §5.32 of this title (relating to Registration by Reciprocal
18 Transfer); or

19 (3) submit an application for registration and demonstrate that he/she moved to another state and is
20 currently licensed or registered and has been in practice in the other state for at least the 2 years
21 immediately preceding the date of the application.

AN ACT

relating to a prohibition on the use of student loan default or breach of a student loan repayment or scholarship contract as a ground for refusal to grant or renew an occupational license or other disciplinary action in relation to an occupational license.

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

SECTION 1. The heading to Chapter 56, Occupations Code, is amended to read as follows:

CHAPTER 56. DISCIPLINARY ACTION AGAINST RECIPIENTS OF STUDENT FINANCIAL ASSISTANCE PROHIBITED

SECTION 2. Sections 56.001(3), (4), (5), and (6), Occupations Code, are amended to read as follows:

(3) "Licensing authority" means a department, commission, board, office, or other agency of the state or of a political subdivision of the state that issues a license.

(4) "Scholarship contract" means an agreement by this state, an agency of this state, a political subdivision of this state, or the United States to make a grant to a person to support the person while attending a public or private institution of higher education or other postsecondary educational establishment

in exchange for the person's agreement to perform a service obligation.

(5) "Student loan" means a loan made to a person by a public or private entity to support the person while attending a public or private institution of higher education or other postsecondary educational establishment [~~that is:~~

~~[(A) owed to this state, an agency of this state, or the United States; or~~

~~[(B) guaranteed by this state, an agency of this state, or the United States].~~

(6) "Student loan repayment contract" means an agreement by this state, an agency of this state, a political subdivision of this state, or the United States to repay all or part of a person's student loan in exchange for the person's agreement to perform a service obligation.

SECTION 3. Section 56.003, Occupations Code, is amended to read as follows:

Sec. 56.003. DISCIPLINARY [~~AUTHORITY TO TAKE~~] ACTION IN EVENT OF DEFAULT OR BREACH PROHIBITED. A [~~On receipt of information from an administering entity that a person has defaulted on a student loan or has breached a student loan repayment contract or scholarship contract by failing to perform the person's service obligation under the contract,~~ a] licensing authority may not take disciplinary action against a person based on the person's default

on a student loan or breach of a student loan repayment contract or scholarship contract, including by:

(1) denying [~~deny~~] the person's application for a license or license renewal;

(2) suspending [~~suspend~~] the person's license; or

(3) taking [~~take~~] other disciplinary action against the person.

SECTION 4. Sections 157.015(f) and (g), Finance Code, are amended to read as follows:

(f) The commissioner may deny the renewal application for a residential mortgage loan originator license for the same reasons and grounds on which the commissioner could have denied an original application for a license, other than on the basis of the person's default on a student loan.

(g) The commissioner may deny the renewal application for a residential mortgage loan originator license if:

(1) the person seeking the renewal of the residential mortgage loan originator license is in violation of this chapter, Chapter 156, or Chapter 180, an applicable rule adopted under this chapter, Chapter 156, or Chapter 180, or any order previously issued to the person by the commissioner;

(2) the person seeking renewal of the residential mortgage loan originator license is in default in the payment of any administrative penalty, fee, charge, or other indebtedness owed

under this title; or

~~(3) [the person seeking the renewal of the residential mortgage loan originator license is in default on a student loan administered by the Texas Guaranteed Student Loan Corporation, under Section 57.491, Education Code; or~~

[~~(4)~~] during the current term of the license, the commissioner becomes aware of any fact that would have been grounds for denial of an original license if the fact had been known by the commissioner on the date the license was granted.

SECTION 5. Section 180.055(d), Finance Code, is amended to read as follows:

(d) For purposes of Subsection (a)(3), an individual is considered not to be financially responsible if the individual has shown a lack of regard in managing the individual's own financial affairs or condition. A determination that an individual has not shown financial responsibility may not be based on the individual's default on a student loan but may include:

(1) an outstanding judgment against the individual, other than a judgment imposed solely as a result of medical expenses;

(2) an outstanding tax lien or other governmental liens and filings;

(3) a foreclosure during the three-year period preceding the date of the license application; and

(4) a pattern of seriously delinquent accounts, other than student loan accounts, during the three-year period preceding the date of the application.

SECTION 6. Sections 466.155(a) and (g), Government Code, are amended to read as follows:

(a) After a hearing, the director shall deny an application for a license or the commission shall suspend or revoke a license if the director or commission, as applicable, finds that the applicant or sales agent:

(1) is an individual who:

(A) has been convicted of a felony, criminal fraud, gambling or a gambling-related offense, or a misdemeanor involving moral turpitude, if less than 10 years has elapsed since the termination of the sentence, parole, mandatory supervision, or probation served for the offense;

(B) is or has been a professional gambler;

(C) is married to an individual:

(i) described in Paragraph (A) or (B); or

(ii) who is currently delinquent in the payment of any state tax;

(D) is an officer or employee of the commission or a lottery operator; or

(E) is a spouse, child, brother, sister, or parent residing as a member of the same household in the principal place

of residence of a person described by Paragraph (D);

(2) is not an individual, and an individual described in Subdivision (1):

(A) is an officer or director of the applicant or sales agent;

(B) holds more than 10 percent of the stock in the applicant or sales agent;

(C) holds an equitable interest greater than 10 percent in the applicant or sales agent;

(D) is a creditor of the applicant or sales agent who holds more than 10 percent of the applicant's or sales agent's outstanding debt;

(E) is the owner or lessee of a business that the applicant or sales agent conducts or through which the applicant will conduct a ticket sales agency;

(F) shares or will share in the profits, other than stock dividends, of the applicant or sales agent; or

(G) participates in managing the affairs of the applicant or sales agent;

(3) has been finally determined to be[+]

[~~(A)~~] delinquent in the payment of a tax or other money collected by the comptroller, the Texas Workforce Commission, or the Texas Alcoholic Beverage Commission;

~~[(B) in default on a loan made under Chapter 52,~~

~~Education Code; or~~

~~[(C) in default on a loan guaranteed under Chapter 57, Education Code;]~~

(4) is a person whose location for the sales agency is:

(A) a location licensed for games of bingo under Chapter 2001, Occupations Code;

(B) on land that is owned by:

(i) this state; or

(ii) a political subdivision of this state and on which is located a public primary or secondary school, an institution of higher education, or an agency of the state; or

(C) a location for which a person holds a wine and beer retailer's permit, mixed beverage permit, mixed beverage late hours permit, private club registration permit, or private club late hours permit issued under Chapter 25, 28, 29, 32, or 33, Alcoholic Beverage Code, other than a location for which a person holds a wine and beer retailer's permit issued under Chapter 25, Alcoholic Beverage Code, that derives less than 30 percent of the location's gross receipts from the sale or service of alcoholic beverages; or

(5) has violated this chapter or a rule adopted under this chapter.

(g) For purposes of Subsection (a)(3), the comptroller, Texas Workforce Commission, and Texas Alcoholic Beverage Commission[7

~~Texas Higher Education Coordinating Board, and Texas Guaranteed Student Loan Corporation]~~ shall each provide the executive director with a report of persons who have been finally determined to be delinquent in the payment of any money owed to or collected by that agency. The commission shall adopt rules regarding the form and frequency of reports under this subsection.

SECTION 7. The following laws are repealed:

(1) Section 57.491, Education Code;

(2) Section 82.022(c), Government Code;

(3) Section 154.110(e), Government Code; and

(4) Sections 56.001(1), 56.002, 56.004, 56.005, and 56.006, Occupations Code.

SECTION 8. A disciplinary action proceeding under Chapter 56, Occupations Code, that was initiated before the effective date of this Act and that is pending on the effective date of this Act is terminated on that date.

SECTION 9. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 37 passed the Senate on April 16, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 37 passed the House on May 21, 2019, by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Draft Amendments to Rules 1.29, 3.29, and 5.39

Relating to Temporary Registration of Military Spouses

Background

Recently, SB 1200 was enacted, which adopts provisions that make it easier for a military spouse to engage in a business or occupation in Texas. Under newly adopted Tex. Occ. Code §55.0041(a), a military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to Texas requirements. A military spouse seeking to practice under this program is required to notify the licensing entity, submit proof of residency and military identification, and receive confirmation of qualification to practice from the state agency. *See* Tex. Occ. Code §55.0041(b). The law also authorizes state agencies to adopt rules to issue a license to an individual who qualifies to practice their profession under §55.0041(a). *See* Tex. Occ. Code §55.0041(f). A license issued under that provision must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license. Military spouses subject to this law are required to comply with all other laws and regulations applicable to the business or occupation in this state. *See* Tex. Occ. Code §55.0041(c).

Section 55.0041 has been enacted in Chapter 55 of the Occupations Code, which includes other exceptions and amendments to licensing laws which affect military service members, military veterans, and military spouses. Previously, the Board has adopted Board Rules 1.29, 3.29, and 5.39 to implement the various provisions contained within Chapter 55. Staff has prepared amendments to these rules to implement Section 55.0041, which are attached. Additionally, the Board materials include a copy of SB 1200.

Draft Amendments

The draft amendments would incorporate subsection (c) to Board Rules 1.29, 3.29, and 5.39, impacting architects, landscape architects, and registered interior designers, respectively. These amendments would have the following effect:

- The draft amendments provide for temporary registration for qualifying military spouses, rather than providing “authorization” to practice. Under Section 55.0041, the Board has two options for meeting the requirement to allow military spouses to practice on out-of-state licenses. First, the Board may review the spouse’s out-of-state licensure and “authorize” the spouse to engage in the business or occupation without being licensed in Texas. Alternatively, the Board may issue a temporary, three-year registration to qualifying spouses. It is staff’s recommendation that TBAE issue a temporary registration to qualifying spouses. Issuing registrations rather than “authorizing” practice will help to ameliorate issues that arise from the centrality of sealing documents in the practices of architecture, landscape architecture, and interior design. Military spouses who qualify to practice under §55.0041 are required to comply with the laws and regulations applicable to the profession, including sealing requirements. However, if a spouse is not registered, and therefore does not have a Texas seal, it is difficult to find a good solution for how the spouse would comply with this requirement. Potential solutions could include use of the out-of-state seal, or the development of a special seal for “authorized” professionals, but there are drawbacks to each. The simplest solution is to exercise the Board’s discretion to issue a registration to qualifying military spouses. The draft amendments do so.
- A temporary registration issued under this rule would not require a fingerprint-based background check.
 - Generally, applicants for registration are required to submit to a fingerprint-based criminal background check. However, SB 1200 describes several criteria that must be met by a military spouse in order to qualify for recognition under the new law. Background checks are not identified as one of those criteria.
 - Military spouses that become registered temporarily under the draft rules would be registered for three years. After that, the registration would expire and become non-renewable, and any further practice would require going through the standard application process, including fingerprinting.
- The draft rule would implement Tex. Occ. Code §55.0041, as follows:
 - The military spouse would be required to meet the qualification criteria identified in subsection (c)(1) and provide documentation identified in subsection (c)(3) in order to become registered. *See* Tex. Occ. Code §55.0041(a)(b)&(d).

- A temporary registration expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. *See* Tex. Occ. Code §55.0041(f).
- A temporary registration may not be renewed. *See* Tex. Occ. Code §55.0041(f).
- A temporary registration may be revoked if:
 - the military spouse fails to comply all applicable laws, rules, and standards governing the profession; or
 - the military spouse's out-of-state license expires or is suspended or revoked. *See* Tex. Occ. Code §55.0041(a)&(c)
- A temporary registration is not subject to application, registration, or renewal fees. *See* Tex. Occ. Code §55.0041(f).

Staff Recommendation

Move to approve the draft amendments to 22 Tex. Admin. Code §§ 1.29, 3.29, and 5.39 for publication and proposal in the Texas register, with authority for the general counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

TITLE 22 EXAMINING BOARDS

PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 1 ARCHITECTS

SUBCHAPTER B ELIGIBILITY FOR REGISTRATION

RULE §1.29 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Architectural registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

(A) Holds an active architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration in this state; or

(B) Held an active architectural registration in this state within the five years preceding the application.

(3) As soon as practicable after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for military spouses.

- (1) A military spouse may qualify for a temporary architectural registration if the spouse:
- (A) holds a current architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for architectural registration in this state;
 - (B) notifies the Board in writing of the spouse's intent to practice Architecture in this state;
 - (C) submits to the Board required information to demonstrate eligibility for temporary architectural registration; and
 - (D) receives a verification letter from the Board that:
 - (i) the Board has verified the spouse's license or registration in the other jurisdiction; and
 - (ii) the spouse is issued a temporary architectural registration.
- (2) The Board will review and evaluate the following criteria when determining whether another state's licensing requirements are substantially equivalent to the requirements for an architectural registration in Texas:
- (A) whether the other state requires an applicant to pass the Architect Registration Examination (ARE);
 - (B) any experience qualifications required by the state to obtain the license or registration; and
 - (C) any education credentials required by the state to obtain the license or registration.
- (3) The military spouse must submit the following information to the Board to demonstrate eligibility for temporary architectural registration:
- (A) a written request for the Board to review the military spouse's eligibility for temporary architectural registration;
 - (B) sufficient documentation to verify that the military spouse is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;
 - (C) proof of residency in this state;
 - (D) a copy of the military spouse's identification card; and
 - (E) proof the military service member is stationed at a military installation in Texas.
- (4) A temporary architectural registration issued under this subsection expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.
- (5) Except as provided under the subsection, a military spouse who receives a temporary architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the Practice of Architecture in this state.

(6) A temporary architectural registration issued under this subsection may be revoked if the military spouse:

(A) fails to comply with subsection (c)(5) of this section; or

(B) the military spouse's license or registration required under subsection (c)(1)(a) of this section expires or is suspended or revoked.

(7) The Board shall not charge a fee for the issuance of a temporary architectural registration under this subsection.

CHAPTER 3 LANDSCAPE ARCHITECTS

SUBCHAPTER B ELIGIBILITY FOR REGISTRATION

RULE §3.29 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Landscape architectural registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

(A) Holds an active landscape architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for the license in this state; or

(B) Held an active landscape architectural registration in this state within the five years preceding the application.

(3) As soon as practicable after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for military spouses.

(1) A military spouse may qualify for a temporary landscape architectural registration if the spouse:

(A) holds a current landscape architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for landscape architectural registration in this state;

(B) notifies the Board in writing of the spouse's intent to practice Landscape Architecture in this state;

(C) submits to the Board required information to demonstrate eligibility for temporary landscape architectural registration; and

(D) receives a verification letter from the Board that:

(i) the Board has verified the spouse's license or registration in the other jurisdiction; and

(ii) the spouse is issued a temporary landscape architectural registration.

(2) The Board will review and evaluate the following criteria when determining whether another state's licensing requirements are substantially equivalent to the requirements for a landscape architectural registration in Texas:

(A) whether the other state requires an applicant to pass the Landscape Architect Registration Examination (LARE);

(B) any experience qualifications required by the state to obtain the license or registration; and

(C) any education credentials required by the state to obtain the license or registration.

(3) The military spouse must submit the following information to the Board to demonstrate eligibility for temporary landscape architectural registration:

(A) a written request for the Board to review the military spouse's eligibility for temporary landscape architectural registration;

(B) sufficient documentation to verify that the military spouse is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the military spouse's identification card; and

(E) proof the military service member is stationed at a military installation in Texas.

(4) A temporary landscape architectural registration issued under this subsection expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(5) Except as provided under the subsection, a military spouse who receives a temporary landscape architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Landscape Architecture in this state.

(6) A temporary landscape architectural registration issued under this subsection may be revoked if the military spouse:

(A) fails to comply with subsection (c)(5) of this section; or

(B) the military spouse's license or registration required under subsection (c)(1)(a) of this section expires or is suspended or revoked.

(7) The Board shall not charge a fee for the issuance of a temporary landscape architectural registration under this subsection.

CHAPTER 5 REGISTERED INTERIOR DESIGNERS

SUBCHAPTER B ELIGIBILITY FOR REGISTRATION

RULE §5.39 Registration of a Military Service Member, Military Veteran, or Military Spouse

(a) Definitions.

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Military service member" means a person who is on active duty.

(4) "Military spouse" means a person who is married to a military service member.

(5) "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Interior design registration eligibility requirements for military service members, military veterans, and military spouses.

(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:

(A) Holds an active interior design registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for the license in this state; or

(B) Held an active interior design registration in this state within the five years preceding the application.

(3) As soon as practicable after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.

(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.

(c) Alternative temporary registration procedure for military spouses.

(1) A military spouse may qualify for a temporary Interior Design registration if the spouse:

(A) holds a current interior design license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for Interior Design registration in this state;

(B) notifies the Board in writing of the spouse's intent to practice Interior Design in this state;

(C) submits to the Board required information to demonstrate eligibility for temporary Interior Design registration; and

(D) receives a verification letter from the Board that:

(i) the Board has verified the spouse's license or registration in the other jurisdiction; and

(ii) the spouse is issued a temporary Interior Design registration.

(2) The Board will review and evaluate the following criteria when determining whether another state's licensing requirements are substantially equivalent to the requirements for an Interior Design registration in Texas:

(A) whether the other state requires an applicant to pass the Council for Interior Design Qualification (CIDQ) examination;

(B) any experience qualifications required by the state to obtain the license or registration; and

(C) any education credentials required by the state to obtain the license or registration.

(3) The military spouse must submit the following information to the Board to demonstrate eligibility for temporary Interior Design registration:

(A) a written request for the Board to review the military spouse's eligibility for temporary Interior Design registration;

(B) sufficient documentation to verify that the military spouse is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;

(C) proof of residency in this state;

(D) a copy of the military spouse's identification card; and

(E) proof the military service member is stationed at a military installation in Texas.

(4) A temporary Interior Design registration issued under this subsection expires three years from the date of issuance or when the military service member is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.

(5) Except as provided under the subsection, a military spouse who receives a temporary Interior Design registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Interior Design in this state.

(6) A temporary Interior Design registration issued under this subsection may be revoked if the military spouse:

(A) fails to comply with subsection (c)(5) of this section; or

(B) the military spouse's license or registration required under subsection (c)(1)(a) of this section expires or is suspended or revoked.

(7) The Board shall not charge a fee for the issuance of a temporary Interior Design registration under this subsection.

AN ACT

relating to the authority of certain military spouses to engage in a business or occupation in this state.

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

SECTION 1. Chapter 55, Occupations Code, is amended by adding Section 55.0041 to read as follows:

Sec. 55.0041. RECOGNITION OF OUT-OF-STATE LICENSE OF MILITARY SPOUSE. (a) Notwithstanding any other law, a military spouse may engage in a business or occupation for which a license is required without obtaining the applicable license if the spouse is currently licensed in good standing by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(b) Before engaging in the practice of the business or occupation, the military spouse must:

(1) notify the applicable state agency of the spouse's intent to practice in this state;

(2) submit to the agency proof of the spouse's residency in this state and a copy of the spouse's military identification

card; and

(3) receive from the agency confirmation that:

(A) the agency has verified the spouse's license in the other jurisdiction; and

(B) the spouse is authorized to engage in the business or occupation in accordance with this section.

(c) The military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.

(d) A military spouse may engage in the business or occupation under the authority of this section only for the period during which the military service member to whom the military spouse is married is stationed at a military installation in this state but not to exceed three years from the date the spouse receives the confirmation described by Subsection (b)(3).

(e) A state agency that issues a license shall adopt rules to implement this section. The rules must establish a process for the agency to:

(1) identify, with respect to each type of license issued by the agency, the jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state; and

(2) verify that a military spouse is licensed in good standing in a jurisdiction described by Subdivision (1).

(f) In addition to the rules adopted under Subsection (e), a state agency that issues a license may adopt rules to provide for the issuance of a license to a military spouse to whom the agency provides confirmation under Subsection (b)(3). A license issued under this subsection must expire not later than the third anniversary of the date the agency provided the confirmation and may not be renewed. A state agency may not charge a fee for the issuance of the license.

SECTION 2. Not later than December 1, 2019, a state agency to which Section 55.0041, Occupations Code, as added by this Act, applies, shall adopt rules to implement that section.

SECTION 3. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1200 passed the Senate on April 30, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 25, 2019, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1200 passed the House, with

amendment, on May 22, 2019, by the following vote: Yeas 144,
Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

**Draft Amendments to Board Rules 1.26, 1.27, 1.149, 1.153, 3.26, 3.27, 3.149, 3.153, 5.36,
5.37, 5.158, and 5.162**

Relating to the Effect of Certain Criminal Offenses on Eligibility for Registration

Background

Recently, the legislature enacted HB 1342. This bill amended Chapter 53 of the Occupations Code, which addresses the consequences of criminal convictions on occupational licenses. In summary, the HB 1342 amendments to Chapter 53 removed the authority of licensing agencies to take action on certain criminal offenses and increased the procedural requirements for an agency contemplating taking action on criminal history. Changes to the law brought about by HB 1342 include the following:

- The legislature expressed a policy that licensing agencies should be selective and cautious in taking licensure action against individuals with criminal history, stating that “It is the intent of the legislature to enhance opportunities for a person to obtain gainful employment after the person has:
 - (1) been convicted of an offense; and
 - (2) discharged the sentence for the offense. *See* Tex. Occ. Code §53.003
- Elimination of the authority of licensing agencies to take licensure action for offenses that are not directly related to the duties and responsibilities of the licensed occupation. *See* amended Tex. Occ. Code §53.021(a)
- Clarification of and addition to the factors that licensing agencies are required to consider in determining whether a conviction is directly related to the duties and responsibilities of the licensed occupation and, if so, whether licensure action should be taken. *See* Tex. Occ. Code §§53.022 and 53.023.
- Elimination of the requirement that an applicant provide evidence to the licensing agency proving that the applicant has maintained a record of steady employment; supported the applicant's dependents; maintained a record of good conduct; and paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.
- Adoption of processes that require licensing agencies to provide certain information to a person who is subject to licensure action for criminal history and allow the person an opportunity to respond to the notice with relevant information. *See* Tex. Occ. Code §§ 53.0231, 53.051(1), and 53.104(b).

These statutory changes have resulted in the need to amend certain Board Rules relating to the consideration of criminal convictions in licensing decisions.

Staff has provided copies of the draft amendments, sorted by profession, as well as a copy of HB 1342 in the Board materials. Finally, since it can be difficult to understand the amended laws without the context of the preexisting statutory language, a full “clean” version of Texas Occupations Code Chapter 53 is also attached.

Draft Amendments

The draft amendments encompass the following rules:

- Rules 1.26, 3.26, and 5.36 (Relating to a preliminary evaluation of criminal history for an applicant, candidate, or person enrolled or planning to enroll in an educational program)
 - Implements amended Tex. Occ. Code §53.051(1), by requiring the executive director to identify the statutorily required factors that served as the basis for a determination that a person requesting an evaluation is ineligible for a registration.
- Rules 1.27, 3.27, and 5.37
 - The rules are amended to address the loss of authority in Tex. Occ. Code §53.021(a) for licensing agencies to take licensure action based on a conviction not directly related to the profession if it was committed less than five years before the filing of an application.
 - These rules distinguish between crimes that were and were not committed within five years of the filing of an application. Since this distinction no longer exists in Tex. Occ. Code §53.021, it is unnecessary for this distinction to be made in Rules 1.27, 3.27, and 5.37.
- Rules 1.149, 3.149, and 5.158
 - Subsections (a) are amended to implement the loss of authority in Tex. Occ. Code §53.021(a) for licensing agencies to take licensure action for a conviction not directly related to the profession if it was committed less than five years before the filing of an application.
 - Subsections (b)(3)&(4) are amended to implement changes to Tex. Occ. Code §§ 53.0231, 53.051(1), and 53.104(b) that require licensing agencies to provide certain information to a person who is subject to licensure action for criminal history, and allow the person an opportunity to respond to the notice with relevant information.
 - Subsections (d) are amended to implement changes to Tex. Occ. Code §§53.022 and 53.023 that clarified and amended the factors that licensing agencies are required to consider in determining whether a conviction is directly related to the duties and responsibilities of a licensed occupation and, if so, whether licensure action should be taken.
 - Subsections (h)(1) are amended to implement changes to Tex. Occ. Code 53.051, relating to information that must be provided to a person subject to suspension, revocation, or denial of licensure.
- Rules 1.153, 3.153, and 5.162
 - These rules address the limited circumstances under Tex. Occ. Code §53.021(d) in which the Board may take licensure action if a person has been placed on deferred adjudication for a crime, rather than convicted. The rules are amended to implement previous changes to §53.021(d) that had not yet been implemented in Board rules.

Staff Recommendation

Move to approve the proposed amendments to 22 Tex. Admin. Code §§ 1.26, 1.27, 1.149, 1.153, 3.26, 3.27, 3.149, 3.153, 5.36, 5.37, 5.158, and 5.162 for publication in the Texas register, with authority for the general counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

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TITLE 22 EXAMINING BOARDS

PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 1 ARCHITECTS

SUBCHAPTER B ELIGIBILITY FOR REGISTRATION

RULE §1.26 Preliminary Evaluation of Criminal History

(a) An Applicant, Candidate or a person enrolled or planning to enroll in an accredited architectural educational program may make a written request to the Board's executive director for a preliminary criminal history evaluation letter which states the person's eligibility for registration under §1.149 of this chapter (relating to Criminal Convictions).

(b) A person who requests a criminal history evaluation shall provide the following information:

- (1) a statement describing the offenses for which the requestor has a criminal history;
- (2) any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, if applicable;
- (3) the names and contact information of the parole or probation department, if any, to which the requestor reports; and
- (4) the required fee for determining eligibility.

(c) Within 90 days after receiving a request which complies with subsection (b) of this section, the executive director shall issue a criminal history evaluation letter which states:

- (1) a determination that a ground for ineligibility based upon criminal conduct does not exist; or
- (2) a determination that the requestor is ineligible due to criminal conduct and a specific explanation of the basis for that determination, including any factor considered under Board Rule 1.149(c) or (d) that served as the basis for the determination~~the relationship between the conduct in question and the Practice of Architecture.~~

(d) For purposes of determining eligibility for registration, a record of conviction is conclusive evidence of guilt. The Board may not consider a conviction in determining eligibility for registration upon receipt of proof that the conviction or an order of probation with or without adjudication of guilt has been reversed or set aside.

(e) In the absence of evidence that was not disclosed by the requestor or reasonably available when a request for a criminal history evaluation was under consideration, the executive director's criminal history evaluation letter is a final determination regarding the requestor's eligibility for registration. If found to be ineligible for registration, a requestor may not apply for registration until one year after the date the letter is issued. A requestor who is determined to be ineligible may:

- (1) submit a request for reconsideration of the determination of ineligibility based upon evidence that was not disclosed or reasonably available to the agency at the time the determination was made;

1 (2) submit a new request for an evaluation no sooner than one year after the date upon which the
2 criminal history evaluation letter was issued; or

3 (3) request a hearing on the determination made in the executive director's criminal history evaluation
4 letter. A hearing conducted pursuant to this section is subject to the Administrative Procedure Act,
5 Chapter 2001, Government Code.

6 (f) The Board shall issue a final order on the determination made in the criminal history evaluation after
7 consideration of a proposal for decision issued by an administrative law judge at the State Office of
8 Administrative Hearings. The Board's final order must specify findings of fact and conclusions of law,
9 stated separately, regarding the person's eligibility for registration in light of his or her criminal history
10 record.

11 (g) A person who is found to be ineligible by a final order of the Board may not file another request for a
12 criminal history evaluation or apply for registration until three (3) years after the date of the Board's
13 final order. However, a person may request reconsideration of the final order based upon evidence that
14 was not disclosed or reasonably available to the Board at the time the final order was issued.

15

16 RULE §1.27 Provisional Licensure

17 (a) The Board shall grant a Certificate of Registration or a provisional Certificate of Registration to an
18 otherwise qualified Candidate who has been convicted of an offense that:

19 (1) is not directly related to the Practice of Architecture as determined by the executive directory under
20 §1.149 of this chapter (relating to Criminal Convictions);

21 ~~(2) was committed earlier than five (5) years before the date the Candidate filed an application for~~
22 ~~registration;~~

23 (2~~3~~) is not an offense listed in §3g, Article 42.12, Code of Criminal Procedure; and

24 (3~~4~~) is not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

25 (b) A provisional Certificate of Registration expires six (6) months after the date it is issued.

26 (c) A provisional Certificate of Registration may be Revoked for the following reasons:

27 (1) The provisional Registrant commits another offense during the 6-month provisional registration
28 period;

29 (2) The provisional Registrant's community supervision, mandatory supervision, or parole is Revoked;
30 or

31 (3) The provisional Registrant violates a statute or rule enforced by the Board.

32 (d) A provisional Registrant who is subject to community supervision, mandatory supervision, or parole
33 shall provide the Board name and contact information of the probation or parole department to which
34 the provisional Registrant reports. The Board shall provided notice to the department upon the issuance

1 of the provisional Certificate of Registration, as well as any terms, conditions or limitations upon the
2 provisional Registrant's practice.

3 (e) Upon successful completion of the provisional Registration period, the Board shall issue a Certificate
4 of Registration to the provisional Registrant. If a provisional Registrant's provisional Certificate is
5 Revoked, the provisional Registrant is disqualified from receiving a Certificate of Registration and may
6 not apply for a Certificate of Registration for a period of three (3) years from the date of Revocation.

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8 SUBCHAPTER H PROFESSIONAL CONDUCT

9 RULE §1.149 Criminal Convictions

10 (a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board
11 may suspend or revoke an existing certificate of registration, disqualify a person from receiving a
12 certificate of registration, issue a provisional license subject to the terms and limitations of §1.27 of this
13 chapter (relating to Provisional Licensure), or deny to a person the opportunity to be examined for a
14 certificate of registration because of the person's conviction for committing an offense if:

15 (1) the offense directly relates to the duties and responsibilities of an Architect;

16 ~~(2) the offense does not directly relate to the duties and responsibilities of an Architect and was~~
17 ~~committed within five (5) years before the date the person applied for registration as an Architect;~~

18 (2) the offense is listed in Article 42A.054§3g, Article 42.12, Texas Code of Criminal Procedure; or

19 (3) the offense is a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal
20 Procedure.

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

23 (1) Effective January 1, 2014, each Applicant shall submit a complete and legible set of fingerprints to
24 the Department of Public Safety or a vendor under contract with the Department for the purpose of
25 obtaining criminal history record information from the Department and the Federal Bureau of
26 Investigation. The Applicant shall pay the cost of conducting the criminal history background check to
27 the Department or the vendor on behalf of the Department. An Applicant who does not submit
28 fingerprints in accordance with this subsection is ineligible for registration.

29 (2) Effective January 1, 2014, each Registrant on active status or returning to active status who has not
30 submitted a set of fingerprints pursuant to paragraph (1) of this subsection shall submit a complete and
31 legible set of fingerprints to the Department of Public Safety or a vendor under contract with the
32 Department for the purpose of obtaining criminal history record information from the Department and
33 the Federal Bureau of Investigation. The Registrant shall pay the cost of conducting the criminal history
34 background check to the Department or the vendor on behalf of the Department. A Registrant who does
35 not submit fingerprints in accordance with this subsection is ineligible for renewal of, or returning to,
36 active registration. A Registrant is not required to submit fingerprints under this paragraph for the
37 renewal of, or returning to, active registration if the Registrant previously submitted fingerprints under

1 paragraph (1) of this subsection for initial registration or under this paragraph for a previous renewal of,
2 or return to, active registration.

3 (3) The executive director may contact an Applicant or Registrant regarding any information about a
4 criminal conviction, other than a minor traffic offense, disclosed in the Applicant's or Registrant's
5 criminal history record. If the executive director intends to pursue revocation or suspension of a
6 registration, or denial of a registration or opportunity to be examined for a registration because of a
7 person's prior conviction of an offense, the executive director must:

8 (A) provide written notice to the person of the reason for the intended denial; and

9 (B) allow the person not less than 30 days to submit any relevant information to the Board. The
10 executive director shall allow the Applicant or Registrant no less than 30 days to provide a written
11 response in sufficient detail to allow the executive director to determine whether the conduct at issue
12 appears to directly relate to the duties and responsibilities of an Architect.

13 (4) The notice provided by the executive director under this subsection must contain:

14 (A) a statement that the person is disqualified from being registered or being examined for
15 registration because of the person's prior conviction of an offense specified in the notice; or

16 (B) a statement that:

17 (i) the final decision of the Board to revoke or suspend the registration or deny the person a
18 registration or the opportunity to be examined for the registration will be based on the factors listed in
19 subsection (d) of this section; and

20 (ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the
21 factors listed in subsection (d) of this section.

22 ~~(5)~~ If the executive director determines the conviction might be directly related to the duties and
23 responsibilities of an Architect, the Board's staff will obtain sufficient details regarding the conviction to
24 allow the Board to determine the effect of the conviction on the Applicant's eligibility for registration or
25 on the Registrant's fitness for continued registration.

26 (c) In determining whether a criminal conviction is directly related to the duties and responsibilities of
27 an Architect, the executive director and the Board ~~shall~~will consider each of the following factors:

28 (1) the nature and seriousness of the crime;

29 (2) the relationship of the crime to the purposes for requiring a license to practice architecture;

30 (3) the extent to which architectural registration might offer an opportunity to engage in further
31 criminal activity of the same type as that in which the Applicant or Registrant had been involved; ~~and~~

32 (4) the relationship of the crime to the ability, or capacity, ~~or fitness~~ required to perform the duties and
33 discharge the responsibilities of an Architect; and

34 (5) any correlation between the elements of the crime and the duties and responsibilities of an
35 Architect.

1 (d) If the executive director or the Board determines under subsection (c) that a criminal conviction
2 directly relates to the duties and responsibilities of an Architect~~In addition to the factors that may be~~
3 ~~considered under subsection (c) of this section~~, the executive director and the Board shall consider the
4 following in determining whether to suspend or revoke a registration, disqualify a person from receiving
5 a registration, or deny to a person the opportunity to take a registration examination:

6 (1) the extent and nature of the Applicant's or Registrant's past criminal activity;

7 (2) the age of the Applicant or Registrant at the time the crime was committed;

8 ~~(3) and~~ the amount of time that has elapsed since the Applicant's or Registrant's last criminal activity;

9 ~~(4)~~ the conduct and work activity of the Applicant or Registrant prior to and following the criminal
10 activity;

11 ~~(5)~~ evidence of the Applicant's or Registrant's rehabilitation or rehabilitative effort while incarcerated
12 or after release;

13 (6) evidence of the person's compliance with any conditions of community supervision, parole, or
14 mandatory supervision; and

15 ~~(7)-(5)~~ other evidence of the Applicant's or Registrant's ~~present~~ fitness to practice as an Architect,
16 including letters of recommendation ~~from law enforcement officials involved in the prosecution or~~
17 ~~incarceration of the Applicant or Registrant or other persons in contact with the Applicant or Registrant;~~
18 ~~and~~

19 ~~(6) proof that the Applicant or Registrant has maintained steady employment and has supported~~
20 ~~his/her dependents and otherwise maintained a record of good conduct and has paid all outstanding~~
21 ~~court costs, supervision fees, fines, and restitution as may have been ordered.~~

22 (e) Crimes directly related to the duties and responsibilities of a Registered Architect include any crime
23 that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld
24 for the professional Practice of Architecture, such as the following:

25 (1) criminal negligence;

26 (2) soliciting, offering, giving, or receiving any form of bribe;

27 (3) the unauthorized use of property, funds, or proprietary information belonging to a client or
28 employer;

29 (4) acts relating to the malicious acquisition, use, or dissemination of confidential information related
30 to architecture; and

31 (5) any intentional violation as an individual or as a consenting party of any provision of the Act.

32 (f) The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony
33 if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration
34 of any Registrant whose felony probation, parole, or mandatory supervision is revoked.

1 (g) If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the
2 Applicant for registration during the period of incarceration. If an Applicant's felony probation, parole,
3 or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the
4 Applicant successfully completes the sentence imposed as a result of the revocation.

5 (h) If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall
6 provide the Applicant or Registrant with the following information in writing:

7 (1) the reason for rejecting the application or taking action against the Registrant's certificate of
8 registration, including any factor considered under subsections (c) or (d) that served as the basis for the
9 action;

10 (2) notice that upon exhaustion of the administrative remedies provided by the Administrative
11 Procedure Act, Chapter 2001, Government Code, an action may be filed in a district court of Travis
12 County for review of the evidence presented to the Board and its decision. The person must begin the
13 judicial review by filing a petition with the court within 30 days after the Board's decision is final; and

14 (3) the earliest date the person may appeal.

15 (i) All proceedings pursuant to this section shall be governed by the Administrative Procedure Act,
16 Chapter 2001, Government Code.

17

18 RULE §1.153 Deferred Adjudication

19 (a) For purposes of §1.27 and §1.149 of this chapter (relating to Provisional Licensure and Criminal
20 Convictions), a person is not convicted for committing a criminal offense if:

21 (1) the person entered a plea of guilty or nolo contendere;

22 (2) the court deferred further proceedings without entering an adjudication of guilt and placed the
23 person under the supervision of the court or an officer of the court; and

24 (3) at the conclusion of a period of supervision, the judge dismissed the proceedings and discharged
25 the person.

26 (b) Notwithstanding subsection (a) of this section, the executive director or the Board may consider a
27 person to have been convicted ~~offor committing~~ a criminal offense regardless of whether the
28 proceedings were dismissed and the person was discharged as described by subsection (a) if ~~upon a~~
29 finding that:

30 (1) the person was charged with

31 (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

32 (B) an offense other than an offense described by Paragraph (A) if:

33 (i) the person has not completed the period of supervision or the person completed the period
34 of supervision less than five years before the date the person applied for registration; or

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- 1 (ii) a conviction for the offense would make the person ineligible for registration by operation of
2 law; and
- 3 (2) after consideration of the factors described by Board Rule 1.149(c) or (d), the executive director or
4 the Board determines that:
- 5 (A) the person may pose a continued threat to ~~the~~ public safety; or
- 6 (B)(2) ~~employment of the person as an Architect registration~~ would create a situation in which the
7 person has an opportunity to repeat the prohibited conduct~~an opportunity for the person to engage in~~
8 ~~the same type of criminal activity as that for which the person pled guilty or nolo contendere.~~
- 9 (c) If a person pleads guilty or nolo contendere to conduct which is a violation of a law enforced by the
10 Board, regardless of whether adjudication is deferred, the Board may take disciplinary action.

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TITLE 22 EXAMINING BOARDS
PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 3 LANDSCAPE ARCHITECTS
SUBCHAPTER B ELIGIBILITY FOR REGISTRATION
RULE §3.26 Preliminary Evaluation of Criminal History

- (a) An Applicant, Candidate or a person enrolled or planning to enroll in an accredited landscape architectural educational program may make a written request to the Board's executive director for a preliminary criminal history evaluation letter which states the person's eligibility for registration under §3.149 of this chapter (relating to Criminal Convictions).
- (b) A person who requests a criminal history evaluation shall provide the following information:
- (1) a statement describing the offenses for which the requestor has a criminal history;
 - (2) any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, if applicable;
 - (3) the names and contact information of the parole or probation department, if any, to which the requestor reports; and
 - (4) the required fee for determining eligibility.
- (c) Within 90 days after receiving a request which complies with subsection (b) of this section, the executive director shall issue a criminal history evaluation letter which states:
- (1) a determination that a ground for ineligibility based upon criminal conduct does not exist; or
 - (2) a determination that the requestor is ineligible due to criminal conduct and a specific explanation of the basis for that determination, including any factor considered under Board Rule 3.149(c) or (d) that served as the basis for the determination~~the relationship between the conduct in question and the practice of Landscape Architecture.~~
- (d) For purposes of determining eligibility for registration, a record of conviction is conclusive evidence of guilt. The Board may not consider a conviction in determining eligibility for registration upon receipt of proof that the conviction or an order of probation with or without adjudication of guilt has been reversed or set aside.
- (e) In the absence of evidence that was not disclosed by the requestor or reasonably available when a request for a criminal history evaluation was under consideration, the executive director's criminal history evaluation letter is a final determination regarding the requestor's eligibility for registration. If found to be ineligible for registration, a requestor may not apply for registration until one year after the date the letter is issued. A requestor who is determined to be ineligible may:
- (1) submit a request for reconsideration of the determination of ineligibility based upon evidence that was not disclosed or reasonably available to the agency at the time the determination was made;

1 (2) submit a new request for an evaluation no sooner than one year after the date upon which the
2 criminal history evaluation letter was issued; or

3 (3) request a hearing on the determination made in the executive director's criminal history evaluation
4 letter. A hearing conducted pursuant to this section is subject to the Administrative Procedure Act,
5 Chapter 2001, Government Code.

6 (f) The Board shall issue a final order on the determination made in the criminal history evaluation after
7 consideration of a proposal for decision issued by an administrative law judge at the State Office of
8 Administrative Hearings. The Board's final order must specify findings of fact and conclusions of law,
9 stated separately, regarding the person's eligibility for registration in light of his or her criminal history
10 record.

11 (g) A person who is found to be ineligible by a final order of the Board may not file another request for a
12 criminal history evaluation or apply for registration until three (3) years after the date of the Board's
13 final order. However, a person may request reconsideration of the final order based upon evidence that
14 was not disclosed or reasonably available to the Board at the time the final order was issued.

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16 RULE §3.27 Provisional Licensure

17 (a) The Board shall grant a Certificate of Registration or a provisional Certificate of Registration to an
18 otherwise qualified Candidate who has been convicted of an offense that:

19 (1) is not directly related to the Practice of Landscape Architecture as determined by the executive
20 director under §3.149 of this chapter (relating to Criminal Convictions);

21 ~~(2) was committed earlier than five (5) years before the date the Candidate filed an application for~~
22 ~~registration;~~

23 ~~(23)~~ is not an offense listed in §3g, Article 42.12, Code of Criminal Procedure; and

24 ~~(34)~~ is not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

25 (b) A provisional Certificate of Registration expires six (6) months after the date it is issued.

26 (c) A provisional Certificate of Registration may be Revoked for the following reasons:

27 (1) the provisional Registrant commits another offense during the 6-month provisional Registration
28 period;

29 (2) the provisional Registrant's community supervision, mandatory supervision, or parole is Revoked; or

30 (3) the provisional Registrant violates a statute or rule enforced by the Board.

31 (d) A provisional Registrant who is subject to community supervision, mandatory supervision, or parole
32 shall provide the Board name and contact information of the probation or parole department to which
33 the provisional Registrant reports. The Board shall provide notice to the department upon the issuance
34 of the provisional Certificate of Registration, as well as any terms, conditions or limitations upon the
35 provisional Registrant's practice.

1 (e) Upon successful completion of the provisional Registration period, the Board shall issue a Certificate
2 of Registration to the provisional Registrant. If a provisional Registrant's provisional Certificate is
3 Revoked, the provisional Registrant is disqualified from receiving a Certificate of Registration and may
4 not apply for a Certificate of Registration for a period of three (3) years from the date of Revocation.

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6 SUBCHAPTER H PROFESSIONAL CONDUCT

7 RULE §3.149 Criminal Convictions

8 (a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board
9 may suspend or revoke an existing certificate of registration, disqualify a person from receiving a
10 certificate of registration, issue a provisional license subject to the terms and limitations of §3.27 of this
11 chapter (relating to Provisional Licensure), or deny to a person the opportunity to be examined for a
12 certificate of registration because of the person's conviction for committing an offense if:

13 (1) the offense directly relates to the duties and responsibilities of a Landscape Architect;

14 ~~(2) the offense does not directly relate to the duties and responsibilities of a Landscape Architect and~~
15 ~~was committed within five (5) years before the date the person applied for registration as a Landscape~~
16 ~~Architect;~~

17 ~~(23)~~ the offense is listed in ~~Article 42A.054~~~~§3g, Article 42.12,~~ Texas Code of Criminal Procedure; or

18 ~~(34)~~ the offense is a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal
19 Procedure.

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

22 (1) Effective January 1, 2014, each Applicant shall submit a complete and legible set of fingerprints to
23 the Department of Public Safety or a vendor under contract with the Department for the purpose of
24 obtaining criminal history record information from the Department and the Federal Bureau of
25 Investigation. The Applicant shall pay the cost of conducting the criminal history background check to
26 the Department or the vendor on behalf of the Department. An Applicant who does not submit
27 fingerprints in accordance with this subsection is ineligible for registration.

28 (2) Effective January 1, 2014, each Registrant on active status or returning to active status who has not
29 submitted a set of fingerprints pursuant to paragraph (1) of this subsection shall submit a complete and
30 legible set of fingerprints to the Department of Public Safety or a vendor under contract with the
31 Department for the purpose of obtaining criminal history record information from the Department and
32 the Federal Bureau of Investigation. The Registrant shall pay the cost of conducting the criminal history
33 background check to the Department or the vendor on behalf of the Department. A Registrant who does
34 not submit fingerprints in accordance with this subsection is ineligible for renewal of, or returning to,
35 active registration. A Registrant is not required to submit fingerprints under this paragraph for the
36 renewal of, or returning to, active registration if the Registrant previously submitted fingerprints under
37 paragraph (1) of this subsection for initial registration or under this paragraph for a previous renewal of,
38 or return to, active registration.

1 (3) The executive director may contact the Applicant or Registrant regarding any information about a
2 criminal conviction, other than a minor traffic offense, disclosed in the Applicant's or Registrant's
3 criminal history record. If the executive director intends to pursue revocation or suspension of a
4 registration, or denial of a registration or opportunity to be examined for a registration because of a
5 person's prior conviction of an offense, the executive director must:

6 (A) provide written notice to the person of the reason for the intended denial; and

7 (B) allow the person not less than 30 days to submit any relevant information to the Board. The
8 executive director shall allow the Applicant or Registrant no less than 30 days to provide a written
9 response in sufficient detail to allow the executive director to determine whether the conduct at issue
10 appears to directly relate to the duties and responsibilities of a Landscape Architect.

11 (4) The notice provided by the executive director under this subsection must contain:

12 (A) a statement that the person is disqualified from being registered or being examined for
13 registration because of the person's prior conviction of an offense specified in the notice; or

14 (B) a statement that:

15 (i) the final decision of the Board to revoke or suspend the registration or deny the person a
16 registration or the opportunity to be examined for the registration will be based on the factors listed in
17 subsection (d) of this section; and

18 (ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the
19 factors listed in subsection (d) of this section.

20 ~~(5)~~ If the executive director determines the conviction might be directly related to the duties and
21 responsibilities of a Landscape Architect, the Board's staff will obtain sufficient details regarding the
22 conviction to allow the Board to determine the effect of the conviction on the Applicant's eligibility for
23 registration or on the Registrant's fitness for continued registration.

24 (c) In determining whether a criminal conviction is directly related to the duties and responsibilities of a
25 Landscape Architect, the executive director and the Board ~~shall~~ will consider each of the following
26 factors:

27 (1) the nature and seriousness of the crime;

28 (2) the relationship of the crime to the purposes for requiring a license to practice Landscape
29 Architecture;

30 (3) the extent to which landscape architectural registration might offer an opportunity to engage in
31 further criminal activity of the same type as that in which the Applicant or Registrant had been involved;
32 ~~and~~

33 (4) the relationship of the crime to the ability, ~~or~~ capacity, or fitness required to perform the duties and
34 discharge the responsibilities of a Landscape Architect; ~~;~~ and

35 (5) any correlation between the elements of the crime and the duties and responsibilities of a
36 Landscape Architect.

1 (d) If the executive director or the Board determines under subsection (c) that a criminal conviction
2 directly relates to the duties and responsibilities of a Landscape Architect,~~In addition to the factors that~~
3 ~~may be considered under subsection (c) of this section,~~ the executive director and the Board shall
4 consider the following in determining whether to suspend or revoke a registration, disqualify a person
5 from receiving a registration, or deny to a person the opportunity to take a registration examination:

6 (1) the extent and nature of the Applicant's or Registrant's past criminal activity;

7 (2) the age of the Applicant or Registrant at the time the crime was committed;

8 ~~(3) and~~ the amount of time that has elapsed since the Applicant's or Registrant's last criminal activity;

9 ~~(4)~~ the conduct and work activity of the Applicant or Registrant prior to and following the criminal
10 activity;

11 ~~(5)~~ evidence of the Applicant's or Registrant's rehabilitation or rehabilitative effort while incarcerated
12 or after release;

13 (6) evidence of the person's compliance with any conditions of community supervision, parole, or
14 mandatory supervision; and

15 ~~(7)~~ other evidence of the Applicant's or Registrant's ~~present~~ fitness to practice as a Landscape
16 Architect, including letters of recommendation ~~from law enforcement officials involved in the~~
17 ~~prosecution or incarceration of the Applicant or Registrant or other persons in contact with the~~
18 ~~Applicant or Registrant; and~~

19 ~~(6) proof that the Applicant or Registrant has maintained steady employment and has supported~~
20 ~~his/her dependents and otherwise maintained a record of good conduct and has paid all outstanding~~
21 ~~court costs, supervision fees, fines, and restitution as may have been ordered.~~

22 (e) Crimes directly related to the duties and responsibilities of a Landscape Architect include any crime
23 that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld
24 for the professional practice of Landscape Architecture, such as the following:

25 (1) criminal negligence;

26 (2) soliciting, offering, giving, or receiving any form of bribe;

27 (3) the unauthorized use of property, funds, or proprietary information belonging to a client or
28 employer;

29 (4) acts relating to the malicious acquisition, use, or dissemination of confidential information related
30 to Landscape Architecture; and

31 (5) any intentional violation as an individual or as a consenting party of any provision of the Act.

32 (f) The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony
33 if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration
34 of any Registrant whose felony probation, parole, or mandatory supervision is revoked.

1 (g) If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the
2 Applicant for registration during the period of incarceration. If an Applicant's felony probation, parole,
3 or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the
4 Applicant successfully completes the sentence imposed as a result of the revocation.

5 (h) If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall
6 provide the Applicant or Registrant with the following information in writing:

7 (1) the reason for rejecting the application or taking action against the Registrant's certificate of
8 registration, including any factor considered under subsections (c) or (d) that served as the basis for the
9 action;

10 (2) notice that upon exhaustion of the administrative remedies provided by the Administrative
11 Procedure Act, Chapter 2001, Government Code, an action may be filed in a district court of Travis
12 County for review of the evidence presented to the Board and its decision. The person must begin the
13 judicial review by filing a petition with the court within 30 days after the Board's decision is final; and

14 (3) the earliest date the person may appeal.

15 (i) All proceedings pursuant to this section shall be governed by the Administrative Procedure Act,
16 Chapter 2001, Government Code.

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18 RULE §3.153 Deferred Adjudication

19 (a) For purposes of §3.27 and §3.149 of this chapter (relating to Provisional Licensure and Criminal
20 Convictions), a person is not convicted for committing a criminal offense if:

21 (1) the person entered a plea of guilty or nolo contendere;

22 (2) the court deferred further proceedings without entering an adjudication of guilt and placed the
23 person under the supervision of the court or an officer of the court; and

24 (3) at the conclusion of a period of supervision, the judge dismissed the proceedings and discharged
25 the person.

26 (b) Notwithstanding subsection (a) of this section, the executive director or the Board may consider a
27 person to have been convicted ~~offor committing~~ a criminal offense regardless of whether the
28 proceedings were dismissed and the person was discharged as described by subsection (a) if upon a
29 finding that:

30 (1) the person was charged with

31 (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

32 (B) an offense other than an offense described by Paragraph (A) if:

33 (i) the person has not completed the period of supervision or the person completed the period
34 of supervision less than five years before the date the person applied for registration; or

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- 1 (ii) a conviction for the offense would make the person ineligible for registration by operation of
2 law; and
- 3 (2) after consideration of the factors described by Board Rule 3.149(c) or (d), the executive director or
4 the Board determines that:
- 5 (A) the person may pose a continued threat to the public; or
- 6 (B)(2) employment of the person as a Landscape Architect registration would create a situation in
7 which the person has an opportunity to repeat the prohibited conduct~~an opportunity for the person to~~
8 ~~engage in the same type of criminal activity as that for which the person pled guilty or nolo contendere.~~
- 9 (c) If a person pleads guilty or nolo contendere to conduct which is a violation of a law enforced by the
10 Board, regardless of whether adjudication is deferred, the Board may take disciplinary action.

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TITLE 22 EXAMINING BOARDS
PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 5 REGISTERED INTERIOR DESIGNERS
SUBCHAPTER B ELIGIBILITY FOR REGISTRATION
RULE §5.36 Preliminary Evaluation of Criminal History

(a) An Applicant, Candidate or a person enrolled or planning to enroll in a qualifying Interior Design educational program may make a written request to the Board's executive director for a preliminary criminal history evaluation letter which states the person's eligibility for registration under §5.158 of this chapter (relating to Criminal Convictions).

(b) A person who requests a criminal history evaluation shall provide the following information:

- (1) a statement describing the offenses for which the requestor has a criminal history;
- (2) any court documents including, but not limited to, indictments, orders of deferred adjudication, judgments, probation records, and evidence of completion of probation, if applicable;
- (3) the names and contact information of the parole or probation department, if any, to which the requestor reports; and
- (4) the required fee for determining eligibility.

(c) Within 90 days after receiving a request which complies with subsection (b) of this section, the executive director shall issue a criminal history evaluation letter which states:

- (1) a determination that a ground for ineligibility based upon criminal conduct does not exist; or
- (2) a determination that the requestor is ineligible due to criminal conduct and a specific explanation of the basis for that determination, including any factor considered under Board Rule 5.158(c) or (d) that served as the basis for the determination~~the relationship between the conduct in question and the practice of Interior Design.~~

(d) For purposes of determining eligibility for registration, a record of conviction is conclusive evidence of guilt. The Board may not consider a conviction in determining eligibility for registration upon receipt of proof that the conviction or an order of probation with or without adjudication of guilt has been reversed or set aside.

(e) In the absence of evidence that was not disclosed by the requestor or reasonably available when a request for a criminal history evaluation was under consideration, the executive director's criminal history evaluation letter is a final determination regarding the requestor's eligibility for registration. If found to be ineligible for registration, a requestor may not apply for registration until one year after the date the letter is issued. A requestor who is determined to be ineligible may:

- (1) submit a request for reconsideration of the determination of ineligibility based upon evidence that was not disclosed or reasonably available to the agency at the time the determination was made;

1 (2) submit a new request for an evaluation no sooner than one year after the date upon which the
2 criminal history evaluation letter was issued; or

3 (3) request a hearing on the determination made in the executive director's criminal history evaluation
4 letter. A hearing conducted pursuant to this section is subject to the Administrative Procedure Act,
5 Chapter 2001, Government Code.

6 (f) The Board shall issue a final order on the determination made in the criminal history evaluation after
7 consideration of a proposal for decision issued by an administrative law judge at the State Office of
8 Administrative Hearings. The Board's final order must specify findings of fact and conclusions of law,
9 stated separately, regarding the person's eligibility for registration in light of his or her criminal history
10 record.

11 (g) A person who is found to be ineligible by a final order of the Board may not file another request for a
12 criminal history evaluation or apply for registration until three years after the date of the Board's final
13 order. However, a person may request reconsideration of the final order based upon evidence that was
14 not disclosed or reasonably available to the Board at the time the final order was issued.

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16 RULE §5.37 Provisional Licensure

17 (a) The Board shall grant a Certificate of Registration or a provisional Certificate of Registration to an
18 otherwise qualified Applicant who has been convicted of an offense that:

19 (1) is not directly related to the Practice of Interior Design as determined by the executive director
20 under §5.158 of this chapter (relating to Criminal Convictions);

21 ~~(2) was committed earlier than five (5) years before the date the Applicant filed an application for~~
22 ~~registration;~~

23 ~~(23)~~ is not an offense listed in §3g, Article 42.12, Code of Criminal Procedure; and

24 ~~(34)~~ is not a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

25 (b) A provisional Certificate of Registration expires six (6) months after the date it is issued.

26 (c) A provisional Certificate of Registration may be Revoked for the following reasons:

27 (1) the provisional Registrant commits another offense during the 6-month provisional Registration
28 period;

29 (2) the provisional Registrant's community supervision, mandatory supervision, or parole is Revoked; or

30 (3) the provisional Registrant violates a statute or rule enforced by the Board.

31 (d) A provisional Registrant who is subject to community supervision, mandatory supervision, or parole
32 shall provide the Board name and contact information of the probation or parole department to which
33 the provisional Registrant reports. The Board shall provide notice to the department upon the issuance
34 of the provisional Certificate of Registration, as well as any terms, conditions or limitations upon the
35 provisional Registrant's practice.

1 (e) Upon successful completion of the provisional Registration period, the Board shall issue a Certificate
2 of Registration to the provisional Registrant. If a provisional Registrant's provisional Certificate is
3 Revoked, the provisional Registrant is disqualified from receiving a Certificate of Registration and may
4 not apply for a Certificate of Registration for a period of three (3) years from the date of Revocation.

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6 SUBCHAPTER H PROFESSIONAL CONDUCT

7 RULE §5.158 Criminal Convictions

8 (a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board
9 may suspend or revoke an existing certificate of registration, disqualify a person from receiving a
10 certificate of registration, issue a provisional license subject to the terms and limitations of §5.37 of this
11 chapter (relating to Provisional Licensure), or deny to a person the opportunity to be examined for a
12 certificate of registration because of the person's conviction for committing an offense if:

13 (1) the offense directly relates to the duties and responsibilities of a Registered Interior Designer;

14 ~~(2) the offense does not directly relate to the duties and responsibilities of a Registered Interior~~
15 ~~Designer and was committed within five (5) years before the date the person applied for registration as~~
16 ~~a Registered Interior Designer;~~

17 ~~(23)~~ the offense is listed in ~~Article 42A.054~~~~§3g~~, ~~Article 42.12~~, Texas Code of Criminal Procedure; or

18 ~~(34)~~ the offense is a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal
19 Procedure.

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

22 (1) Effective January 1, 2014, each Applicant shall submit a complete and legible set of fingerprints to
23 the Department of Public Safety or a vendor under contract with the Department for the purpose of
24 obtaining criminal history record information from the Department and the Federal Bureau of
25 Investigation. The Applicant shall pay the cost of conducting the criminal history background check to
26 the Department or the vendor on behalf of the Department. An Applicant who does not submit
27 fingerprints in accordance with this subsection is ineligible for registration.

28 (2) Effective January 1, 2014, each Registrant on active status or returning to active status who has not
29 submitted a set of fingerprints pursuant to paragraph (1) of this subsection shall submit a complete and
30 legible set of fingerprints to the Department of Public Safety or a vendor under contract with the
31 Department for the purpose of obtaining criminal history record information from the Department and
32 the Federal Bureau of Investigation. The Registrant shall pay the cost of conducting the criminal history
33 background check to the Department or the vendor on behalf of the Department. A Registrant who does
34 not submit fingerprints in accordance with this subsection is ineligible for renewal of, or returning to,
35 active registration. A Registrant is not required to submit fingerprints under this paragraph for the
36 renewal of, or returning to, active registration if the Registrant previously submitted fingerprints under
37 paragraph (1) of this subsection for initial registration or under this paragraph for a previous renewal of,
38 or return to, active registration.

1 (3) The executive director may contact the Applicant or Registrant regarding any information about a
2 criminal conviction, other than a minor traffic offense, disclosed in the Applicant's or Registrant's
3 criminal history record. If the executive director intends to pursue revocation or suspension of a
4 registration, or denial of a registration or opportunity to be examined for a registration because of a
5 person's prior conviction of an offense, the executive director must:

6 (A) provide written notice to the person of the reason for the intended denial; and

7 (B) allow the person not less than 30 days to submit any relevant information to the Board.~~The~~
8 ~~executive director shall allow the Applicant or Registrant no less than 30 days to provide a written~~
9 ~~response in sufficient detail to allow the executive director to determine whether the conduct at issue~~
10 ~~appears to directly relate to the duties and responsibilities of a Registered Interior Designer.~~

11 (4) The notice provided by the executive director under this subsection must contain:

12 (A) a statement that the person is disqualified from being registered or being examined for
13 registration because of the person's prior conviction of an offense specified in the notice; or

14 (B) a statement that:

15 (i) the final decision of the Board to revoke or suspend the registration or deny the person a
16 registration or the opportunity to be examined for the registration will be based on the factors listed in
17 subsection (d) of this section; and

18 (ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the
19 factors listed in subsection (d) of this section.

20 ~~(54)~~ If the executive director determines the conviction might be directly related to the duties and
21 responsibilities of a Registered Interior Designer, the Board's staff will obtain sufficient details regarding
22 the conviction to allow the Board to determine the effect of the conviction on the Applicant's eligibility
23 for registration or on the Registrant's fitness for continued registration.

24 (c) In determining whether a criminal conviction is directly related to the duties and responsibilities of a
25 Registered Interior Designer, the executive director and the Board ~~shall~~will consider each of the
26 following factors:

27 (1) the nature and seriousness of the crime;

28 (2) the relationship of the crime to the purposes for requiring a license to practice Interior Design;

29 (3) the extent to which Interior Design registration might offer an opportunity to engage in further
30 criminal activity of the same type as that in which the Applicant or Registrant had been involved; ~~and~~

31 (4) the relationship of the crime to the ability, or capacity, ~~or fitness~~ required to perform the duties and
32 discharge the responsibilities of a Registered Interior Designer; and

33 (5) any correlation between the elements of the crime and the duties and responsibilities of a
34 Registered Interior Designer.

35 (d) If the executive director or the Board determines under subsection (c) that a criminal conviction
36 directly relates to the duties and responsibilities of a Registered Interior Designer.~~In addition to the~~

1 ~~factors that may be considered under subsection (c) of this section~~, the executive director and the Board
2 shall consider the following in determining whether to suspend or revoke a registration, disqualify a
3 person from receiving a registration, or deny to a person the opportunity to take a registration
4 examination:

5 (1) the extent and nature of the Applicant's or Registrant's past criminal activity;

6 (2) the age of the Applicant or Registrant at the time the crime was committed;

7 ~~(3) and~~ the amount of time that has elapsed since the Applicant's or Registrant's last criminal activity;

8 ~~(4)~~ the conduct and work activity of the Applicant or Registrant prior to and following the criminal
9 activity;

10 ~~(5)~~ evidence of the Applicant's or Registrant's rehabilitation or rehabilitative effort while incarcerated
11 or after release;

12 (6) evidence of the person's compliance with any conditions of community supervision, parole, or
13 mandatory supervision; and

14 ~~(7)~~ other evidence of the Applicant's or Registrant's ~~present~~ fitness to practice as a Registered Interior
15 Designer, including letters of recommendation ~~from law enforcement officials involved in the~~
16 ~~prosecution or incarceration of the Applicant or Registrant or other persons in contact with the~~
17 ~~Applicant or Registrant; and~~

18 ~~(6) proof that the Applicant or Registrant has maintained steady employment and has supported~~
19 ~~his/her dependents and otherwise maintained a record of good conduct and has paid all outstanding~~
20 ~~court costs, supervision fees, fines, and restitution as may have been ordered.~~

21 (e) Crimes directly related to the duties and responsibilities of a Registered Interior Designer include any
22 crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly
23 upheld for the professional practice of Interior Design, such as the following:

24 (1) criminal negligence;

25 (2) soliciting, offering, giving, or receiving any form of bribe;

26 (3) the unauthorized use of property, funds, or proprietary information belonging to a client or
27 employer;

28 (4) acts relating to the malicious acquisition, use, or dissemination of confidential information related
29 to Interior Design; and

30 (5) any intentional violation as an individual or as a consenting party of any provision of the Act.

31 (f) The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony
32 if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration
33 of any Registrant whose felony probation, parole, or mandatory supervision is revoked.

34 (g) If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the
35 Applicant for registration during the period of incarceration. If an Applicant's felony probation, parole,

1 or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the
2 Applicant successfully completes the sentence imposed as a result of the revocation.

3 (h) If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall
4 provide the Applicant or Registrant with the following information in writing:

5 (1) the reason for rejecting the application or taking action against the Registrant's certificate of
6 registration, including any factor considered under subsections (c) or (d) that served as the basis for the
7 action;

8 (2) notice that upon exhaustion of the administrative remedies provided by the Administrative
9 Procedure Act, Chapter 2001, Government Code, an action may be filed in a district court of Travis
10 County for review of the evidence presented to the Board and its decision. The person must begin the
11 judicial review by filing a petition with the court within 30 days after the Board's decision is final; and

12 (3) the earliest date the person may appeal.

13 (i) All proceedings pursuant to this section shall be governed by the Administrative Procedure Act,
14 Chapter 2001, Government Code.

15

16 RULE §5.162 Deferred Adjudication

17 (a) For purposes of §5.37 and §5.158 of this chapter (relating to Provisional Licensure and Criminal
18 Convictions), a person is not convicted for committing a criminal offense if:

19 (1) the person entered a plea of guilty or nolo contendere;

20 (2) the court deferred further proceedings without entering an adjudication of guilt and placed the
21 person under the supervision of the court or an officer of the court; and

22 (3) at the conclusion of a period of supervision, the judge dismissed the proceedings and discharged
23 the person.

24 (b) Notwithstanding subsection (a) of this section, the executive director or the Board may consider a
25 person to have been convicted of for committing a criminal offense regardless of whether the
26 proceedings were dismissed and the person was discharged as described by subsection (a) if upon a
27 finding that:

28 (1) the person was charged with

29 (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or

30 (B) an offense other than an offense described by Paragraph (A) if:

31 (i) the person has not completed the period of supervision or the person completed the period
32 of supervision less than five years before the date the person applied for registration; or

33 (ii) a conviction for the offense would make the person ineligible for registration by operation of
34 law; and

- 1 (2) after consideration of the factors described by Board Rule 1.149(c) or (d), the executive director or
2 the Board determines that:
- 3 (A) the person may pose a continued threat to ~~the~~ public safety; or
- 4 (B)(2) employment of the person as a Registered Interior Designer ~~registration~~ would create a
5 situation in which the person has an opportunity to repeat the prohibited conduct
6 an opportunity for the
7 person to engage in the same type of criminal activity as that for which the person pled guilty or nolo
8 contendere.
- 8 (c) If a person pleads guilty or nolo contendere to conduct which is a violation of a law enforced by the
9 Board, regardless of whether adjudication is deferred, the Board may take disciplinary action.

AN ACT

relating to a person's eligibility for an occupational license; providing an administrative penalty.

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

SECTION 1. Section 51.355, Occupations Code, is amended to read as follows:

Sec. 51.355. LICENSE ELIGIBILITY OF PERSON WHOSE LICENSE HAS BEEN REVOKED. (a) Except as otherwise provided by this section, a [A] person whose license has been revoked by order of the commission or executive director is not eligible for a new license until the first anniversary of the date of the revocation.

(b) Notwithstanding Subsection (a), a person whose license has been revoked by order of the commission or executive director is eligible to apply for a new license before the first anniversary of the date of the revocation if:

(1) the revocation was based solely on the person's failure to pay an administrative penalty; and

(2) the person:

(A) has paid the administrative penalty in full;

or

(B) is paying the administrative penalty under a payment plan with the department and is in good standing with respect to that plan.

SECTION 2. Subchapter G, Chapter 51, Occupations Code, is amended by adding Sections 51.357 and 51.358 to read as follows:

Sec. 51.357. RESTRICTED LICENSES FOR CERTAIN OCCUPATIONS.

(a) As an alternative to denying, revoking, suspending, or refusing to issue or renew a license under Section 51.356 or 51.4012(a) or Chapter 53, the commission or executive director may issue a restricted license to an applicant for a license under:

(1) Chapter 1302; or

(2) Chapter 1305.

(b) The department may impose reasonable conditions on a holder of a restricted license, including requiring the license holder to:

(1) limit the scope or location of the license holder's practice;

(2) be supervised; and

(3) report to the department, including notifying the department promptly of any change in the license holder's supervision.

(c) The department may:

(1) include on the face of a license and in the

department's records a statement:

(A) that the license is restricted; and

(B) of any condition of the restricted license;

and

(2) use a distinctive design for a restricted license.

(d) A license holder who supervises the holder of a restricted license shall use reasonable care to ensure that the license holder complies with any condition imposed under this section.

(e) The commission or executive director may impose an administrative penalty or other sanction on the holder of a restricted license or on a license holder who supervises the person for a violation of this section.

Sec. 51.358. RESTRICTED LICENSE TERM. (a) A restricted license issued under Section 51.357 is valid for the term provided for an unrestricted license of the same type.

(b) A restricted license may be renewed by complying with the requirements for the renewal of an unrestricted license of the same type.

(c) On the expiration of the term of a restricted license and the receipt by the department of a license renewal application, there is a rebuttable presumption that the applicant is entitled to issuance by the department of an unrestricted license.

(d) The presumption under Subsection (c) may be rebutted by

the department's determination that:

(1) the applicant failed to comply with any condition imposed under Section 51.357;

(2) the applicant is not in good standing with the department; or

(3) issuing an unrestricted license to the applicant would result in an increased risk of harm to any person or property.

SECTION 3. Section 51.4041, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding any other law, the alternative means adopted under Subsection (a) may include accepting as sufficient evidence of a person's eligibility for a license relevant education, training, or experience obtained while the person was imprisoned if the person:

(1) previously held a license of the same type for which the person is applying and the license was revoked under Section 53.021(b);

(2) has not been convicted of, placed on deferred adjudication for, or entered a plea of guilty or nolo contendere to:

(A) an offense listed in Article 42A.054, Code of Criminal Procedure;

(B) a sexually violent offense, as defined by

Article 62.001, Code of Criminal Procedure; or

(C) an offense under Chapter 21 or 43, Penal Code;

and

(3) while imprisoned, maintained a record of good

behavior and:

(A) successfully participated in a program acceptable to the department to prepare the person for reentry into the workforce in the occupation for which the person seeks a license; or

(B) performed work on a regular basis in the occupation for which the person seeks a license.

SECTION 4. Subchapter A, Chapter 53, Occupations Code, is amended by adding Section 53.003 to read as follows:

Sec. 53.003. LEGISLATIVE INTENT; LIBERAL CONSTRUCTION OF SUBCHAPTER. (a) It is the intent of the legislature to enhance opportunities for a person to obtain gainful employment after the person has:

(1) been convicted of an offense; and

(2) discharged the sentence for the offense.

(b) This chapter shall be liberally construed to carry out the intent of the legislature.

SECTION 5. Section 53.021(a), Occupations Code, is amended to read as follows:

(a) Subject to Section 53.0231, a [A] licensing authority

may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:

(1) an offense that directly relates to the duties and responsibilities of the licensed occupation;

~~(2) [an offense that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license;~~

~~[(3)]~~ an offense listed in Article 42A.054, Code of Criminal Procedure; or

(3) ~~[(4)]~~ a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

SECTION 6. Section 53.022, Occupations Code, is amended to read as follows:

Sec. 53.022. FACTORS IN DETERMINING WHETHER CONVICTION DIRECTLY RELATES TO OCCUPATION. In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed ~~[an]~~ occupation, the licensing authority shall consider each of the following factors:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;

(3) the extent to which a license might offer an

opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; ~~[and]~~

(4) the relationship of the crime to the ability or ~~[r]~~ capacity ~~[, or fitness]~~ required to perform the duties and discharge the responsibilities of the licensed occupation; and

(5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

SECTION 7. The heading to Section 53.023, Occupations Code, is amended to read as follows:

Sec. 53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER AFTER DETERMINING CONVICTION DIRECTLY RELATES TO OCCUPATION.

SECTION 8. Sections 53.023(a) and (b), Occupations Code, are amended to read as follows:

(a) If a licensing authority determines under Section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, ~~[In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime,~~] the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021 ~~[, in addition to the factors listed in Section 53.022]:~~

(1) the extent and nature of the person's past criminal

activity;

(2) the age of the person when the crime was committed;

(3) the amount of time that has elapsed since the person's last criminal activity;

(4) the conduct and work activity of the person before and after the criminal activity;

(5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; ~~and~~

(6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and

(7) other evidence of the person's fitness, including letters of recommendation ~~[from:~~

~~[(A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;~~

~~[(B) the sheriff or chief of police in the community where the person resides; and~~

~~[(C) any other person in contact with the convicted person].~~

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described ~~[of the prosecution, law enforcement, and correctional authorities as required]~~ by Subsection (a)(7)

[~~(a)(6)~~].

SECTION 9. Subchapter B, Chapter 53, Occupations Code, is amended by adding Sections 53.0231 and 53.026 to read as follows:

Sec. 53.0231. NOTICE OF PENDING DENIAL OF LICENSE. (a)

Notwithstanding any other law, a licensing authority may not deny a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense unless the licensing authority:

(1) provides written notice to the person of the reason for the intended denial; and

(2) allows the person not less than 30 days to submit any relevant information to the licensing authority.

(b) A notice required under Subsection (a) must contain, as applicable:

(1) a statement that the person is disqualified from receiving the license or being examined for the license because of the person's prior conviction of an offense specified in the notice; or

(2) a statement that:

(A) the final decision of the licensing authority to deny the person a license or the opportunity to be examined for the license will be based on the factors listed in Section 53.023(a); and

(B) it is the person's responsibility to obtain

and provide to the licensing authority evidence regarding the factors listed in Section 53.023(a).

Sec. 53.026. APPLICANT BEST PRACTICES GUIDE. (a) The state auditor shall, in collaboration with licensing authorities, develop a guide of best practices for an applicant with a prior conviction to use when applying for a license. The state auditor shall publish the guide on the state auditor's Internet website.

(b) A licensing authority shall include a link to the guide on the authority's Internet website and in each notice described by Section 53.051 and letter described by Section 53.104.

SECTION 10. Section 53.051, Occupations Code, is amended to read as follows:

Sec. 53.051. NOTICE. A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense [~~a crime and the relationship of the crime to the license~~] shall notify the person in writing of:

(1) the reason for the suspension, revocation, denial, or disqualification, including any factor considered under Section 53.022 or 53.023 that served as the basis for the suspension, revocation, denial, or disqualification;

(2) the review procedure provided by Section 53.052;
and

(3) the earliest date the person may appeal the action

of the licensing authority.

SECTION 11. Section 53.104(b), Occupations Code, is amended to read as follows:

(b) If a licensing authority determines that the requestor is ineligible for a license, the licensing authority shall issue a letter setting out each basis for potential ineligibility, including any factor considered under Section 53.022 or 53.023 that served as the basis for potential ineligibility, and the authority's determination as to eligibility. In the absence of new evidence known to but not disclosed by the requestor or not reasonably available to the licensing authority at the time the letter is issued, the authority's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

SECTION 12. Section 53.023(c), Occupations Code, is repealed.

SECTION 13. Not later than September 1, 2020, the state auditor shall develop and publish the guide as required by Section 53.026, Occupations Code, as added by this Act.

SECTION 14. The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is

continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1342 was passed by the House on May 8, 2019, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1342 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

OCCUPATIONS CODE

TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING

CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 53.001. APPLICABILITY OF CERTAIN DEFINITIONS. The definitions provided by Chapter 2001, Government Code, apply to this chapter.

Sec. 53.002. APPLICABILITY OF CHAPTER. This chapter does not apply to:

- (1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;
- (2) a person licensed or an applicant for a license under Chapter 1701;
- (3) an applicant for certification as emergency medical services personnel under Chapter 773, Health and Safety Code; or
- (4) a person who:
 - (A) is licensed by the Texas Medical Board, the Texas State Board of Pharmacy, the State Board of Dental Examiners, or the State Board of Veterinary Medical Examiners; and
 - (B) has been convicted of a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code.

Sec. 53.003. LEGISLATIVE INTENT; LIBERAL CONSTRUCTION OF SUBCHAPTER. (a) It is the intent of the legislature to enhance opportunities for a person to obtain gainful employment after the person has:

- (1) been convicted of an offense; and
 - (2) discharged the sentence for the offense.
- (b) This chapter shall be liberally construed to carry out the intent of the legislature.

SUBCHAPTER B. INELIGIBILITY FOR LICENSE

Sec. 53.021. AUTHORITY TO REVOKE, SUSPEND, OR DENY LICENSE.

(a) Subject to Section 53.0231, a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:

- (1) an offense that directly relates to the duties and responsibilities of the licensed occupation;
- (2) an offense listed in Article 42A.054, Code of Criminal Procedure; or
- (3) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

(a-1) Subsection (a) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:

- (1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and
- (2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.

(b) A license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

(c) Except as provided by Subsections (d) and (e), notwithstanding any other law, a licensing authority may not consider a person to have been convicted of an offense for purposes of this section if, regardless of the statutory authorization:

- (1) the person entered a plea of guilty or nolo contendere;
- (2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and
- (3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.

(d) A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if:

- (1) the person was charged with:
 - (A) any offense described by Article 62.001(5), Code of Criminal Procedure; or
 - (B) an offense other than an offense described by Paragraph (A) if:
 - (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or
 - (ii) a conviction for the offense would make the person ineligible for the license by operation of law; and

(2) after consideration of the factors described by Sections 53.022 and 53.023(a), the licensing authority determines that:

(A) the person may pose a continued threat to public safety; or

(B) employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.

(e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide:

(1) law enforcement or public health, education, or safety services; or

(2) financial services in an industry regulated by a person listed in Section 411.0765(b)(18), Government Code.

Sec. 53.0211. LICENSING OF CERTAIN APPLICANTS WITH PRIOR CRIMINAL CONVICTIONS. (a) This section does not apply to an applicant for a license that would allow the applicant to provide:

(1) law enforcement services;

(2) public health, education, or safety services; or

(3) financial services in an industry regulated by the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner.

(b) Notwithstanding any law other than Subsection (a) and unless the applicant has been convicted of an offense described by Section 53.021(a), a licensing authority shall issue to an otherwise qualified applicant who has been convicted of an offense:

(1) the license for which the applicant applied; or

(2) a provisional license described by Subsection (c).

(c) A licensing authority may issue a provisional license for a term of six months to an applicant who has been convicted of an offense.

(d) The licensing authority shall revoke a provisional license if the provisional license holder:

(1) commits a new offense;

(2) commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or

(3) violates the law or rules governing the practice of the occupation for which the provisional license is issued.

(e) The licensing authority shall issue the license for which the applicant originally applied to a provisional license holder on the expiration of the provisional license term if the provisional license holder does not engage in conduct described by Subsection (d).

(f) If the licensing authority revokes a provisional license under Subsection (d), the provisional license holder is disqualified from receiving the license for which the applicant originally applied.

(g) An applicant who is on community supervision, mandatory supervision, or parole and who is issued a provisional license under this section shall provide to the licensing authority the name and contact information of the probation or parole department to which the person reports. The licensing authority shall notify the probation or parole department that a provisional license has been issued. The probation or parole department shall notify the licensing authority if the person's community supervision, mandatory supervision, or parole supervision is revoked during the term of the provisional license.

Sec. 53.022. FACTORS IN DETERMINING WHETHER CONVICTION DIRECTLY RELATES TO OCCUPATION. In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider each of the following factors:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- (4) the relationship of the crime to the ability or capacity required to perform the duties and discharge the responsibilities of the licensed occupation; and
- (5) any correlation between the elements of the crime and the duties and responsibilities of the licensed occupation.

Sec. 53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER AFTER DETERMINING CONVICTION DIRECTLY RELATES TO OCCUPATION. (a) If a licensing authority determines under Section 53.022 that a criminal conviction directly relates to the duties and responsibilities of a licensed occupation, the licensing authority shall consider the following in determining whether to take an action authorized by Section 53.021:

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person when the crime was committed;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person before and after the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release;
- (6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and
- (7) other evidence of the person's fitness, including letters of recommendation.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations described by Subsection (a)(7).

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. 1342), Sec. 12, eff. September 1, 2019.

Text of section as added by Acts 2019, 86th Leg., R.S., Ch. 984 (S.B. 1217), Sec. 1

For text of section as added by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. 1342), Sec. 9, see other Sec. 53.0231.

Sec. 53.0231. LIMITATION REGARDING CONSIDERATION OF CERTAIN ARRESTS. For purposes of determining a person's fitness to perform the duties and discharge the responsibilities of the licensed occupation, a licensing authority may not consider an arrest that did not result in the person's conviction or placement on deferred adjudication community supervision.

Text of section as added by Acts 2019, 86th Leg., R.S., Ch. 765 (H.B. 1342), Sec. 9

For text of section as added by Acts 2019, 86th Leg., R.S., Ch. 984 (S.B. 1217), Sec. 1, see other Sec. 53.0231.

Sec. 53.0231. NOTICE OF PENDING DENIAL OF LICENSE. (a) Notwithstanding any other law, a licensing authority may not deny a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense unless the licensing authority:

- (1) provides written notice to the person of the reason for the intended denial; and
- (2) allows the person not less than 30 days to submit any relevant information to the licensing authority.

(b) A notice required under Subsection (a) must contain, as applicable:

(1) a statement that the person is disqualified from receiving the license or being examined for the license because of the person's prior conviction of an offense specified in the notice; or

(2) a statement that:

(A) the final decision of the licensing authority to deny the person a license or the opportunity to be examined for the license will be based on the factors listed in Section 53.023(a); and

(B) it is the person's responsibility to obtain and provide to the licensing authority evidence regarding the factors listed in Section 53.023(a).

Sec. 53.024. PROCEEDINGS GOVERNED BY ADMINISTRATIVE PROCEDURE ACT. A proceeding before a licensing authority to establish factors required to be considered under this subchapter is governed by Chapter 2001, Government Code.

Sec. 53.025. GUIDELINES. (a) Each licensing authority shall issue guidelines relating to the practice of the licensing authority under this chapter. The guidelines must state the reasons a particular crime is considered to relate to a particular license and any other criterion that affects the decisions of the licensing authority.

(b) A state licensing authority that issues guidelines under this section shall file the guidelines with the secretary of state for publication in the Texas Register.

(c) A local or county licensing authority that issues guidelines under this section shall post the guidelines at the courthouse for the county in which the licensing authority is located or publish the guidelines in a newspaper having countywide circulation in that county.

(d) Amendments to the guidelines, if any, shall be issued annually.

Sec. 53.026. APPLICANT BEST PRACTICES GUIDE. (a) The state auditor shall, in collaboration with licensing authorities, develop a guide of best practices for an applicant with a prior conviction to use when applying for a license. The state auditor shall publish the guide on the state auditor's Internet website.

(b) A licensing authority shall include a link to the guide on the authority's Internet website and in each notice described by Section 53.051 and letter described by Section 53.104.

SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF LICENSE

Sec. 53.051. NOTICE. A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of an offense shall notify the person in writing of:

- (1) the reason for the suspension, revocation, denial, or disqualification, including any factor considered under Section 53.022 or 53.023 that served as the basis for the suspension, revocation, denial, or disqualification;
- (2) the review procedure provided by Section 53.052; and
- (3) the earliest date the person may appeal the action of the licensing authority.

Sec. 53.052. JUDICIAL REVIEW. (a) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under Section 53.021 and who has exhausted the person's administrative appeals may file an action in the district court in the county in which the licensing authority is located for review of the evidence presented to the licensing authority and the decision of the licensing authority.

(b) The petition for an action under Subsection (a) must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

SUBCHAPTER D. PRELIMINARY EVALUATION OF LICENSE ELIGIBILITY

Sec. 53.101. DEFINITIONS. In this subchapter:

- (1) "License" means a license, certificate, registration, permit, or other authorization that:
 - (A) is issued by a licensing authority; and
 - (B) a person must obtain to practice or engage in a particular business, occupation, or profession.
- (2) "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

Sec. 53.102. REQUEST FOR CRIMINAL HISTORY EVALUATION LETTER. (a) A person may request a licensing authority to issue a criminal history evaluation letter regarding the person's eligibility for a license issued by that authority if the person:

- (1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license or is planning to take an examination for an initial license; and
 - (2) has reason to believe that the person is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense.
- (b) The request must state the basis for the person's potential ineligibility.

Sec. 53.103. AUTHORITY TO INVESTIGATE. A licensing authority has the same powers to investigate a request submitted under this subchapter and the requestor's eligibility that the authority has to investigate a person applying for a license.

Sec. 53.104. DETERMINATION OF ELIGIBILITY; LETTER. (a) If a licensing authority determines that a ground for ineligibility does not exist, the authority shall notify the requestor in writing of the authority's determination on each ground of potential ineligibility.

(b) If a licensing authority determines that the requestor is ineligible for a license, the licensing authority shall issue a letter setting out each basis for potential ineligibility, including any factor considered under Section 53.022 or 53.023 that served as the basis for potential ineligibility, and the authority's determination as to eligibility. In the absence of new evidence known to but not disclosed by the requestor or not reasonably available to the licensing authority at the time the letter is issued, the

authority's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

(c) A licensing authority must provide notice under Subsection (a) or issue a letter under Subsection (b) not later than the 90th day after the date the authority receives the request.

Sec. 53.105. FEES. A licensing authority may charge a person requesting an evaluation under this subchapter a fee adopted by the authority. Fees adopted by a licensing authority under this subchapter must be in an amount sufficient to cover the cost of administering this subchapter.

SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

Sec. 53.151. DEFINITIONS. Notwithstanding Section 53.001, in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section 58.001.

Sec. 53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS. (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall notify each applicant to and enrollee in the educational program of:

- (1) the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program;
- (2) the current guidelines issued under Section 53.025 by any licensing authority that may issue an occupational license to an individual who completes the educational program;
- (3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and
- (4) the right to request a criminal history evaluation letter under Section 53.102.

(b) The entity shall provide the notice required under Subsection (a) to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

Sec. 53.153. REFUND AND ORDERED PAYMENTS. A licensing authority that determines that an entity regulated by the licensing authority has failed to provide the notice required by Section 53.152 to an individual entitled to receive the notice and that the individual's application for an occupational license for which the entity's educational program prepares the individual was denied because the individual has been convicted of an offense shall order the entity to:

- (1) refund the amount of any tuition paid by the individual to the entity; and

(2) pay to the individual an amount equal to the total of the following, as applicable:

(A) the amount of any application fees paid by the individual to the licensing authority; and

(B) the amount of any examination fees paid by the individual to the licensing authority or an examination provider approved by the licensing authority.

Draft Amendments to Rule 5.183

Relating to the Elimination of Administrative Penalties for Nonregistrant Interior Designers and Repeal of Criminal Liability for Violations of Occupations Code Chapter 1053

Background

Recently, the legislature enacted HB 2847. This bill made two changes to the law impacting TBAE. First, amendments to Tex. Occ. Code §1051.451 eliminated the Board’s authority to impose administrative penalties against a nonregistrant for conduct related to the practice of interior design. Second, the bill repealed Tex. Occ. Code §1053.351, which previously made it a Class C misdemeanor criminal offense to knowingly violate Occupations Code §1053.151 (use of the term “registered interior designer” or words that imply a person is a registered interior designer by a nonregistrant) or a standard of conduct adopted under Occupations Code Chapter 1053 (the chapter regulating registered interior designers). Previously the Board had adopted provisions in Board Rule 5.183 implementing its former authority to impose administrative penalties against nonregistrants and addressing criminal liability as a potential remedy for violations of Chapter 1053. Therefore, it is necessary for the Board to engage in rulemaking to update these obsolete provisions.

Staff has prepared draft amendments that are included in the Board materials. Additionally, relevant excerpts from HB 2847 are provided for your review.

Draft Amendments

The draft amendments would make the following changes to Board Rule 5.183:

- Under subsection (a), “Criminal prosecution in a court of appropriate jurisdiction” and “imposition of an administrative penalty” are repealed as potential remedies for a nonregistrant who violates Occupations Code Chapter 1053 or 22 Texas Administrative Code Chapter 5. Additionally, “denial of registration as a Registered Interior Designer, if

applicable,” is added as a possible remedy, to clarify preexisting authority granted to the Board under Tex. Occ. Code §1053.251(c).

- Former subsections (c) and (d) are repealed, as they describe the Board’s procedures to impose an administrative penalty against a nonregistrant. In place of these provisions, amended subsection (c) is proposed. Subsection (c) describes the procedure the Board would use to issue a cease and desist order if a nonregistrant is violating Occupations Code Chapter 1053 or 22 Texas Administrative Code Chapter 5. This amended rule and the process it adopts are based on preexisting authority of the Board contained in Tex. Occ. Code §1051.504.
 - Adoption of this amendment will enable the Board to meet its statutory obligation under Tex. Occ. Code §1051.501 to ensure that enforcement action is taken against an individual who violates a law under the Board’s jurisdiction.
- Subsection (d) implements the statutory repeal of administrative penalties against nonregistrants, and states that, if a nonregistrant commits a violation that would otherwise result in an administrative penalty under Board Rules 5.187 and/or 5.242, the person would be subject to a remedy described in subsection (a) instead.
- Since “Nonregistrant” is a defined term in Board Rule 5.5, this term has been substituted for “person who is not a registered interior designer” throughout the rule to provide for consistency.

Staff Recommendation

Move to approve the draft amendments to 22 Tex. Admin. Code §5.183 for publication and proposal in the Texas register, with authority for the general counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the Texas Register.

TITLE 22 EXAMINING BOARDS

PART 1 TEXAS BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 5 REGISTERED INTERIOR DESIGNERS

SUBCHAPTER I DISCIPLINARY ACTION

RULE §5.183 Violation by One Not a Registered Interior Designer

(a) A ~~Nonregistrant person who is not a Registered Interior Designer~~ who violates Texas Occupations Code Chapter 1053 or this Chapter~~any of the laws or rules over which the Board has jurisdiction~~ is subject to any or all of the following:

(1) judicial proceedings for injunctive relief;

~~(2) criminal prosecution in a court of appropriate jurisdiction;~~

~~(3) imposition of an administrative penalty;~~

~~(4)~~(2) issuance of a cease and desist order from the Board; or

(3) denial of registration as a Registered Interior Designer, if applicable.

(b) In taking action against a ~~Nonregistrant person who is not a Registered Interior Designer~~, the Board may be represented by agency staff, the Texas Attorney General, by a county or district attorney, or by other counsel as necessary.

~~(c) The Executive Director may recommend and the Board may, after notice and an opportunity for hearing, impose an administrative penalty in the manner prescribed in Subchapter I of the Architects' Practice Act and otherwise as permitted by law and Board rules.~~

~~(d) A person charged with a violation may request a hearing to contest a proposed administrative penalty that has been recommended by the Executive Director:~~

~~(1) A request for a hearing must be received in the Board's office no later than the 20th day after the date the person receives notice that the Executive Director has recommended the imposition of an administrative penalty.~~

~~(2) The hearing shall be conducted by an Administrative Law Judge at the State Office of Administrative Hearings under provision of the Administrative Procedure Act, Texas Government Code Annotated, Chapter 2001, and this subchapter.~~

~~(e) If a person charged with a violation agrees to a proposed administrative penalty recommended by the Executive Director, the Board may approve the Executive Director's recommendation and order payment of the proposed penalty without a hearing.~~

~~(f) Within thirty (30) days after the date on which the Board's order imposing an administrative penalty or taking other final agency action in a contested case proceeding becomes final, the person charged must pay the administrative penalty and otherwise ensure compliance with the terms set forth in the Board's Final Order or file a petition for judicial review with a district court in Travis County as provided by Subchapter G, Chapter 2001, Government Code.~~

~~(g) (c) The following process shall be used to issue a cease and desist order to a Nonregistrant:~~

~~(1) If the Executive Director determines that a Nonregistrant is violating, or has violated, Texas Occupations Code Chapter 1053 or this Chapter a statutory provision or rule enforced by the Board, the Executive Director may:~~

~~–(1) issue to the Nonregistrant a written notice describing the alleged violation and the Executive Director's intention to request that the Board impose administrative penalties and issue a cease and desist order. The written notice shall offer the Nonregistrant an opportunity to resolve all matters contained in the written notice by means of an agreed order or other instrument deemed appropriate by the Executive Director and of the Nonregistrant's ability to request an informal conference as well as of his or her right to request a hearing before an Administrative Law Judge at the State Office of Administrative Hearings; and~~

~~–(2) take any other action and impose any other penalty described in this section or permitted by law.~~

~~(2) If the Nonregistrant does not request a hearing before the 22nd day after the date of receiving notice, the board may:~~

~~(A) issue a cease and desist order; and~~

~~(B) refer the violation to the attorney general for further action;~~

~~(3) If the Nonregistrant requests a hearing before the 22nd day after the date of receiving notice, the board shall hold the hearing at the State Office of Administrative Hearings not later than the 30th day after the date the board receives the request for the hearing. A hearing under this section is subject to Chapter 2001, Government Code.~~

~~(d) Notwithstanding any other law or rule, the Board shall not impose an administrative penalty against a Nonregistrant for a violation of Texas Occupations Code Chapter 1053 or this Chapter. If a Nonregistrant has committed a violation that would otherwise result in the imposition of an administrative penalty under Board Rules §5.187 and/or §5.242, the Board shall consider a remedy described in subsection (a) of this section in lieu of an administrative penalty.~~

Excerpt of

H.B. No. 2847

(an excerpt of) AN ACT

relating to the licensing and regulation of certain occupations, activities, and agreements; providing a civil penalty; authorizing fees; requiring an occupational registration and an occupational license.

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

(Articles 1 through 12 not relevant to TBAE)

ARTICLE 13. INTERIOR DESIGNERS

SECTION 13.001. Section 1051.451, Occupations Code, is amended to read as follows:

Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. (a)
Except as provided by Subsection (b), the [The] board may impose an administrative penalty on a person who engages in conduct for which the person is subject to disciplinary action under this subtitle, regardless of whether the person holds a certificate of registration issued under this subtitle.

(b) The board may not impose an administrative penalty under

this subtitle on a person for conduct related to the practice of interior design unless the person holds a certificate of registration as an interior designer.

SECTION 13.002. Section 1053.251(a), Occupations Code, is amended to read as follows:

(a) On a determination that a ground for disciplinary action exists under Section 1053.252, the board shall:

(1) revoke, suspend, or refuse to renew a certification of registration;

(2) reprimand a certificate holder; or

(3) impose an administrative penalty on a certificate holder [~~person~~] under Subchapter I, Chapter 1051.

SECTION 13.003. Subchapter H, Chapter 1053, Occupations Code, is repealed.

SECTION 13.004. Sections 1051.451 and 1053.251(a), Occupations Code, as amended by this article, apply only to the imposition of an administrative penalty for a violation that occurs on or after the effective date of this Act. The imposition of an administrative penalty for a violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 13.005. The repeal by this article of Subchapter H,

Chapter 1053, Occupations Code, does not apply to an offense committed under that subchapter before the effective date of the repeal. An offense committed before the effective date of the repeal is governed by the law as it existed on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of the repeal if any element of the offense occurred before that date.

(Articles 14 and 15 not relevant to TBAE)

ARTICLE 16. IMPLEMENTATION; EFFECTIVE DATE

SECTION 16.001. The Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission and the department may, but are not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 16.002. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 2847 was passed by the House on April 25, 2019, by the following vote: Yeas 130, Nays 5, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2847 on May 23, 2019, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2847 on May 26, 2019, by the following vote: Yeas 100, Nays 42, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2847 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 30, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2847 on May 26, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor

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

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

Case Number: 277-19A
Respondent: Kirk Randal Acheson
Location of Respondent: Flint, TX
Location of Project(s): Tyler, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Kirk Randal Acheson (hereafter “Respondent”) is registered as an architect in Texas with registration number 17231.
- Previous History
 - On March 27, 2017, the Executive Director issued a Warning to the Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review.
- On July 17, 2019, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “Mercedes Pre-Owned” located in Tyler, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on March 7, 2018 and were submitted to TDLR on April 12, 2019.

Applicable Statutory Provisions and Rules:

- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated Texas Occupations Code §1051.752(2) and Board Rule 1.170(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated September 30, 2019.

**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: 240-17N
Respondent: Dan Adhamy
Location of Respondent: Dallas, TX
Instrument: Revised Report and Notice of Violation

Findings:

- Dan Adhamy (hereafter “Respondent”) is not and has never been registered as an architect in Texas.
- Respondent is the President of ADHACO Construction, which is not registered with the Board as a firm which may practice or offer to engage in the practice of architecture in the State of Texas.
- On or about June 20, 2016, Respondent provided design services and supervised and controlled the preparation of architectural plans and specifications for a project identified as *Parker Preston Professional Building*, a 32,226 square foot commercial building located in Plano, Texas.

Applicable Statutory Provisions and Rules:

- By engaging or offering to engage in the practice of architecture on a project despite not being registered as an architect, Respondent violated Tex. Occ. Code §1051.701.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$10,000** as set forth in the Revised Report and Notice of Violation dated October 23, 2019.

**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:	112-19A
Respondent:	Stephanie Nicole Behring
Location of Respondent:	Dallas
Location of Project(s):	Frisco
Nature of Violation:	Violation of Architectural Barriers Act (TDLR)
Instrument:	Revised Report and Notice of Violation

Findings:

- Stephanie Nicole Behring (hereafter “Respondent”) is registered as an architect in Texas with registration number 24656.
- On December 3, 2018, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “Alta Frisco Square” located in Frisco, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on December 13, 2016 and were submitted to TDLR on October 19, 2018.
- On January 8, 2019, the Board notified Respondent of the investigation. The letter requested that Respondent provide a reply to the Board within 30 days describing the circumstances surrounding the submission of plans for the project “Alta Frisco Square” for TAS review.
- Respondent did not respond to this letter.
- On March 19, 2019, the Board sent an email to Respondent noting that the Board had not received a reply to the previous letter. The Board again requested that Respondent provide a reply to the Board within 30 days describing the circumstances surrounding the submission of plans for the project “Alta Frisco Square” for TAS review.
- Respondent did not respond to this email within 30 days.

Applicable Statutory Provisions and Rules:

- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated Texas Occupations Code §1051.752(2) and Board Rule 1.170(a).
- By failing to respond to two Board inquires within 30 days of receipt, Respondent violated 22 Tex. Admin. Code §1.171.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,500** as set forth in the Report and Notice of Violation dated July 29, 2019.

**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: 164-17A
Respondent: John J. Grable
Location of Respondent: San Antonio, TX
Date of Complaint Received: January 9, 2017
Instrument: Report and Notice of Violation

Findings:

- John J. Grable (hereafter “Respondent”) is a registered architect in Texas with registration number 10915.
- On or about November 22, 2013, Respondent entered into a contract to provide architectural services for a project located on Morningside Drive in Terrell Hills, Texas. The scope of the project included the renovation of an existing casita into new studio space with possible dual guestroom functionality along with the addition of a new two-car carport tied to the casita structure.
- On or about December 15, 2014, Respondent and/or firm employees working under the Respondent’s direction issued a site plan sheet for the casita project located on Morningside Drive in Terrell Hills. However, Respondent failed to seal the plan sheet or indicate on the plan sheet that it was not for regulatory approval, permitting or construction. The plan sheet was released to the contractor and/or the City of Terrell Hills and was used to secure permitting for the project.

Applicable Statutory Provisions and Rules:

- By failing to affix his seal or indicate on the plan sheet that it was not for regulatory approval, permitting or construction, Respondent violated Board Rule 1.101 and/or 1.103(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated August 21, 2019.

**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: 253-19N
Respondent: Robert Dunham Runyon
Location of Respondent: McKinney, Texas
Date of Complaint Received: April 30, 2019
Instrument: Revised Report and Notice of Violation

Findings:

- Robert Dunham Runyon (hereafter “Respondent”) was first registered to engage in the practice of architecture in 1982 bearing architectural registration number 9074.
- On December 31, 2016, Respondent’s Texas architectural registration expired due to his failure to submit renewal materials and fees. On December 31, 2018, Respondent’s architectural registration became cancelled/non-renewable due to a failure to renew registration for two years from the date of expiration.
- On or about February 1, 2019, Respondent sealed and issued construction documents for a project identified as Creekview Apartments in Austin, Texas. At the time Respondent provided architectural services for this project, his registration was cancelled and non-renewable and he was not authorized to provide architectural services.
- On or about June 18, 2019, Respondent utilized the title “Architect” to describe himself and/or his business, Runyon & Associates, LLC, on his LinkedIn webpage.

Applicable Statutory Provisions and Rules:

- By issuing plans bearing an architect’s seal at a time when his certificate of registration was cancelled and non-renewable, Respondent violated Tex. Occ. Code §§ 1051.351(a), 1051.606, 1051.701, 1051.702(b) and 22 Tex. Admin. Code §§ 1.82(b), 1.104(c), and 1.148(c).
- By utilizing the title “Architect” to describe services offered by him and his firm on his LinkedIn webpage, Respondent violated Board Rule 1.123.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$5,000** as set forth in the Revised Report and Notice of Violation dated September 30, 2019.

**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: 281-19A
Respondent: Gerald A. Ward
Location of Respondent: Colleyville, TX
Location of Project(s): Rockwall, TX
Nature of Violation: Violation of Architectural Barriers Act (TDLR)
Instrument: Report and Notice of Violation

Findings:

- Gerald A. Ward (hereafter “Respondent”) is registered as an architect in Texas with registration number 11748.
- Previous History
 - On March 8, 2017, the Executive Director issued a Warning to the Respondent based on findings that the Respondent failed to timely submit plans to TDLR for accessibility review.
- On July 17, 2019, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as “7-Eleven Store #38421” located in Rockwall, Texas, to TDLR for accessibility review within 20 days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on August 13, 2018 and were submitted to TDLR on October 12, 2018.

Applicable Statutory Provisions and Rules:

- By failing to submit plans and specifications on a project for accessibility review no later than 20 days after issuance, Respondent violated Texas Occupations Code §1051.752(2) and Board Rule 1.170(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,000** as set forth in the Report and Notice of Violation dated September 30, 2019.

**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:	267-19A
Respondent:	Laura Jean Adair
Location of Respondent:	Grapevine, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Laura Jean Adair (hereafter “Respondent”) is registered as an architect in Texas with registration number 17603.
- On June 17, 2019, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2018 through December 31, 2018.
- On July 9, 2019, Respondent replied that due to a loss of computerized records, she could not produce her continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2018 through December 31, 2018, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated July 24, 2019.

**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:	251-19I
Respondent:	Tracy Puga Alanis
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Tracy Puga Alanis (hereafter "Respondent") is registered as an interior designer in Texas with registration number 10714.
- 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, 2017 through December 31, 2017 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, Respondent violated Board Rule 5.79(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated July 2, 2019.

**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:	270-19A
Respondent:	Derek Scott Barcinski
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Derek Scott Barcinski (hereafter "Respondent") is registered as an architect in Texas with registration number 17566.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2017 through December 31, 2017, but completed them prior to the renewal of his architectural registration

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated August 22, 2019.

**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:	271-19A
Respondent:	Mary Thornhill Burton
Location of Respondent:	San Antonio, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Mary Thornhill Burton (hereafter "Respondent") is registered as an architect in Texas with registration number 11977.
- On April 15, 2019, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On July 11, 2019, Respondent replied that due to a loss of computerized records, she could not produce her continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated August 6, 2019.

**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:	248-19A
Respondent:	Harry Hobson Crow III
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Harry Hobson Crow III (hereafter “Respondent”) is a registered architect in Texas with registration number 17604.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.

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:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated June 18, 2019.

**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: 264-19A
Respondent: Gabriel Andres Cuellar
Location of Respondent: Minneapolis, MN
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Gabriel Andres Cuellar (hereafter "Respondent") is registered as an architect in Texas with registration number 26214.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2018 through December 31, 2018, but completed them prior to the renewal of his architectural registration

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated July 24, 2019.

**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: 273-19I
Respondent: Tamie Michele Glass
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Tamie Michele Glass (hereafter “Respondent”) was formerly a registered interior designer in Texas with registration number 11342, which she voluntarily surrendered.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

Applicable Statutory Provisions and Rules:

- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 5.79. The Board’s standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated August 6, 2019.

**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: 368-19L
Respondent: Chris Carroll Kaden
Location of Respondent: Gainesville, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Chris Carroll Kaden (hereafter “Respondent”) is registered as a landscape architect in Texas with registration number 814.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2018 through December 31, 2018.
- In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff’s investigation regarding Respondent’s continuing education credits, Respondent failed to respond to two written requests for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 3.69(g). The Board’s standard assessment for providing false information is **\$700**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 3.69(f). The standard administrative penalty assessed for this violation is **\$500**.
- By failing to respond to two written requests for information within 30 days of staff’s requests, Respondent violated Board rule 3.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250** totaling **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,700** as set forth in the Report and Notice of Violation dated September 30, 2019.

**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:	309-19A
Respondent:	Jeffrey Robert McComas
Location of Respondent:	Orlando, FL
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Jeffrey Robert McComas (hereafter "Respondent") is registered as an architect in Texas with registration number 16067.
- On June 17, 2019, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On July 19, 2019, Respondent replied that due to a move he could not produce his continuing education certificates.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated September 6, 2019.

**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:	266-19L
Respondent:	Blaze Kenneth May
Location of Respondent:	Vega, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Blaze Kenneth May (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2610.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2018 through December 31, 2018.
- In addition to failing to complete the required continuing education hours within the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his landscape architectural registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 3.69. The Board's standard assessment for providing false information is **\$700**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board Rule 3.69(b). The standard administrative penalty assessed for this violation is **\$500**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$1,200** as set forth in the Report and Notice of Violation dated July 24, 2019.

**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: 272-19A
Respondent: Ruth Siegel
Location of Respondent: Pflugerville, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Ruth Siegel (hereafter “Respondent”) is registered as an architect in Texas with registration number 20398.
- On June 17, 2019, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On July 3, 2019, Respondent replied that she could not locate her continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty for failing to maintain a detailed record of continuing education activities is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated August 6, 2019.

TBAE EVENT CALENDAR 2019

JANUARY 2019						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 01 New Year's Day (Closed)
- 08 86th Legislative Session Begins
- 21 M.L. King Day (Closed)

JULY 2019						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- 04 Independence Day (Closed)
- 05 TBAE Holiday (Skeleton)

FEBRUARY 2019						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

- 04 CLARB MBE Comm. Mtg. Reston, VA
- 18 Presidents Day (Closed)
- 21 Board Meeting

AUGUST 2019						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 02 NCARB Licensing Advisors Summit – Minneapolis MN
- 08 METROCON19, Dallas
- 13 Board Meeting
- 23 NCARB Model Law Task Force (Julie) Washington, D.C.
- 27 LBJ's Birthday (Skeleton)

MARCH 2019						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- 07 NCARB Regional Summit – Nashville, TN (Debra, Lance, Joyce)
- 08 CLARB Board Meeting San Antonio

SEPTEMBER 2019						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 02 Labor Day (Closed)
- 26 2019 LRGV-AIA Comm. Conference & Expo - South Padre Island
- 25 CLARB Annual/Board Meeting – St. Louis, MI

APRIL 2019						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- 19 Good Friday (4 hrs. Skeleton)
- 24 Texas ASLA Conference Irving
- 30 Personal Financial Statement Filing Deadline

OCTOBER 2019						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 24 TxA 2019 80th Annual Conference & Design Expo - Galveston

MAY 2019						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- 17 NCARB Model Law Task Force – Julie Washington, DC
- 27 Memorial Day (Closed)
- 27 Last day of Legislative Session

NOVEMBER 2019						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- 08 2019 CIDQ Council of Delegates Meeting – San Antonio
- 08 NCARB Model Law Task Force
- 11 Veterans Day (Closed)
- 19 Board Meeting
- 25 Staff Training
- 27 Agency Holiday (Skeleton)
- 28 Thanksgiving Day (Closed)
- 29 Day after Thanksgiving (Closed)

JUNE 2019						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

- 07 CLARB Board Meeting Vancouver, BC
- 13 Board Meeting
- 19 Emancipation Day (Skeleton)
- 20 NCARB Annual Business Meeting - Washington, DC

DECEMBER 2019						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- 12 CLARB Board Mtg Reston, VA
- 12 2019 Govt Law & Liability Conf.
- 24 Christmas Eve (Closed)
- 25 Christmas Day (Closed)
- 26 Day after Christmas (Closed)
- 27 Agency Holiday (Skeleton)
- 30 Agency Holiday (Skeleton)
- 31 Agency Holiday (Skeleton)