TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting by Videoconference/Telephone Call During Disaster Due to COVID-19
Thursday, November 19, 2020
9:00 a.m. – Conclusion

Due to Governor Greg Abbott's March 13, 2020 proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, this meeting will be held by video conference call, as authorized under Texas Government Code section 551.127.

Members of the public will have access and a means to participate in this meeting, by two-way communication, by registering for the conference at:
https://attendee.gotowebinar.com/register/2044282093713085 58

Registration is free and required to participate in the meeting. After registering, registrants will receive a confirmation email from GoToWebinar and instructions on how to join the webinar.

An electronic copy of the agenda and meeting materials may be found at
https://www.tbae.texas.gov/content/documents/TBAE/agendas/BoardNoteBook_Nov2020.pdf

A recording of the meeting may be obtained by contacting Katherine Crain at katherine.crain@tbae.texas.gov.

A public comment period will be provided at the beginning of the meeting. Registrants may provide comment by utilizing the "Raise Hand" feature in the webinar. The meeting organizer will contact those who have raised their hands and arrange for comment. When the Board reaches the public comment item, the Chair will recognize commenters by name and provide the commenter an opportunity to speak. According to 22 Tex. Admin. Code §7.06, each member of the public shall be allotted five (5) minutes to make a presentation to the Board. The five-minute period may be extended at the Board's discretion.

The Board will meet at the above-stated time to consider and take appropriate action on the items listed below.

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AGENDA

1. Preliminary Matters

A. Call to order	Debra Dockery
B. Roll call	Joyce Smith
C. Excused and unexcused absences	Debra Dockery
D. Determination of a quorum	
E. Recognition of guests	
F. Chair's opening remarks	
G. Public comments	

2. Introduction of New Board Members *(Information)* — Debra Dockery

Darren L. James, FAIA, Architect Member
(Appointed Term: Aug 12, 2020 – Jan 31, 2025)
Tim A. Bargainer, PLA, ASLA, Landscape Architect Member
(Appointed Term: Aug 12, 2020 – Jan 31, 2025)
Fernando Trevino, **Sr., Public Member**
(Reappointed Term: Aug 12, 2020 – Jan 31, 2025)

3. Approval of August 25, 2020 Board Meeting Minutes *(Action)* — Debra Dockery

4. Executive Director Report *(Information)* — Julie Hildebrand

- **A.** Summary of Executive Accomplishments
- **B.** Operating Budget/Scholarship Fund: Presentation on 4th Quarter FY 2020 Expenditures/Revenues
- **C.** Report on the Annual Financial Report (AFR)

5. Trend Analysis Presentation on Agency Performance and Operations *(Information)* — Julie Hildebrand

6. Board Member Learning and Envisioning *(Information)* — Julie Hildebrand
Elimination of Architectural Barriers — Jack Stamps

7. Committee Appointments *(Action)* — Debra Dockery

8. Rules Committee update *(Information)* — Debra Dockery

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9. Consideration of Draft Rules for Proposal – Draft Rules 1.69, 3.69, and 5.79 relating to continuing education requirements; and Draft Rules 1.232, 3.232, and 5.242, relating to administrative penalties for violations of continuing education requirements. *(Action)* — Lance Brenton

10. Digital Model Initiative *(Information)* — Debra Dockery

11. ARE Remote Proctoring Discussion *(Information)* — Debra Dockery

12. Enforcement Cases *(Action)* — Lance Brenton

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

A. <u>Registrant/Non-Registrant Cases</u>:

Case No. 205-17N; SOAH Docket No. 459-20-4299	Martin Nguyen	*Non-Registrant*
Case No. 070-20N	Grace Garza	*Non-Registrant*
Case No. 016-20N	Ammar Jaber	*Non-Registrant*
Case No. 257-19A	John S. Vaci	*Arch #25280*

B. <u>Continuing Education Cases</u>:

Case No. 075-20A	Mario Bolullo	*Arch #10830*
Case No. 370-19I	Sharon Rhodes Cowart	*RID #10581*
Case No. 076-20I	Suzanne McHenry	*RID #10945*
Case No. 172-20A	Francisco Valadez	*Arch #15586*

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

13. Upcoming Board Meetings *(Information)* — Debra Dockery

Thursday, February 25, 2021
Tuesday, June 22, 2021
Thursday, August 26, 2021
Tuesday, November 16, 2021

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14. Report on Conferences and Meetings (*Information)* Debra Dockery

- **A.** CLARB Annual Meeting/50th Anniversary *(Virtual) – Sep10*
- **B.** NCARB Member Board Chair/Member Board Executive Leadership Summit *(Virtual) – Oct 21*
- **C.** TBAE & NCARB Architect Licensure Virtual presentation, Texas Tech – El Paso – *Sep 24*
- **D.** Stephen F. Austin presentation – *Oct 7*
- **E.** TxA Annual Conference *(Virtual) – Oct 28-30*
- **F.** CIDQ Council of Delegates Meeting *(Virtual) – Nov 12*

15. Report on Upcoming Conferences and Meetings *(Information)* Debra Dockery

16. Board Member Comments/Future Agenda Items *(Information)* Debra Dockery

17. Adjournment Debra Dockery

NOTE:

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

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

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

FREQUENTLY USED ACRONYMS

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

Darren L. James, FAIA
President
KAI Enterprises

Darren L. James is President of KAI Enterprises, a national design and construction services firm with seven offices. In this role, Darren is responsible for enterprise marketing/sales and Dallas/Fort Worth market leadership. Darren creates growth strategies for each business unit of KAI Enterprises' four companies; KAI Design, KAI Engineering, KAI 360 CS & KAI Build, as well as KAI's diverse geographic footprint.

After spending three years as Architect/Assistant Director of Construction for Texas Woman's University, Darren rejoined KAI in 2005. Since his return, Darren has led KAI's exceptional growth and expansion throughout Texas. Darren has led the firm's transformation from new market entrant to DFW power.

In addition to KAI's executive management, Darren serves as President of Fair Park First, the non-profit tasked with managing historic Fair Park for inclusive and equitable community daily use. He has also been elected Chair of the Dallas Black Chamber of Commerce for five consecutive terms and serves on the Board of Directors for the Dallas Citizen's Council, The Real Estate Council, Lone Star Investment Advisors and Trinity Park Conservancy. He has previously served on the Boards of the Dallas Center for Architecture Foundation, Dallas Regional Chamber, Big Brothers Big Sisters Lone Star Texas and the University of Kansas School of Architecture Advisory Board.

Darren was elevated to the American Institute of Architects College of Fellows in 2019, one of the highest honors bestowed on architects for their contribution to architecture and the community. Darren is a prolific author and guest lecturer. Darren has been published in national and regional print media. As an entreprenuer, architect, subject matter expert and servant leader, Darren has spoken, presented or taught at the City of Dallas Arts Month, the University of North Texas-Dallas, UCLA International Design Conference, American Society of Quality, AMAC, Texas Society of Architects, American Institute of Architects, Association for Learning Environment, and American Public Transportation Association to highlight a few.

Darren was recognized by the *Dallas Business Journal* as one of their 2014 Minority Business Leaders and *Who's Who in Black Dallas as a 2016 Game Changer*. He has been awarded the 2015 Regional Black Contractors Association Inaugural Herman Jerome Russell Award, the 2015 Regional Asian American Contractors Association Star Award, the 2018 Interdenominational Ministerial Alliance Business Award, the 2018 TAAACC William Sidney Pittman Award and the 2019 3T Ministries Sage Service Award.

Originally from St. Louis, Darren graduated from the University of Kansas and currently resides in the Dallas Metroplex with his family. Darren's passion for civic engagement was inspired early in life.


Tim A. Bargainer, PLA, ASLA, CLARB

Employment

Halff Associates, Inc. – Senior Vice President, Firm-wide Practice Lead for Planning & Landscape Architecture -2015-current

Tim Bargainer currently serves as Senior Vice President and firm-wide Practice Lead for Planning & Landscape Architecture at Halff Associates. Tim's award winning-work in planning and design over the past 28 years has been instrumental in his success. His leadership and experience lends itself to a happier staff, quality and rewarding work and clients that refer to Tim as a friend. His particular strengths range from management of large multi-disciplined planning and design teams on complex projects, to simple day to day project management. He has a unique ability to visually and graphically analyze and develop alternative solutions leads to early success in schematic design and design development phases of a project. Tim's diverse experience with both private and public sector projects gives him the ability to focus on the big picture and client satisfaction while successfully leading projects through to completion. He is a facilitator of solutions, delivering a final product that meets and exceeds expectations. He also prides himself on being accessible to the client at all times.

Baker-Aicklen & Associates, Inc. – President, Director for Planning & Landscape Architecture (2010-2015)

BWM Group – Founding Partner/Principal of Planning & Landscape Architecture (2000-2010)

Hall|Bargainer, Inc. - Founding Partner/Principal of Planning & Landscape Architecture (1998-2000)

The Office of Tim Bargainer, ASLA – principal Landscape Architect (1996-1998)

Education

Bachelor of Landscape Architecture Texas Tech University Lubbock, Texas, 1992

Professional Registrations

Certified Council of Landscape Architectural Review Boards #2382

Registered State of Texas Landscape Architect # 1787

Registered State of Colorado Landscape Architect # LA-103

Registered State of Oklahoma Landscape Architect #0425

Registered State of Arkansas Landscape Architect #9161

Professional Associations

American Planning Association
Urban Land Institute
American Society of Landscape Architects
Council of Landscape Architectural Review Boards
Texas Recreation and Parks Society

Larson Burns, Inc – project Landscape Architect (1995-1996)

Richardson Verdoorn, Inc – Landscape Architect (1992-1995)

Affiliations

- American Society of Landscape Architects (ASLA)
- Council of Landscape Architectural Review Boards (CLARB)
- ASLA Chapter President 2014-2015
- ASLA Chapter President Elect 2013-2014
- ASLA Chapter Secretary 2011-2012
- ASLA Section Chair 1994
- ASLA Section Chair-elect 1993
- American Planning Association
- Texas Trails Network (TTN)
- National Trust for Historic Preservation
- Main Street Resource Teams
- Trans Texas Alliance Board of Directors 2003

Recognitions and Awards

- 2019 TX ASLA Distinguished Member Award
- 2015 TX ASLA Merit Award Blackland Heritage Park
- 2011 Envision Central Texas Stewardship Award – Hutto Lake Park
- 2011 TX ASLA Merit Award Heritage Trail on Brushy Creek
- 2010 TX ASLA Kay Tiller Award for Service to Society
- 2008 TX ASLA Merit Award Brushy Creek Regional Trail
- 2007 TX ASLA Honor Award Garey Park Master Plan
- 2007 TX ASLA Merit Award Berry Springs Park & Preserve
- 2006 Texas Forest Service – Urban Forestry Award for Old Settlers Park Tree Mitigation
- 2004 American Trails Organization, National Trail Award Brushy Creek Regional Trail
- 2001 TX ASLA Honor Award Austin Bergstrom Intl Airport
- 1999 Zilker Botanical Gardens Design Award for the Trail of Passages
- 1993 TX ASLA Merit Award Barton Creek Community Master Plan

Community Involvement

- City of Georgetown Planning and Zoning Commission 2014-2020
- City of Georgetown Unified Development Code Committee 2014-2020
- City of Georgetown Chamber of Commerce – Development Alliance - Founding Chair 2010-2015
- City of Georgetown Chamber of Commerce Board of Directors 2010-2015
- City of Round Rock, Round Rock Area Arts Council Board of Directors 2010-2012
- City of Round Rock Chamber of Commerce Board of Directors 2001-2004

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of August 25, 2020 Board Meeting
By Videoconference/Telephone Call During Disaster Due to COVID-19
Centennial Towers, 505 E. Huntland Dr., Ste. 350
Austin, TX 78752
9:00 a.m. until completion of business

AGENDA ITEMS	DESCRIPTIONS
	Mr. Glenn Garry (Communications Manager) provided general information on how the meeting by videoconference would be conducted.
1A. **Call to Order**	Ms. Dockery called the meeting to order at 9:04 a.m.
1B. **Roll Call**	Ms. Hildebrand called the roll. The following Board members acknowledged their presence for the meeting: Debra Dockery — Chair, Architect Member Robert (Bob) Wetmore — Vice-Chair, Architect Member Joyce J. Smith — Secretary/Treasurer, Public Member Michael (Chad) Davis — Landscape Architect Member Jennifer Walker — Architect Member Rosa G. Salazar — Registered Interior Designer Fernando Trevino — Public Member
1C. **Excused and Unexcused Absences**	Charles (Chuck) Anastos — Architect Member Chase Bearden — Public Member A MOTION WAS MADE AND SECONDED (Davis/Smith) TO APPROVE THE EXCUSED ABSENCES OF MR. ANASTOS and MR. BEARDEN. Julie Hildebrand (Executive Director) requested roll call from the Board members on the vote and received the following responses: Debra Dockery – Yes Bob Wetmore – Yes Joyce Smith – Yes Chad Davis – Yes Jennifer Walker – Yes Rosa Salazar – Yes Fernando Trevino – Yes THE MOTION PASSED UNANIMOUSLY.
1D.	Ms. Hildebrand confirmed attendees by roll call.

Determination of a Quorum	A quorum was present.
1E. Chair's Opening Remarks	Ms. Dockery welcomed the audience to the quarterly meeting of the Texas Board of Architectural Examiners. She began by stating that the Board would hear reports from the Executive Director, vote on a proposed budget for the next year, receive board training on the continuing education program, and conduct the annual performance review of the Executive Director. Furthermore, the Board would honor the service of two departing board members, Architect member Chuck Anastos and Landscape Architect member Chad Davis. She noted that the Board had received notice of new appointments to the board. First of all, Fernando Trevino was reappointed. Also, while not yet official, Darren L. James and Tim Bargainer are expected to join the Board at the November meeting. She provided the following background on each new member. Mr. James is an Architect from Dallas where he is the President of KAI Enterprises, a multi-state firm that provides architecture and engineering services. Mr. Bargainer is a Landscape Architect from Georgetown. He serves as the practice leader in planning and landscape architecture services for Halff & Associates. She stated that she looks forward to the contributions they will make to the board. Ms. Dockery acknowledged the possible occurrence of technical difficulties during the conference call meeting. She stated that Staff would monitor the platform to ensure the continued presence of a quorum throughout the meeting. She noted that the meeting would continue if connection with any Board member was lost but a quorum was maintained. In the event of a disconnection, she asked Board members to reconnect if possible. In the event of her own disconnection, Ms. Dockery stated that the Vice Chair Mr. Wetmore would preside until such time that Ms. Dockery was able to reconnect or the meeting was adjourned. In the event that a quorum was lost, Ms. Dockery stated that the Board would recess until a quorum was reconvened.
1F. Public Comments	Ms. Dockery outlined the procedure for a member of the public to provide comment to the Board and opened the meeting for public comment. No public comment was offered.
2. Approval of May 21, 2020 Board Meeting Minutes	A MOTION WAS MADE AND SECONDED (Walker/Salazar) TO APPROVE THE MAY 21, 2020 BOARD MEETING MINUTES. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved

	Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY.
3. **Executive Director's Report** A. Summary of Executive Accomplishments B. Operating Budget/Scholarship Fund: Presentation on 3rd Quarter FY 2020 Expenditures/Revenue	Ms. Dockery invited Ms. Hildebrand to deliver the Executive Director's report. Ms. Hildebrand referred the Board to her report in the supplemental materials previously provided to the Board, summarized that report, and invited any questions from the Board. There were no questions from the Board members.
4. **FY21 Operating Budget**	Ms. Dockery dropped from the call and Mr. Wetmore took over as Chair. Mr. Wetmore asked Ms. Hildebrand to proceed with presenting the FY21 Operating Budget. Ms. Hildebrand referred the Board to the proposed draft of the FY 2021 budget and presented a summary of the budget and her projections for the fiscal year. Ms. Dockery stated that she had rejoined the meeting during Ms. Hildebrand's presentation. She asked whether the budget committee had any comments to provide on the budget. Mr. Trevino complimented Ms. Hildebrand on a great job working with the committee and producing the budget. Ms. Smith stated that the committee shared a very productive discussion at the committee meeting and that staff had done a beautiful job of thinking through the budget, which she was very satisfied with. Ms. Dockery asked Ms. Hildebrand to confirm that Board policy required the maintenance of an eight-month fund balance. Ms. Hildebrand confirmed it. Ms. Dockery noted that, under current projections, it would be 2027 before the Board would have to increase fees to avoid dropping below the fund balance requirement, which Ms. Hildebrand confirmed. Mr. Davis stated that he was unable to attend the committee meeting but thought Ms. Hildebrand did an excellent job on the budget. He noted that, in recent years, the Board had often projected an expected draw from the

	reserve fund but had been mindful of actual expenditures and ended up with surpluses at year-end, so he would agree with the 2027 projection. Ms. Dockery called for the vote. A MOTION WAS MADE AND SECONDED (Smith/Trevino) TO APPROVE THE FY21 OPERATING BUDGET. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Yes Bob Wetmore – Yes Joyce Smith – Yes Chad Davis – Yes Jennifer Walker – Yes Rosa Salazar – Yes Fernando Trevino – Yes THE MOTION PASSED UNANIMOUSLY.
5. Discussion of the Agency's Response to the COVID-19 Outbreak and Any Need to Request Gubernatorial Suspension of Laws or Agency Rules	Ms. Dockery invited Ms. Hildebrand to address the Board regarding the agency's response to the COVID-19 outbreak. Ms. Hildebrand stated that the agency was at 25% capacity with up to 7 employees at a time in the office. She emphasized that this scenario has allowed the agency to complete all essential and non-essential tasks. She stated that she is not requiring employees to work in the office at this time, but anyone that needs to come into the office may do so after notifying her. Ms. Hildebrand also requested updated guidance from the Board on whether the agency should request assistance from the governor's office to waive any laws or rules relating to the pandemic. She stated that licensing fees had not been waived, but late fees have been waived on a case by case basis. She noted that the agency had not conducted CE audits since March, which was consistent with the practices of some other state agencies. Ms. Hildebrand also discussed the practices of other architecture Boards around the country. She invited input from the Board about the reinstatement of CE audits and whether to continue to require the completion of CE for 2020, which would be due for all registrants by the end of the year. Ms. Dockery requested a motion from the Board on how to proceed. A MOTION WAS MADE AND SECONDED (Wetmore/Smith) TO CONTINUE THE CE REQUIREMENTS AND REINSTATE THE CE AUDITS IN A TIMING THAT THE EXECUTIVE DIRECTOR FEELS IS MOST ADVANTAGEOUS.

	Mr. Davis stated that he was in favor of reinstating the audits for continuing education. He acknowledged that this has been a difficult time and that the short suspension of audits has been a kind gesture but felt that most people have been able to acclimate now. He emphasized that continuing education providers had adapted and online credits were readily available. He noted that building design and construction had continued during the pandemic, and therefore it was important to the health, safety, and welfare that professionals continued to complete continuing education requirements. He also noted that continuing education is a statutory requirement, so he doesn't believe the Board has any flexibility on waiving statutory requirements without action by the governor. Ms. Dockery confirmed that action from the governor would be required in order to waive CE requirements for the year. A roll call vote was called, with the following responses. Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved. THE MOTION PASSED UNANIMOUSLY. Ms. Dockery stated that Ms. Hildebrand would reinstate the audit process for continuing education at her discretion.
6. **Proposed Rules for Adoption** Adoption of amendments to 22 Tex. Admin. Code §5.183 implementing House Bill 2847 (86th Tex Leg., R.S.), relating to the elimination of administrative penalties for certain	Mr. Brenton referred the Board to the summary and associated Board materials for this rulemaking action, which began on page 31. He summarized those materials, provided staff's recommendation, and invited any questions or comments from the Board. A MOTION WAS MADE AND SECONDED (Davis/Walker) TO APROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE § 5.183 FOR FINAL ADOPTION. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved

nonregistered persons and the elimination of criminal offenses for violating Texas Occupations Code Chapter 1053.	Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY.
7. Enforcement Cases Review and possibly adopt ED's recommendation in the following enforcement cases:	Ms. Dockery asked Mr. Brenton to present the disciplinary cases.
7A. Registrant/Non-Registrant Cases:	**Aguilar, Elkin (TBAE Case No. 005-20A)** Mr. Brenton directed the Board to the written materials for this case beginning on page 40 of the Board packet. He provided a description of the proposed findings of fact and conclusions of law and staff's recommendation that the Board adopt the proposed Agreed Order of the Board. Ms. Dockery thanked Mr. Brenton for his summary of the case and called for a motion if there was nothing further. A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO ACCEPT STAFF'S RECOMMENDATION TO ENTER THE AGREED ORDER OF THE BOARD ON PAGE 41 OF THE BOARD MATERIALS. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY. **Doan, Trung Huu (#045-20A)** Mr. Brenton provided a summary of this matter as described on page 50 of the Board materials. A MOTION WAS MADE AND SECONDED (Walker/Davis) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW,

	AND ADMINISTRATIVE PENALTY OF $1,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JUNE 17, 2020. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY. **Foster, Bob Ryan (#080-16N) (SOAH Docket No. 459-20-2638)** Mr. Brenton stated that this is a SOAH case involving Bob Ryan Foster from Baytown, Texas. He noted that David Gordon, the agency's OAG representative, was on the call and available to provide any counsel to the Board as needed. Mr. Brenton directed the Board to the written materials for this case beginning on page 51 of the Board packet. Mr. Brenton provided a history of the proceeding at SOAH, summarized the Notice of Hearing, Formal Charges, Conditional Order of Default Dismissal and Remind filed by SOAH ALJ Sarah Starnes, and the proposed Order of the Board on page 135 of the Board materials. Mr. Brenton provided staff's recommendation that the Board adopt the proposed Order of the Board on page 52 of the Board materials. A MOTION WAS MADE AND SECONDED (Davis/Salazar) TO ENTER THE ORDER OF THE BOARD ON PAGE 52 OF THE BOARD MATERIALS. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY. **Gibbs, Donald (#072-20N)**

	Mr. Brenton provided a summary of this matter as described on page 60 of the Board materials. A MOTION WAS MADE AND SECONDED (Wetmore/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF $1,500 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED MAY 8, 2020. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY. **Husmann, Robert Steven (#265-19A)** Mr. Brenton provided a summary of this matter as described on page 61 of the Board materials. A MOTION WAS MADE AND SECONDED (Davis/Smith) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF $1,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JUNE 17, 2020. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY. **Nevins, Donald A. (#262-19A)** Mr. Brenton provided a summary of this matter as described on page 62 of the Board materials.

	A MOTION WAS MADE AND SECONDED (Wetmore/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF $1,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED MARCH 11, 2020. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY.
	Ms. Dockery suggested that the Board consider and vote upon the continuing education cases as a group unless there were recusals. No recusals were noted. The Board considered and voted upon the continuing education cases as a group. A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTIES AS SET FORTH IN THE REPORT AND NOTICES OF VIOLATION FOR EACH OF THE FOLLOWING CONTINUING EDUCATION CASES: **Case No. 170-20A Batten, Quinton Floyd Arch#23622** **Case No. 064-20A Cardello, Jonathan William Arch#25837** **Case No. 150-20A Coffman, Jeffrey Scott Arch#26717** **Case No. 120-20I Frani, Carolyn RID#11525** **Case No. 076-20I McHenry, Suzanne RID#10945** **Case No. 158-20I Prosser, Stephanie Linn RID#6620** **Case No. 147-20I Rose, Grace M. RID#2351** **Case No. 073-20I Scarbrough, Hugh Shaffer RID#10448** **Case No. 151-20I Troia, Maria Elizabeth RID#10452** **Case No. 066-20A Wren, Justin Stewart Arch#25064** Mr. Garry stated that one of the Respondents in the continuing education cases would like to address the Board. Ms. Suzanne McHenry introduced herself and stated that she was being audited for 2018. She stated that she had completed CE for that year and saved her certificates of completion on a thumb drive but was unable to

	find the thumb drive in order to show proof of completion. She requested that if the Board imposed an administrative penalty, she be allowed to submit payments under a payment plan. Ms. Dockery thanked Ms. McHenry for her comments and expressed sympathy but reiterated that registrants are required to maintain CE records. She said she could discuss a payment plan with the Executive Director. Mr. Brenton noted that this case was presented to the Board as a falsified certification of CE compliance, based on a Notice of Violation that Ms. McHenry signed and returned to the Board. However, given what Ms. McHenry presented to the Board at this meeting, the appropriate violation would be a failure to maintain documents. Therefore, he suggested removing it from the agenda and presenting it at the next board meeting under the appropriate violation. The standard penalty for either violation is $700. Ms. McHenry agreed with Mr. Brenton's assessment. Mr. Brenton suggested that the Board amend the motion on the floor. A MOTION WAS MADE AND SECONDED (Davis/Wetmore) TO RECOMMEND ACCEPTNIG STAFF'S RECOMMENDATION IN ALL THE CONTINUING EDUCATION CASES WITH THE EXCEPTION OF THE SUZANNE MCHENRY CASE WHICH MAY BE CONSIDERED BY THE BOARD AT A LATER DATE. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY. Ms. Dockery stated that the CE cases were approved with the exception of Suzanne McHenry being sent back to staff.
	The Board took a break at 10:26 a.m. and reconvened at 10:45 a.m.
8. **Board Member Learning and**	Mike Alvarado addressed the Board and provided a report on the Board's continuing education program. Mr. Alvarado referred the Board to presentation notes beginning on page 73 of the Board materials and

Envisioning – Continuing Education	discussed the Board's continuing education requirements, audits processes, and enforcement actions, including violation categories and recommended administrative penalties. Ms. Dockery asked whether Board members had any questions for Mr. Alvarado. They did not. Ms. Dockery asked Ms. Hildebrand whether she sees any need adjust TBAE's continuing education program. Ms. Hildebrand noted that she would consider any need to amend the rules to address issues created by the fact that the CE period runs on calendar years, whereas registrants certify CE for the previous year during their annual renewal, which takes place by birth month. Issues arise when registrants did not complete CE in the previous calendar year but are required to certify CE completion later in the subsequent year in order to renew their registration. She also stated that staff would be looking at adopting improved definitions of structured hours versus self-study hours, which had been a topic of inquiry during the pandemic. She also noted recent changes to CE guidelines by NCARB and AIA and suggested it may be worthwhile to include those changes in TBAE's rule. She intended to review these issues and bring a revised rule before the Board at the November meeting. Ms. Smith asked whether TBAE could align the licensing period and the CE compliance period. Ms. Dockery noted that this was the previous system prior to a rule change earlier last decade. Ms. Hildebrand noted that the intent for the change was to align all states on the same CE compliance period. She stated staff would research the issue and get back to the Board in November. Ms. Salazar asked whether the Board could adjust annual renewals to be processed by calendar year rather than birth month. Ms. Hildebrand said she could address this possibility with staff, with the potential concern that this process could overwhelm staff due to the receipt of all renewals at the same time. It could also be a revenue concern with revenue only coming in one time a year. However, she noted that staff would be looking at all options.
9. **Approval of the Proposed 2021 Board Meeting Dates**	Ms. Hildebrand suggested that the Board schedule meetings for the following dates: Thursday, February 25, 2021 Tuesday, June 22, 2021 Thursday, August 26, 2021 Tuesday, November 16, 2021

	A MOTION WAS MADE AND SECONDED (Wetmore/Walker) TO APPROVE THE RECOMMENDED BOARD MEETING DATES. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY.
10. **Executive Director Annual Performance Evaluation Discussion** **A.** Report on findings based upon performance evaluation B. Consider and possibly act upon any personnel action that may be proposed by the Board.	Ms. Dockery stated that the Board will review the Executive Director's performance for the previous year. Ms. Hildebrand stated that staff had convened a separate conference call for the Board members to meet in closed session to consider the performance evaluation. She provided instructions for the Board members on how to access the call and noted that the public meeting conference call would remain open and that the Board members would rejoin the public meeting conference call once the closed session evaluation was completed. Ms. Dockery announced that the Board would meet in closed session pursuant to Tex. Gov't Code 551.074 to confer on personnel matters. The Executive Session convened at 11:08 a.m. At 11:52, the Board reconvened in open meeting. Ms. Dockery noted that the Closed Session adjourned at 11:52 a.m. and that no final vote was discussed in the Executive Session. Ms. Dockery shared the Board's satisfaction with Ms. Hildebrand. She stated that Ms. Hildebrand had achieved phenomenal performance during the pandemic and the office move, while maintaining her participation in the national organizations. Ms. Dockery identified the following goals for the executive director in the coming year: 1. Develop processes and programs for continued staff development and engagement, given that remote work will remain the norm. Ms. Dockery stated that the Board was pleased that the agency has been able to promote from within and cross-train the staff to perform multiple roles;

	2. Internal and external factors analysis and monitoring. Documenting the lessons learned in switching to online services and consideration of how services could be improved with online delivery; 3. Continue long-term strategic planning and budgetary goals; and 4. Continue board training as it has been very helpful to both the Board and staff. A MOTION WAS MADE AND SECONDED (Davis/Salazar) TO PROPOSE A FOUR PERCENT (4%) RAISE IN LIGHT OF THE FAVORABLE PERFORMANCE EVALUATION FOR THE EXECUTIVE DIRECTOR AND RESEARCH WHETHER THE BOARD CAN MAKE A POTENTIAL PAYMENT OF A ONE-TIME CASH BONUS TO BE PAID TO THE EXECUTVE DIRECTOR. Ms. Smith, Mr. Wetmore and Mr. Trevino thanked the Executive Director for her performance. Ms. Hildebrand requested a roll call vote and received the following responses: Debra Dockery – Approved Bob Wetmore – Approved Joyce Smith – Approved Chad Davis – Approved Jennifer Walker – Approved Rosa Salazar – Approved Fernando Trevino – Approved THE MOTION PASSED UNANIMOUSLY. Ms. Hildebrand thanked the Board for their feedback and support and acknowledged the staff's hard work as well.
11. **Approval of Resolution Honoring** **A.** Charles H. "Chuck" Anastos, AIA **B.** Michael Chad Davis, Landscape Architect	Next, the Chair stated that there were two resolutions to be read and entered into the board record. One for Charles H. "Chuck" Anastos and one for Michael Chad Davis. She read the following resolution into the Board record: **A. Charles H. "Chuck" Anastos, AIA** **BE IT KNOWN THAT CHUCK H. ANASTOS** Has distinguished himself by his commitment and education to the protection of the people of the State of Texas, including by his service as a Member of the Texas Board of Architectural Examiners, and **WHEREAS**, Mr. Anastos is an Architect in the State of Texas, bearing registration number 10133, issued in 1984; and

WHEREAS, Mr. Anastos is a Registered Interior Designer in the State of Texas, bearing registration number 3047, issued in 1993; and

WHEREAS, Mr. Anastos graduated Texas Tech University with a Bachelor of Architecture degree in August 1979; and

WHEREAS, Mr. Anastos and his wife, Tina, started Chuck Anastos Associates, Inc., an architecture and interior design firm in October of 1985, which later became Chuck Anastos Associates, LLC, a Texas Limited Liability Company; and

WHEREAS, Mr. Anastos has served as a volunteer with Big Brothers / Big Sisters, was a Board Member of Corpus Christi Drug Abuse Council, President of AIA Corpus Christi Chapter, participated in Leadership Corpus Christi, Chairman of Corpus Christi Municipal Arts Commission, Chairman of Corpus Christi Arts / Cultural Commission and Executive Committee Member, Two-term Chairman of the Corpus Christi Building Code Board of Appeals, Member of the Corpus Christi Development Services Technical Advisory Group, Director of the AIA Corpus Christi Chapter, and Facilities Chairman of the Art Museum of South Texas; and

WHEREAS, Mr. Anastos was appointed in 2008 to a six-year term to the Texas Board of Architectural Examiners by Governor Rick Perry, and reappointed to a second term, serving variously as Vice-Chair of the Board, as Chair of the Rules Committee, as Member of the Executive Director Review Committee, Joint Advisory Committee, Sub-Joint Advisory Committee, Architect / Engineer Negotiation Committee, Executive Committee, and as Chair of the Engineer Review Committee, now, therefore, be it

RESOLVED
That the Texas Board of Architectural Examiners, in Formal Meeting assembled this 25th day of August 2020, does publicly acknowledge its appreciation of outstanding service to the state of Texas and have voted unanimously for this

RESOLUTION OF APPRECIATION
To Chuck H. Anastos and have caused a copy of this Resolution to be included within the minutes of this Board.

Ms. Dockery stated that if there was no objection, the resolution would be adopted by acclamation.

THE BOARD APPROVED THE RESOLUTION BY ACCLAMATION.

B. Michael "Chad" Davis, Landscape Architect

	BE IT KNOWN THAT MICHAEL "CHAD" DAVIS has distinguished himself by his commitment and dedication to the protection of the people of the State of Texas, including by his service as a Member of the Texas Board of Architectural Examiners, and **WHEREAS**, Mr. Davis is a Landscape Architect in the State of Texas, bearing registration number 1964, issued in May of 1999; and **WHEREAS**, Mr. Davis graduated Texas Tech University with a Bachelor of Landscape Architecture degree in 1994; and **WHEREAS**, Mr. Davis is a Principal and Director of Landscape Architecture at Parkhill, Smith & Cooper, headquartering in Lubbock while advising the firm's Landscape Architectural group and managing its Kindergarten through 12th Grade sector in Europe; and **WHEREAS**, Mr. Davis has served as the President, Government Affairs Chairman, and Student Scholarship Endowments Chairman for the Texas Chapter of the American Society of Landscape Architects (ASLA), President of the Texas Tech Museum Association, and in many other professional and civic roles throughout his career thus far; and **WHEREAS**, Mr. Davis is the recipient of numerous awards and accolades, including the Kay Tiller Chapter Service Award and the Distinguished Member Award from the American Society of Landscape Architects, Texas Chapter; and **WHEREAS**, Mr. Davis was appointed in 2013 to a six-year term to the Texas Board of Architectural Examiners by Governor Rick Perry, serving since that time in many important roles, including Vice-Chair of the Board and Chair of the Rules and Legislative Committees, now, therefore, be it **RESOLVED** that the Texas Board of Architectural Examiners, in Formal Meeting assembled this 25th day of August 2020, does publicly acknowledge its appreciation of outstanding service to the state of Texas and have voted unanimously for this **RESOLUTION OF APPRECIATION** to Michael "Chad" Davis and have caused a copy of this Resolution to be included within the minutes of this Board. Ms. Dockery stated that if there was no objection, the resolution would be adopted by acclamation. THE BOARD APPROVED THE RESOLUTION BY ACCLAMATION. Ms. Dockery addressed Mr. Davis and stated that he had been a bright light in his service on the Board, that the Board would miss him, and that they wished him well.

	Mr. Davis thanked the Board. He stated that he had enjoyed his time on the Board and appreciated the opportunity to grow professionally, intellectually, and personally.
12. **Report on Conferences and Meetings** 2020 NCARB Annual Business Meeting – Virtual, June 18 Digital Model Workgroup Meeting – July 21	Ms. Dockery reported that the 2020 NCARB business meeting convened virtually on June 18th. She attended, along with Joyce Smith and Julie Hildebrand. She said it went well for a virtual meeting and that business was completed with the exception of adopting resolutions. She stated that Alfred Vidaurri was elected Vice-President/President-Elect. She noted that the meeting was supposed to be held in Austin this year but would now be held in Austin in 2022. Ms. Smith stated that NCARB did a good job under the circumstances. However, she missed the networking opportunities. Ms. Dockery stated that the second meeting of the digital model group meeting with TBPE was held on July 21st. She attended along with Ms. Hildebrand, Mr. Brenton, and Mr. Stamps. They discussed digital models and building information modeling and the issuance of those models by design professionals.
13. **Report on Upcoming Conferences and Meetings** **A.** CLARB Annual Meeting/50th Anniversary – September 8 **B.** CIDQ Council of Delegates Virtual Meeting – November 12	Ms. Dockery stated that the CLARB annual meeting would be held virtually on September 8th and she hoped that Mr. Davis could attend. Mr. Davis stated that he had not planned on attending but would attend since Mr. Bargainer had not qualified as a board member. Ms. Dockery announced that CIDQ would meet virtually on November 12th.
14. **Board Member Comments/Future Agenda Items**	There were no comments from board members on future agenda items. Ms. Walker noted that this was the Board's second virtual meeting and even with a closed session included in the agenda, the meeting went great. She shared her appreciation for the staff in successfully organizing these non-traditional meetings. Mr. Trevino and Ms. Dockery concurred.

15. **Upcoming Board Meetings** November 19, 2020	Ms. Dockery stated that the last board meeting for 2020 would be on November 19th and although she would like for it to be held in the new office, she acknowledged the probability that it would be held virtually. She stated she would keep everyone informed and expressed her appreciation for an effective and productive meeting.
17. **Adjournment**	THE MEETING WAS ADJOURNED AT 12:13 P.M.

APPROVED BY THE BOARD:

_____

DEBRA J. DOCKERY, FAIA
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

TBAE Staff Accomplishments: November 2020 Board Meeting

August

- NCARB Incidental Practice Task Force Meeting
- Budget Committee Meeting
- Inside NCARB By the Numbers
- CLARB Regional Meeting – Presenter
- CLARB Web Licensure Summit
- NCARB Services to Member Boards: Records, Transmittals
- TBAE Board Meeting
- NCARB into the Future: Remote Proctoring 201
- CAPPS – Soft Go-Live – Finance
- Continue Work from Home and Business Continuity Planning
- Staff Employment Evaluations
- Weekly Updates to Governor
- Weekly Managers Meetings
- Weekly SDSI Executive Meetings
- Weekly State of Texas Regulatory Executive Meetings
- Office Move-In, Complete IT Projects

September

- CAPPS – Go-Live – Finance
- Virtual Presentation – Texas Tech at UTEP (Registration)
- CLARB Board of Directors Meeting
- CLARB Annual Meeting and 50th Anniversary
- NCARB Region 3 Pre-Board of Directors Meeting
- Governor's Office COVID-19 Update Meeting
- Digital Model Workgroup Staff Meeting
- New Board Member Orientation
- Harvard Kennedy School – Strategic Management of Regulatory and Enforcement Agencies
- ARPL Licensed to Move: Pathways, Principles and Pitfalls for Interstate Practice
- Continue Work from Home and Business Continuity Planning
- Periodic Updates to Governor
- Weekly Managers Meetings
- Monthly SDSI Executive Meetings
- Weekly State of Texas Regulatory Executive Meetings

October

- NCARB Incidental Practice Task Force Meeting
- Meeting NCARB Regarding ARE Online Proctoring
- CLARB Leadership Advisory Council Meeting
- State of Texas Regulatory Executive Meeting Regarding Work from Home Technology
- Digital Model Workgroup Staff Meeting

- NCARB Member Board Chair/Member Board Executive Summit
- CLARB Leadership Advisory Council New Member Orientation
- NCARB Licensing Advisors' Retreat
- NCARB Deep Dive into the Professional Conduct Committee
- CLARB Volunteer Webinar
- Virtual Presentation - Stephen F. Austin State University (Communications)
- Virtual Presentation and Booth – TxA Annual Convention (Investigations, Registration and Communications)
- Continue Work from Home – Return to Office 1 Day/Week, 50% Cap
- Periodic Updates to Governor
- Bi-Weekly Managers Meetings
- Monthly SDSI Executive Meetings
- Weekly State of Texas Regulatory Executive Meetings

November

- NCARB Council Hour
- Digital Model Workgroup Meeting
- CLARB/ASLA Licensure Summit
- CLARB Leadership Advisory Council Meeting
- CIDQ Annual Meeting
- NCARB Incidental Practice Task Force
- Rules Committee Meeting
- TBAE Board Meeting
- Continue Work from Home – Return to Office 1 Day/Week, 50% Cap
- Periodic Updates to Governor
- Bi-Weekly Managers Meetings
- Monthly SDSI Executive Meetings
- Weekly State of Texas Regulatory Executive Meetings

December

- NCARB/NOMA Survey Data
- NCARB Council Hour
- CLARB Leadership Advisory Council Meeting

Applicants

151
Fiscal Year to Date

-46 (197)
Year-over-Year

By-examination applications received FYTD, by profession:

Architect:	58
RID:	6
LA:	13
Subtotal:	77

Reciprocal applications received FYTD, by profession:

Architect:	69
RID:	0
LA:	5
Subtotal:	74

New Registrants

117
FYTD

-50 (167)
YOY

By-examination registrations issued FYTD, by profession:

Architect:	41
RID:	7
LA:	11
Subtotal:	59

Reciprocal registrations issued FYTD, by profession:

Architect:	49
RID:	0
LA:	9
Subtotal:	58

About this report

FYTD: Fiscal Year to Date. Compares current data to that of the beginning of the current fiscal year.

YOY: Year-over-Year. Compares current data to that of 12 months prior.

Registrants (active)

19465
As of month ended

+213 (19252)
YOY

Architects

Resident:	8665
Nonresident:	5072
Subtotal:	13737

RIDs

Resident:	3735
Nonresident:	268
Subtotal:	4003

Landscape Architects

Resident:	1223
Nonresident:	502
Subtotal:	1725

All registrants

Resident:	13623
Nonresident:	5842
Total:	19465

The Rest

A survey of the Registration Division's additional accomplishments and activities

651
exam results received FYTD
531 Arch | 0 RID | 120 LA

0
Continuing Education audits conducted FYTD

0
referred to Investigations FYTD

2
scholarship applications approved FYTD

24
Certificates of Standing issued FYTD

Cases Opened

40
Fiscal Year to Date

-2
Year-over-Year

Cases Dismissed

24
FYTD

-6
YOY

Days to Investigate a Case

99
As of 11/05/20

99
FY Average to Date

Cases Resolved
(as of month ended)
7

1
Warning(s) by Executive Director

0
Voluntary Surrender(s)

0
Disciplinary Action(s) by Board

6
*Notice(s) of Violation

0
*Complaint(s) Filed at SOAH

0
*Informal Conference(s)

*Matters are ongoing and not yet resolved

11
Case(s) referred to Legal

Dismissal details

TDLR: 23
Other: 1*

*e.g. No evidence; not a violation; criminal history provisional registration; contract dispute.

Context

Typical target: 115-330 (2018-19)
SDSI avg. actual: 110 (2018)

Customer Service
(2020)

22,915
Customers surveyed

1,234
Responses

94%
Customer satisfaction

Newsletter

85%
Read at least half (2018)

21,000+
Recipients

" Disciplinary Actions"
Most-read topic (2018)

Employee Engagement

439
Most recent score (2020)

419
Avg. score since 2010

Strengths:
- Supervision
- Strategic
- Workplace

Weaknesses:
- Pay
- Benefits
- Development

Contact volume
(to front desk alone)

314
Calls (September)

80
Emails (September)

Avg. monthly calls FYTD: 314

Avg. monthly emails FYTD: 80

Texas Board of Architectural Examiners
Actual 2020 Budget

	FY 2020 Approved Budget	FY 2020 Expenditures as of 8-31-20	FY 2020 Percentage Earned/Spent
Revenues:			
Licenses & Fees	$ 2,852,329	$ 2,849,486	99.90%
Business Registration Fees	$ 127,000	$ 151,405	119.22%
Late Fee Payments	$ 135,000	$ 146,048	108.18%
Other	$ 5,000	$ 2,854	57.08%
Interest	$ 44,000	$ 27,812	63.21%
Potential Draw on Fund Balance	**$ -**		
Total Revenues	**$ 3,163,329**	**$ 3,177,606**	**100.45%**
Expenditures:			
Salaries and Wages	$ 1,688,262	$ 1,603,213	94.96%
Payroll Related Costs	$ 584,067	$ 552,245	94.55%
Professional Fees & Services	$ 30,000	$ 11,337	37.79%
Travel			
Board Travel	$ 24,000	$ 8,889	37.04%
Staff Travel	$ 19,000	$ 9,473	49.86%
Office Supplies	$ 9,000	$ 2,584	28.71%
Postage	$ 12,000	$ 8,907	74.23%
Communication and Utilities	$ 18,000	$ 20,687	114.93%
Repairs and Maintenance	$ 1,000	$ 176	17.60%
SWCAP Payment with Office Rental	$ 116,000	$ 244,914	211.13%
Equipment Leases--Copiers	$ 8,000	$ 6,462	80.77%
Printing	$ 9,000	$ 6,258	69.54%
Operating Expenditures	$ 28,000	$ 27,150	96.97%
Registration Fees--Employee Training	$ 10,000	$ 10,680	106.80%
Membership Dues	$ 21,000	$ 19,595	93.31%
Payment to GR	$ 510,000	$ 510,000	100.00%
IT Upgrades	$ 55,000	$ 86,293	156.90%
Information Security	$ 21,000	$ 11,305	53.83%
Total Expenditures	**$ 3,163,329**	**$ 3,140,168**	**99.27%**
Excess/ (Deficiency) of Rev over Exp.	**-**	**$ 37,438**	**1.18%**

Funding for 8 months	**$ 2,108,675**
Excess Fund Balance	**$ 960,357**
Total Fund Balance	**$ 3,069,032**

Administrative Penalties Collected	**$ 75,749.04**
General Revenue Collected	**$ -**

Texas Board of Architectural Examiners
Fiscal Year 2020 Budget
Scholarship Fund

	FY 2020 Budget	FY 2020 Actual Sept. 1, 2019-- August 31, 2020
Operating Fund Beginning Fund Balance:	-	-
Adjusted Beginning Balance	-	-
Scholarship Fund Beginning Balance	**$ 69,919.23**	
Total Beginning Scholarship Fund Balance	**$ 69,919.23**	**$ 69,919.23**
Revenues:		
Scholarship Fees	-	$ 18,219.92
Total Revenues	**-**	**$ 18,219.92**
Expenditures:		
Operating Expenditures-Scholarship Payments		$ 9,164.86
Total Expenditures		**$ 9,164.86**
Excess/(Deficiency) of Rev. over Exp.	**$ 69,919.23**	**$ 78,974.29**
Fund Balance	**$ 69,919.23**	**$ 78,974.29**

Number of Scholarships Awarded **18**

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

ANNUAL FINANCIAL REPORT

For The Year Ended August 31, 2020

Julie Hildebrand,
Executive Director

TEXAS Board of Architectural Examiners
Architects • Landscape Architects • Registered Interior Designers

505 E. Huntland Dr., Suite 350 • Austin, TX 78752
P.O. Box 12337 • Austin, TX 78711
PH 512.305.9000 FAX 512.305.8900 WEB www.tbae.texas.gov

November 1, 2020

Honorable Greg Abbott, Governor
Honorable Glenn Hegar, State Comptroller
John McGeady, Director, Legislative Budget Board
Lisa Collier, First Assistant State Auditor

Ladies and Gentlemen:

We are pleased to submit the Annual Financial Report of the Texas Board of Architectural Examiners for the year ended August 31, 2020, in compliance with the Texas Government Code Annotated, Section 2101.011, and in accordance with the requirements established by the Comptroller of Public Accounts.

Due to the statewide requirements embedded in **Governmental Accounting Standards Board (GASB) 34**, the Comptroller of Public Accounts does not require the accompanying annual financial report to comply with all the requirements in this statement. The financial report will be considered for audit by the State Auditor as part of the audit of the State of Texas *Comprehensive Annual Financial Report* (CAFR); therefore, an opinion has not been expressed on the financial statements and related information contained in this report.

If you have any questions, please contact Kenneth Liles at (512) 305-8540.

Sincerely,

Julie Hildebrand,
Executive Director

TABLE OF CONTENTS

Combined

Financial

Statements

TEXAS BOARD OF ARCHITECTURAL EXAMINERS (459)
Exhibit I - Combined Balance Sheet/Statement of Net Assets - Governmental Funds
For the Fiscal Year Ended August 31, 2020

	General Funds (Exh A-1)	Governmental Funds Total	Capital Asset Adjustments	Long-Term Liability Adjustments	Statement of Net Position
ASSETS					
Current Assets:					
Cash and Temporary Investments					
Cash on Hand					
Cash in Bank	443.50	443.50			443.50
Cash in State Treasury	163,647.01	163,647.01			163,647.01
Legislative Appropriations	-	-			-
Short-term Investments (Note 3)	3,214,454.17	3,214,454.17			3,214,454.17
Interest Receivable	-	-			-
Consumable Inventories	-	-			-
Total Current Assets	$ 3,378,544.68	$ 3,378,544.68			3,378,544.68
Noncurrent Assets:					
Capital Assets:					
Depreciable , Net			256,527.25		256,527.25
Total Noncurrent Assets	$ -	$ -	$ 256,527.25	-	256,527.25
Total Assets	$ 3,378,544.68	$ 3,378,544.68	$ 256,527.25	-	3,635,071.93
LIABILITIES AND FUND BALANCES					
Current Liabilities:					
Payables from					
Accounts Payable	57,534.21	57,534.21			57,534.21
Payroll Payable	163,647.01	163,647.01			163,647.01
Due to Other Agencies	-	-			-
Deferred Revenue	-	-			-
Employees Compensable Leave	-	-		138,392.74	138,392.74
Total Current Liabilities	$ 221,181.22	$ 221,181.22	-	138,392.74	302,039.75
Noncurrent Liabilities:					
Interfund Payable					
Employees Compensable Leave				188,752.75	188,752.75
Total Noncurrent Liabilities	$ -	$ -	-	188,752.75	188,752.75
Total Liabilities	$ 221,181.22	$ 221,181.22		327,145.49	490,792.50
Fund Financial Statement-Fund Balances					
Fund Balances (Deficits):					
Nonspendable for:					
Inventories	$ -	-			-
Unassigned	-	-			-
Committed: 2315	3,157,363.46	3,157,363.46			3,157,363.46
Total fund balances	$ 3,157,363.46	$ 3,157,363.46			3,157,363.46
Total Liabilities and Fund Balance	$ 3,378,544.68	$ 3,378,544.68			3,378,544.68
Net Position					
Invested in Capital Assets			256,527.25		256,527.25
Unrestricted				(327,145.49)	(327,145.49)
Total Net Position			256,527.25	(327,145.49)	3,086,745.22

TEXAS BOARD OF ARCHITECTURAL EXAMINERS (459)
Exhibit II - Combined Statement of Revenues, Expenditures, and Changes in Fund Balances/Statement of Activities - Governmental Funds
For the Fiscal Year Ended August 31, 2020

	General Funds (Exh A-2)	Governmental Funds Total	Capital Asset Adjustments	Long-Term Liability Adjustments	Statement of Net Position
REVENUES					
Legislative Appropriations:					
Original Appropriations	$ -	-			
Additional Appropriations	-	-			-
Licenses, Fees & Permits	3,184,038.11	3,184,038.11			3,184,038.11
Interest and Investment Income	28,448.40	28,448.40			28,448.40
Sales of Goods and Services	1,435.00	1,435.00			1,435.00
Other	73,070.19	73,070.19			73,070.19
Total Revenues	$ 3,286,991.70	$ 3,286,991.70	$ -	$ -	$ 3,286,991.70
EXPENDITURES					
Salaries and Wages	$ 1,603,212.53	1,603,212.53			1,603,212.53
Payroll Related Costs	552,245.05	552,245.05			552,245.05
Professional Fees and Services	19,557.01	19,557.01			19,557.01
Travel	18,738.19	18,738.19			18,738.19
Materials and Supplies	151,871.23	151,871.23			151,871.23
Communication and Utilities	26,895.99	26,895.99			26,895.99
Repairs and Maintenance	(185.00)	(185.00)			(185.00)
Rentals & Leases	64,049.45	64,049.45			64,049.45
Printing and Reproduction	7,665.75	7,665.75			7,665.75
Claims and Judgements	-	-			-
Other Expenditures	257,094.51	257,094.51			257,094.51
Capital Outlay	20,026.26	20,026.26	(20,026.26)		-
Depreciation Expense	-	-	34,408.41		34,408.41
Total Expenditures/Expenses	$ 2,721,170.97	$ 2,721,170.97	14,382.15	-	$ 2,735,553.12
Excess (deficiency) of revenues over expenditures	$ 565,820.73	$ 565,820.73	$ (14,382.15)	-	$ 551,438.58
OTHER FINANCING SOURCES (USES)					
Operating Transfers Into TTSTC	3,195,711.53	3,195,711.53			3,195,711.53
Operating Transfers Out to USAS	(3,705,711.53)	(3,705,711.53)	-	-	(3,705,711.53)
Total other financing sources and uses	$ (510,000.00)	$ (510,000.00)	-	-	$ (510,000.00)
Net change in fund balances/net assets	$ 55,820.73	$ 55,820.73	(14,382.15)	-	$ 41,438.58
Fund Financial Statement-Fund Balances					
Fund Balances--Beginning, Sept. 1, 2019	$ 3,101,542.73	$ 3,101,542.73			$ 3,101,542.73
Restatements					
Fund Balances, September 1, 2019, as Restated	3,101,542.73	3,101,542.73	-	-	3,101,542.73
Appropriations Lapsed		-			
Fund Balances--August 31, 2020	$ 3,157,363.46	$ 3,157,363.46			$ 3,142,981.31
Change in Net Position		3,157,363.46	(14,382.15)	-	3,142,981.31
Net Position, Sept. 1, 2019			281,542.44	(226,503.96)	55,038.48
Net Position, August 31, 2020	57,534.21		267,160.29	(226,503.96)	$ 3,198,019.79

Notes

To The

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NOTES TO THE FINANCIAL STATEMENTS

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES—Not Required

NOTE 2: CAPITAL ASSETS—Prepared by the CPA

A summary of changes in General Fixed Assets for the year ended August 31, 2020, is presented below.

	PRIMARY GOVERNMENT		
	Balance 09/01/19	**Additions**	**Balance 08/31/20**
Governmental Activities:			
Depreciable Assets			
Furniture and Equipment	61,542.57	20,026.26	81,568.83
Other Assets	492,862.32		492,862.32
Total depreciable assets at historical cost:	554,404.89	20,026.26	554,404.89
Less accumulated depreciation for:			
Furniture and Equipment	(35,197.79)	(12,005.61)	(47,203.40)
Other Assets	(248,297.70)	(22,402.80)	(270,700.50)
Total accumulated depreciation	(283,495.49)	(34,408.41)	(317,903.90)
Depreciable assets, net Governmental activities	270,909.40	(14,382.15)	256,527.25
Capital assets, net:	$ 270,909.40	(14,382.15)	$ 256,527.25

NOTE 3: DEPOSITS, INVESTMENTS, & REPURCHASE AGREEMENTS

Deposits of Cash in Bank

As of August 31, 2020, the carrying amount of deposits was zero.

	Governmental Activities
Cash in Bank – Carrying Value	$ 443.50
Cash in Bank per AFR	$ 443.50

Governmental Funds Current Assets Cash in Bank	$ 443.50
Cash in Bank per AFR	$ 443.50

Investments
As of August 31, 2020, the carrying value and fair value of investments are as presented below.

Governmental Activities	Carrying Value	Fair Value
Miscellaneous Investments:		
Repurchase Agreements (Texas Treasury Safekeeping Trust)	$ 3,214,454.17	$ 3,214,454.17
Totals	$ 3,214,454.17	$ 3,214,454.17

Both cash in bank balances and repurchase agreements are held in the Texas Treasury Safekeeping Trust, where minimal risks are assumed by the agency.

NOTE 4: SHORT-TERM DEBT—Not Applicable

NOTE 5: SUMMARY OF LONG-TERM LIABILITIES
Changes in Long-Term Liabilities—Prepared by the CPA

During the year ended August 31, 2020, the following changes occurred in liabilities.

Governmental Activities	Balance 09/01/19	Additions	(Reductions)	Balance 08/31/20	Amounts Due Within One Year
Compensable Leave	$239,190.38	$178,211.67	($90,256.56)	$327,145.49	$188,752.75
Total Governmental Activities	$239,190.38	$178,211.67	($90,256.56)	$327,145.49	$188,752.75

Employees' Compensable Leave

A state employee is entitled to be paid for all unused vacation time accrued, in the event of the employee's resignation, dismissal, or separation from state employment, provided the employee has had continuous employment with the state for six months. Expenditures for accumulated annual leave balances are recognized in the period paid or taken in governmental fund types. For these fund types, the liability for unpaid benefits is recorded in the Statement of Net Assets. An expense and liability for proprietary fund types are recorded in the proprietary funds as the benefits accrue to employees. No liability is recorded for non-vesting accumulating rights to receive sick pay benefits.

NOTE 6: BONDED INDEBTEDNESS—Not Applicable

NOTE 7: CAPITAL LEASES--Not Applicable

NOTE 8: OPERATING LEASE OBLIGATIONS-Not Applicable

NOTE 9: EMPLOYEES RETIREMENT PLANS-Not Required

NOTE 10: DEFERRED COMPENSATION--Not Required

NOTE 11: POST EMPLOYMENT HEALTH CARE AND LIFE INSURANCE BENEFITS—Not Required

NOTE 12: INTERFUND BALANCES

As explained in Note 1 on Interfund Activities and Balances there are numerous transactions between funds and agencies. At year-end amounts to be received or paid are reported as:

- Interfund Receivables or Interfund Payables
- Due From Other Agencies or Due to Other Agencies
- Due From Other Funds or Due to Other Funds
- Transfers In or Transfers Out.
- Legislative Transfers In or Legislative Transfers Out

The agency experienced routine transfers with other state agencies, which were consistent with the activities of the fund making the transfer. Repayment of interfund balances will occur within one year from the date of the financial statement.

Individual balances and activity at August 31, 2020, follows:

Total Operating Transfers	Operating Transfers-In	Operating Transfers-Out
GAAP Fund 1010, Fund 1010		
Agy 902, GAAP Fund 0001, Fund 0001		$ 510,000.00
Agy 459, GAAP Fund 1010, Fund 2859	$ 3,186,711.53	
GAAP Fund 1010, Fund 2859		
Agy 459, GAAP Fund 1010, Fund 1010		$ 3,186,711.53
Agy 459, GAAP Fund 1010, Fund 3859		$ 9,000.00
GAAP Fund 1010, Fund 3859		
Agy 459, GAAP Fund 1010, Fund 2859	$ 9,000.00	
Total Transfers	$ 3,195,711.53	$ 3,705,711.53

NOTE 13: CONTINUANCE SUBJECT TO REVIEW

The Texas Board of Architectural Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Board is abolished and this Act expires September 1, 2025. If abolished, the Board may continue until September 1, 2026 to close out its operations.

NOTE 14: ADJUSTMENT OF FUND BALANCES/NET ASSETS
Not Applicable

NOTE 15: CONTINGENT LIABILITIES
Not Applicable

NOTE 16: SUBSEQUENT EVENTS
Not Applicable

NOTE 17: RISK MANAGEMENT
Not Applicable

NOTE 18: MANAGEMENT DISCUSSION AND ANALYSIS
Not Applicable

NOTE 19: THE FINANCIAL REPORTING ENTITY & JOINT VENTURE
Not Applicable

NOTE 20: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY
Not Applicable

NOTE 21:
Not Applicable

NOTE 22: DONOR-RESTRICTED ENDOWMMENTS
Not Applicable

NOTE 23: SPECIAL OR EXTRAORDINARY ITEMS
Not Applicable

NOTE 24: DISAGGREGATION OF RECEIVABLE AND PAYABLE BALANCES
Not Applicable

NOTE 25: TERMINATION BENEFITS
Not Required

NOTE 26: SEGMENT INFORMATION
Not Required

NOTE 27: SERVICE CONCESSION ARRANGEMENTS
Not Required

NOTE 28: DEFERRED OUTFLOWS OF RESOURCES AND DEFERRED INFLOWS OF RESOURCES
Not Required

NOTE 29: TROUBLED DEBT RESTRUCTURING
Not Required

NOTE 30: NON-EXCHANGE FINANCIAL GUARANTEES
Not Required

Combining

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BOARD OF ARCHITECTURAL EXAMINERS (459)
Exhibit A-1 - Combining Balance Sheet - General Revenue Funds
August 31, 2020

	Operating Fund GAAP Fund 1010 Agy Fund 1010	Local Fund TTSTC GAAP Fund 1010 Agy Fund 2859	Total
ASSETS			
Current Assets:			
Cash and Temporary Investments			
Cash on Hand			-
Cash in Bank		443.50	443.50
Cash in State Treasury	163,647.01		163,647.01
Legislative Appropriations			-
Short-term Investments (Note 3)		3,214,454.17	3,214,454.17
Interest Receivable			-
Consumable Inventories	-		-
Total Current Assets	$ 163,647.01	$ 3,214,897.67	$ 3,378,544.68
Noncurrent Assets:			
Capital Assets:			
Non-Depreciable			
Depreciable			
Furniture and Equipment			-
Accumulated Depreciation			-
Other Assets			-
Accumulated Depreciation			-
Total Noncurrent Assets	$ -	$ -	$ -
Total Assets	$ 163,647.01	$ 3,214,897.67	$ 3,378,544.68
LIABILITIES AND FUND BALANCES			
Current Liabilities:			
Payables from			
Accounts Payable	57,534.21		57,534.21
Payroll Payable	163,647.01		163,647.01
Due to Other Funds			
Deferred Revenue			-
Employees Compensable Leave			-
Total Current Liabilities	$ 221,181.22	$ -	$ 221,181.22
Noncurrent Liabilities:			
Interfund Payable			-
Employees Compensable Leave			-
Total Noncurrent Liabilities	$ -	$ -	$ -
Total Liabilities	$ 221,181.22	$ -	$ 221,181.22
Fund Financial Statement-Fund Balances			
Fund Balances (Deficits):			
Nonspendable for:			
Inventories	-		-
Unassigned	-		-
Committed:	(57,534.21)	3,214,897.67	3,157,363.46
Total fund balances	$ (57,534.21)	$ 3,214,897.67	$ 3,157,363.46
Total Liabilities and Fund Balance	$ 163,647.01	$ 3,214,897.67	$ 3,378,544.68

BOARD OF ARCHITECTURAL EXAMINERS (459)
Exhibit A-2 - Combining Statement of Revenues, Expenditures, and Changes in Fund Balances - General Revenue Funds
For the Fiscal Year Ended August 31, 2020

	Operating Fund GAAP Fund 1010 Agy Fund 1010	Local Fund-Operating GAAP Fund 1010 Agy Fund 2859	Scholarship Fund GAAP Fund 1010 Agy Fund 3859	Total
REVENUES				
Legislative Appropriations:				
Original Appropriations				
Additional Appropriations				-
Licenses, Fees & Permits		3,184,038.11		3,184,038.11
Interest Revenue		28,448.40		28,448.40
Sales of Goods and Services		1,435.00		1,435.00
Other		73,070.19		73,070.19
Total Revenues	$ -	$ 3,286,991.70	$ -	$ 3,286,991.70
EXPENDITURES				
Salaries and Wages	1,603,212.53			1,603,212.53
Payroll Related Costs	552,245.05			552,245.05
Professional Fees and Services	19,557.01			19,557.01
Travel	18,738.19			18,738.19
Materials and Supplies	151,871.23			151,871.23
Communication and Utilities	26,895.99			26,895.99
Repairs and Maintenance	(185.00)			(185.00)
Rentals & Leases	64,049.45			64,049.45
Printing and Reproduction	7,665.75			7,665.75
Interest Expense	-			-
Other Expenditures	245,195.04	2,899.47	9,000.00	257,094.51
Capital Outlay	20,026.26			20,026.26
Depreciation Expense				-
Total Expenditures/Expenses	$ 2,709,271.50	$ 2,899.47	$ 9,000.00	2,721,170.97
Excess (deficiency) of revenues over expenditures	$ (2,709,271.50)	$ 3,284,092.23	$ (9,000.00)	$ 565,820.73
OTHER FINANCING SOURCES (USES)				
Operating Transfers In (into USAS)	3,186,711.53	-	9,000.00	3,195,711.53
Operating Transfers Out (from TTSTC)	(510,000.00)	(3,195,711.53)		(3,705,711.53)
Total other financing sources and uses	$ 2,676,711.53	$ (3,195,711.53)	$ 9,000.00	$ (510,000.00)
Net change in fund balances/net assets	$ (32,559.97)	$ 88,380.70	$ -	$ 55,820.73
Fund Financial Statement-Fund Balances				
Fund Balances--Beginning, Sept. 1, 2019	$ (24,974.24)	$ 3,126,516.97	$ -	$ 3,101,542.73
Restatements				-
Fund Balances, September 1, 2019, as Restated	(24,974.24)	3,126,516.97	-	3,101,542.73
Appropriations Lapsed				-
Fund Balances--August 31, 2020	$ (57,534.21)	$ 3,214,897.67	$ -	$ 3,157,363.46

BOARD OF ARCHITECTURAL EXAMINERS (459)
Exhibit J-1 - Combining Statement of Changes in Assets and Liabilities - Agency Funds
August 31, 2020

	Beginning Balance September 1, 2019	Additions	Deductions	Ending Balance August 31, 2020
Child Support Employee Deduction Fund 0807				
ASSETS				
Cash in State Treasury				$ -
Total Assets	$ -	$ -	$ -	$ -
LIABILITIES				
Vouchers Payable				$ -
Funds Held for Others				$ -
Total Liabilities	$ -	$ -	$ -	$ -
Suspense Fund 0900				
ASSETS				
Cash in State Treasury	$ -	$ -	$ -	$ -
Total Assets	$ -	$ -	$ -	$ -
LIABILITIES				
Funds Held for Others	$ -	$ -	$ -	$ -
Total Liabilities	$ -	$ -	$ -	$ -
Unappropriated Fund 0002				
ASSETS				
Cash in State Treasury	$ -	$ 66,170.04	$ 66,170.04	$ -
Total Assets	$ -	$ 66,170.04	$ 66,170.04	$ -
LIABILITIES				
Funds Held for Others	$ -	$ 66,170.04	$ 66,170.04	$ -
Total Liabilities	$ -	$ 66,170.04	$ 66,170.04	$ -
Total				
ASSETS				
Cash in State Treasury	$ -	$ 66,170.04	$ 66,170.04	$ -
Total Assets	$ -	$ 66,170.04	$ 66,170.04	$ -
LIABILITIES				
Vouchers Payable	$ -	$ -	$ -	$ -
Funds Held for Others	$ -	$ 66,170.04	$ 66,170.04	$ -
Total Liabilities	$ -	$ 66,170.04	$ 66,170.04	$ -

TEXAS Board of Architectural Examiners
Architects ▪ Landscape Architects ▪ Registered Interior Designers

ANNUAL REPORT ON TRENDS: 2020

For the past several years, TBAE staff have compiled and presented annual trends and data to the Board during its autumn meeting. Once again, we are pleased this year to do the same, with an eye toward succinctness and ease of understanding. And as always, it is the agency's intention to provide this report not only to the Board, but to the agency's stakeholders, interested parties, and to the people who live, work, and play in the built environment of Texas.

As a result, you will find clear and simple representations of agency performance and noteworthy trends, organized into color-coded groupings by broad topic. Content accented in blue touches on registration and licensing. Red content touches on enforcement-related topics. Finally, green content regards the agency's financial and administrative operations.

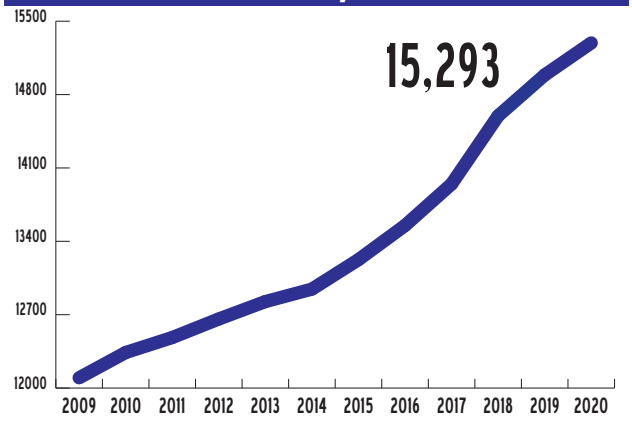
The graphical representations in this report are crafted to illuminate agency trends concisely and simply. We hope you find this report enlightening and useful, and as always, we're available to answer questions. Be well and stay safe, this year and every year.

TBAE Trends, 2020

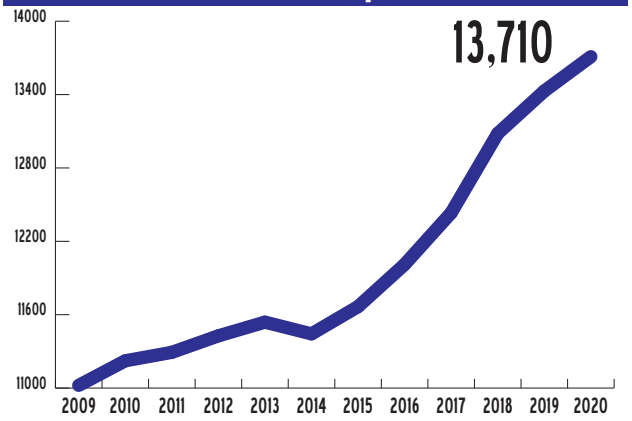
Architect registrants

- Architect registrants (all statuses) surpassed the 15,000 mark in FY 2020

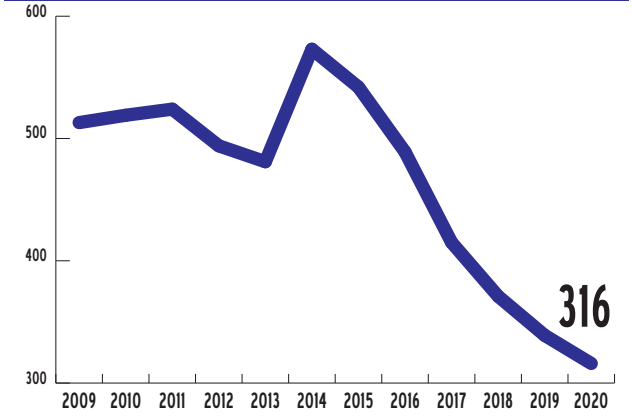
All Architects by Fiscal Year



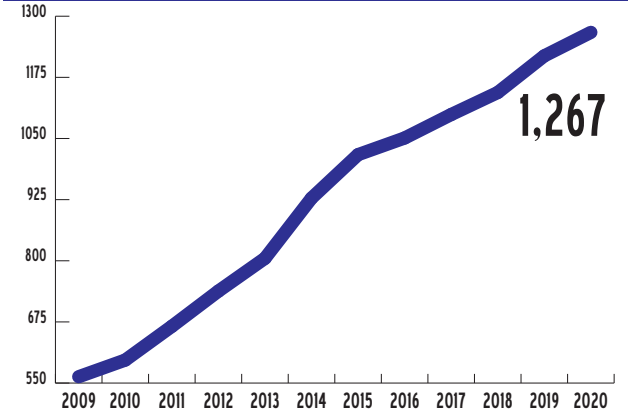
Active Architects by Fiscal Year



Inactive Architects by Fiscal Year



Emeritus Architects by Fiscal Year



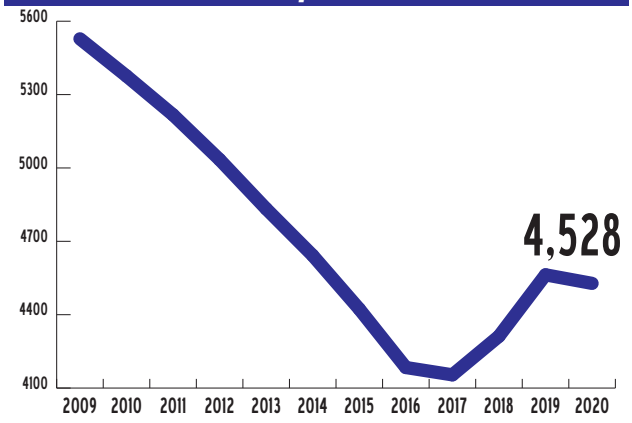
Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TBAE Trends, 2020

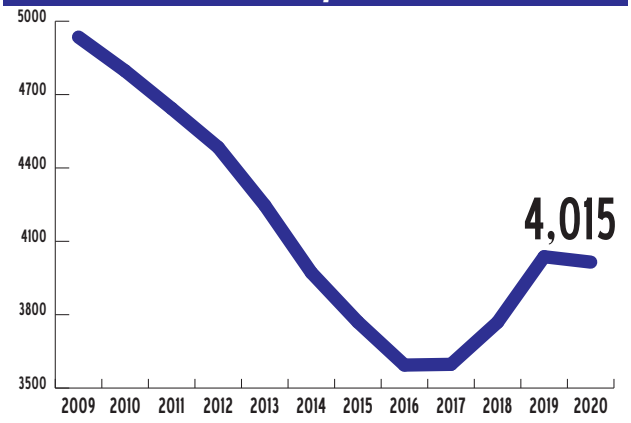
RID registrants

- A slight downturn after a rare couple of years of increasing registrants

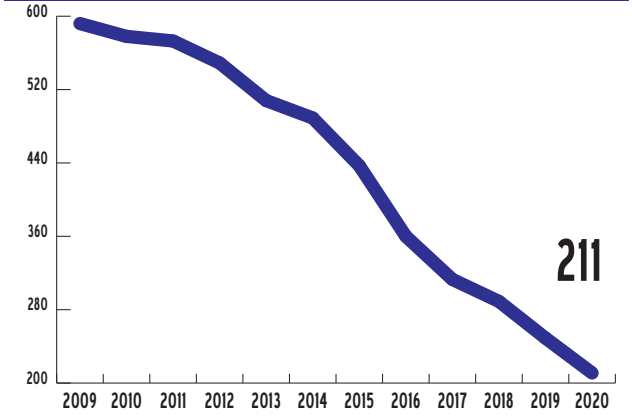
All RIDs by Fiscal Year



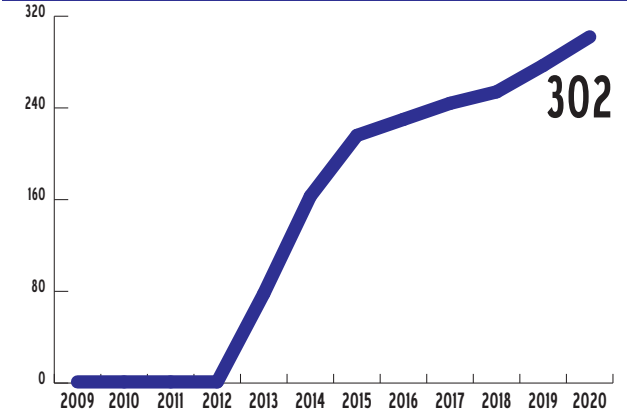
Active RIDs by Fiscal Year



Inactive RIDs by Fiscal Year



Emeritus RIDs by Fiscal Year



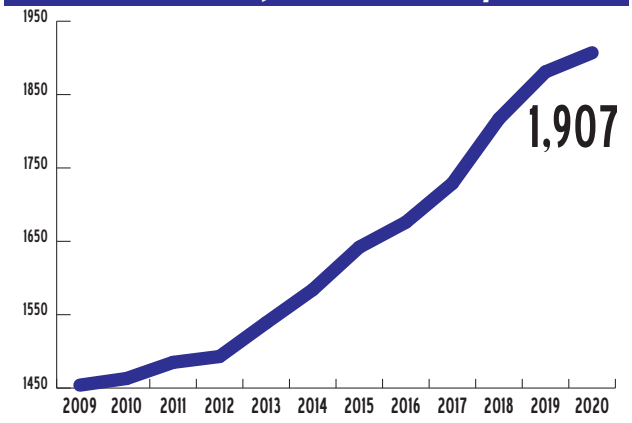
Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TBAE Trends, 2020

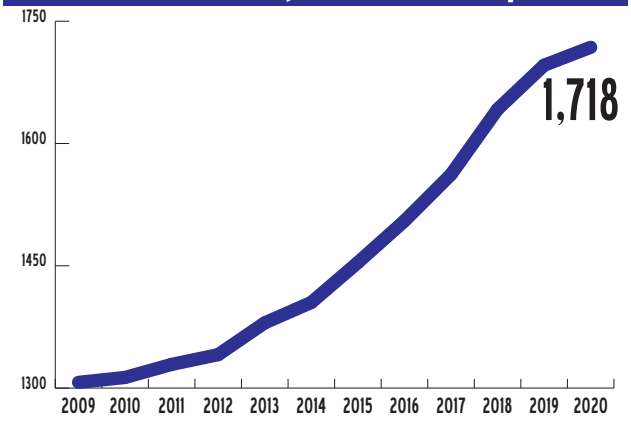
Landscape architect registrants

- Landscape Architect registrant counts have increased every year in recent memory

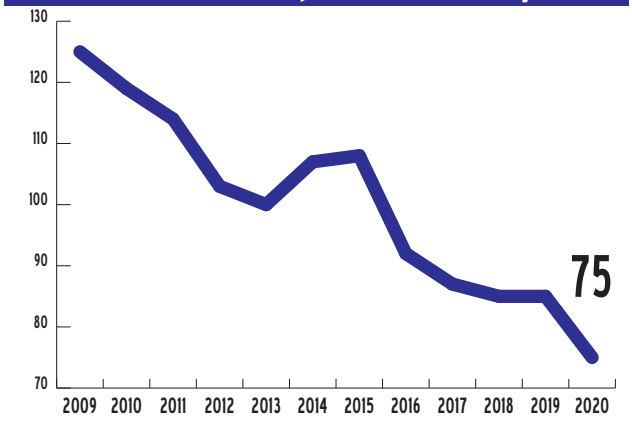
All Landscape Architects by FY



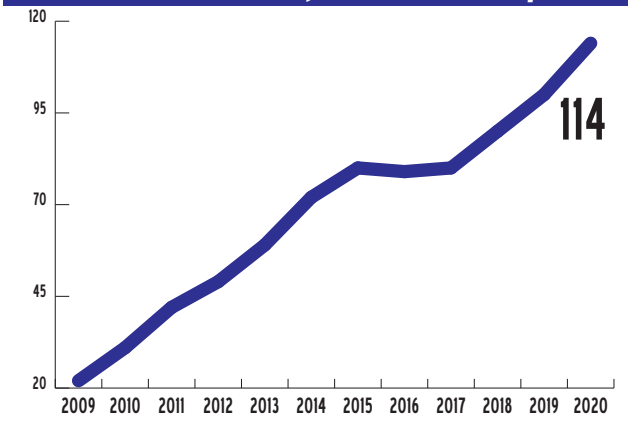
Active Landscape Architects by FY



Inactive Landscape Architects by FY



Emeritus Landscape Architects by FY



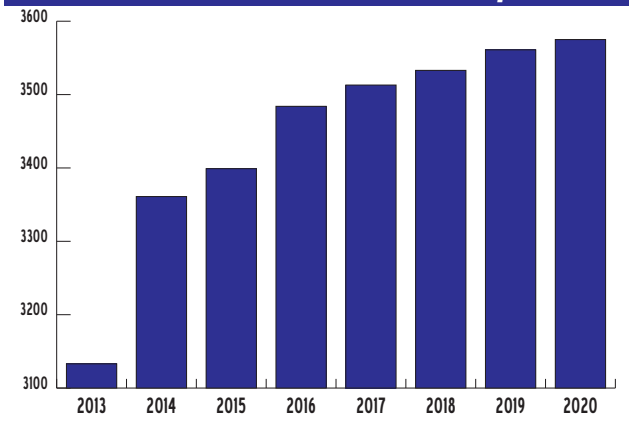
Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TBAE Trends, 2020

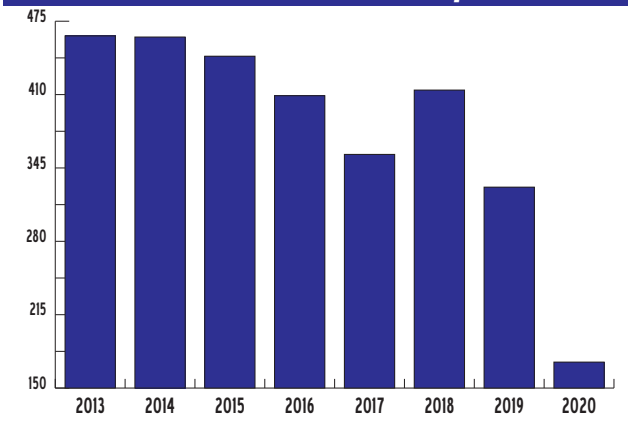
Exam Candidates

- You will notice RID Candidate counts dropping over time, which is a natural consequence of the 2017 change in the RID registration law and will have an unknown effect on how many ultimately become registered after exam passage

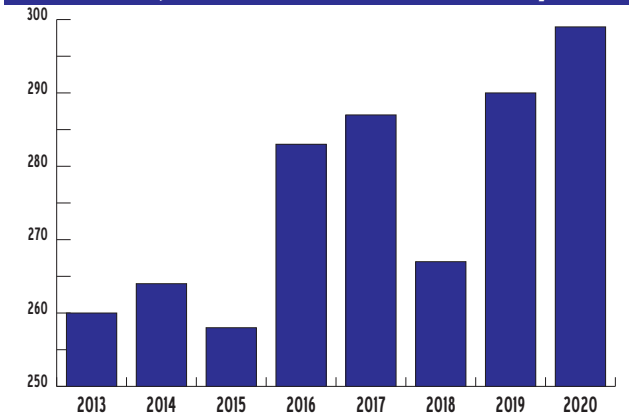
Architect exam candidates by FY



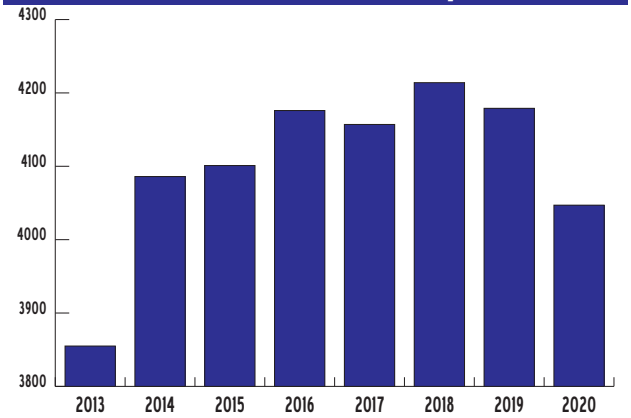
RID exam candidates by FY



Landscape Architect exam cand. by FY



All exam candidates by FY



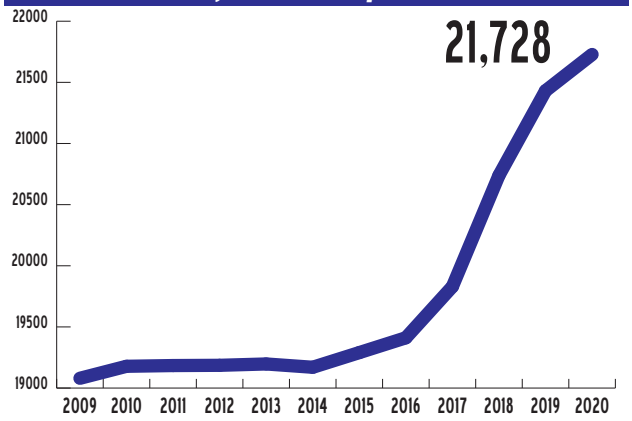
Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TBAE Trends, 2020

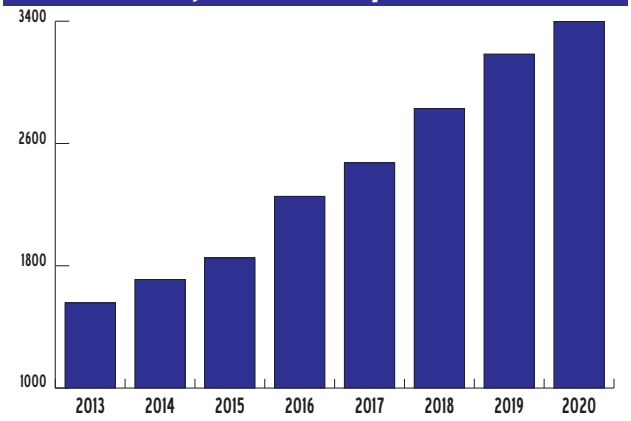
Licensing odds & ends

- Generally, the data indicate strong performance by the professions and the agency

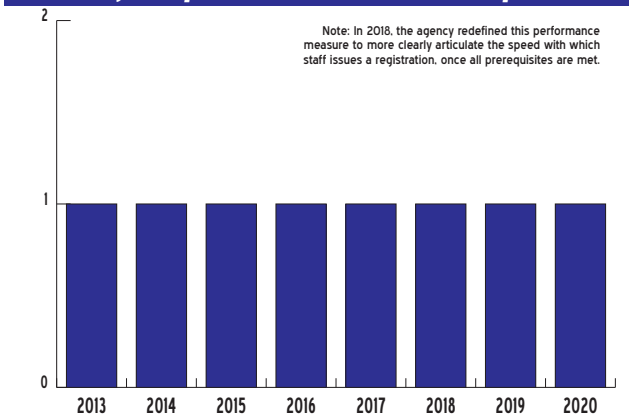
Total Registrants by Fiscal Year



Firm registrations by Fiscal Year



Avg. days to issue a license by FY



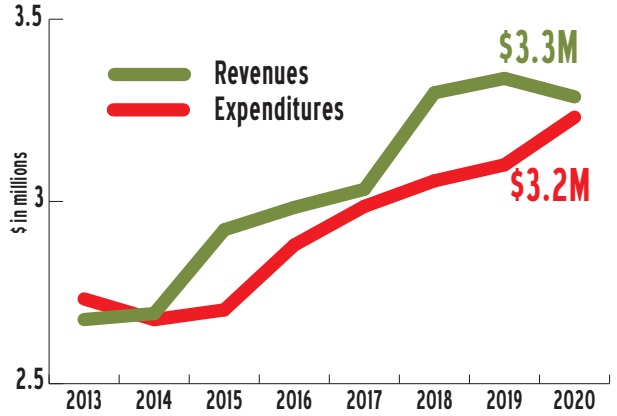
Data for the graphs on this page come from various agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TBAE Trends, 2020

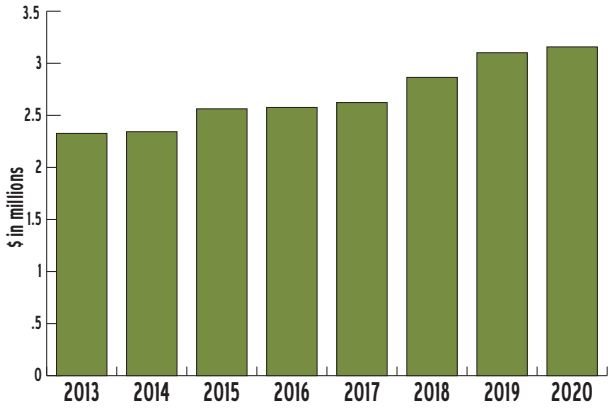
Staffing, Finance, Administration

- It would appear the pandemic has impacted several key metrics

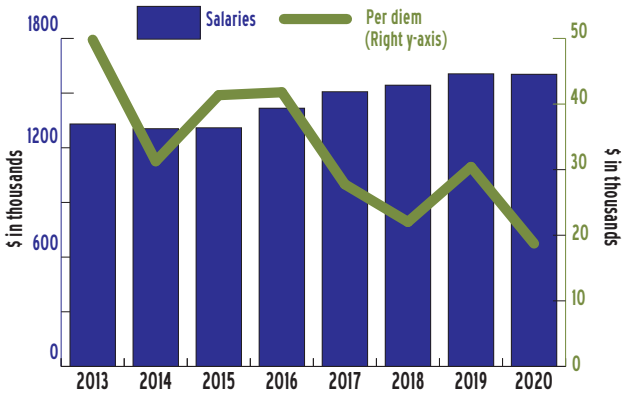
Revenues and expenditures by FY



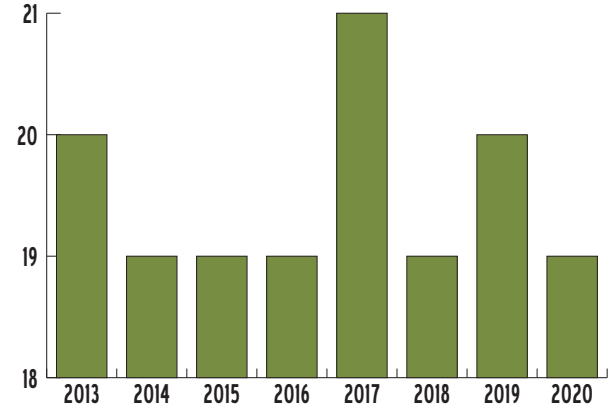
Fund balance by Fiscal Year



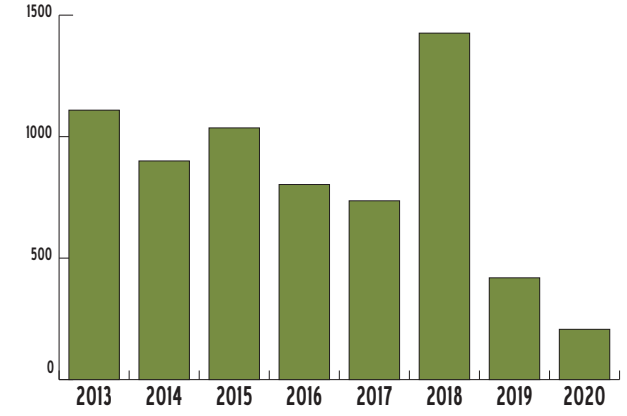
Salaries and per diem by FY



Full-time employees by FY



Communications impressions by FY



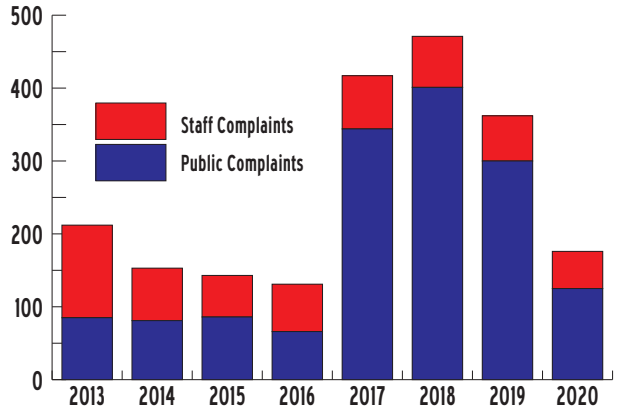
Data for the graphs on this page come from multiple agency sources. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TBAE Trends, 2020

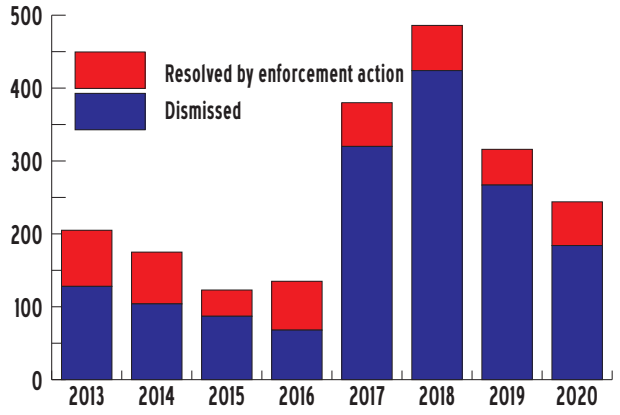
Investigations and Enforcement

- Again, we see the impact of the pandemic on some metrics

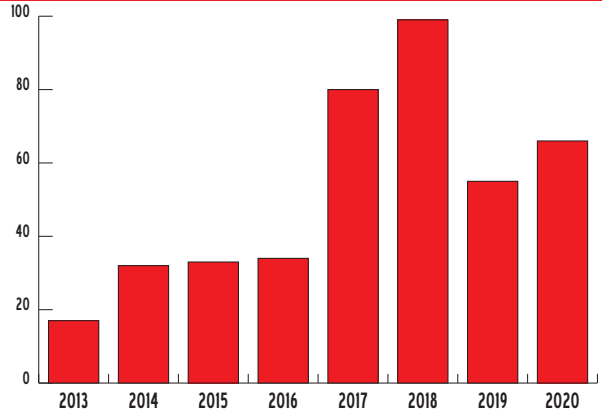
Complaints from the public/staff



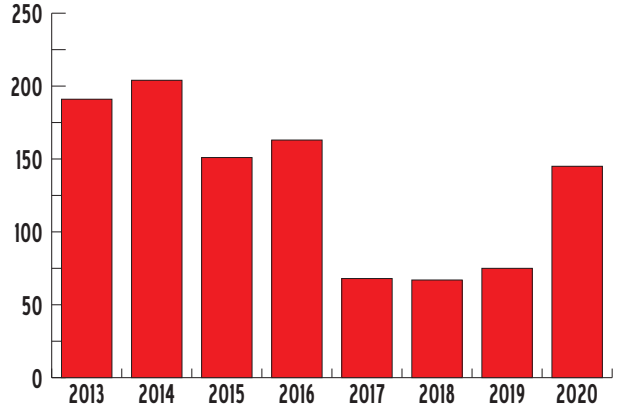
Cases Dismissed/Acted Upon



Voluntary compliance cases by FY



Days to case resolution by FY



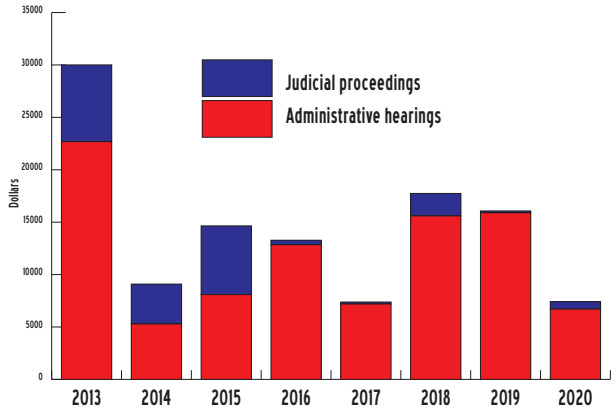
Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TBAE Trends, 2020

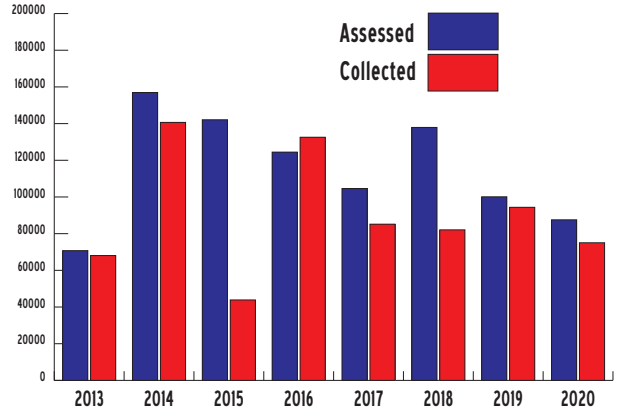
Investigations and Enforcement

- Since FY 2014, all administrative penalties go to the State's general revenue fund

Litigation costs by Fiscal Year



Administrative penalties by FY in $



Data for the graphs above come from the agency's in-house database. These visuals are intended to provide an idea of recent trends at a glance, rather than in great detail.

TEXAS Board of Architectural Examiners

Architects ▪ Landscape Architects ▪ Registered Interior Designers

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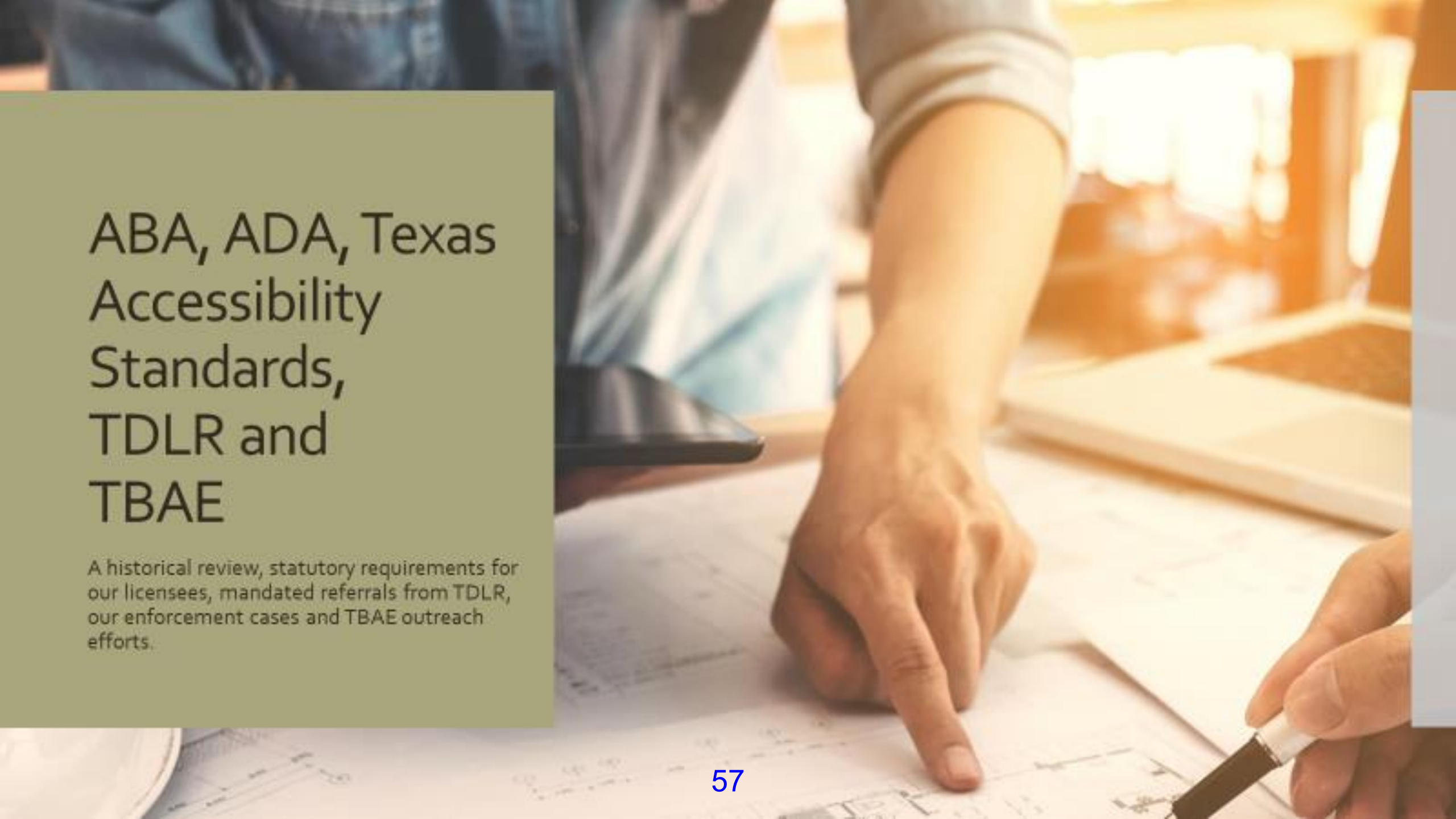

ABA, ADA, Texas Accessibility Standards, TDLR and TBAE

A historical review, statutory requirements for our licensees, mandated referrals from TDLR, our enforcement cases and TBAE outreach efforts.

Consideration of Draft Amendments Relating to Continuing Education Requirements

22 Tex. Admin. Code §§ 1.69, 1.232, 3.69, 3.232, 5.79, and 5.242.

Background

At the August Board meeting, staff provided training to the Board regarding the continuing education program. During that training, the executive director discussed a number of potential improvements for the Board's continuing education rules. Following this discussion, the Board chair asked the executive director to develop draft amendments to the continuing education rules for consideration by the Board at the November meeting. Pursuant to that request, these draft rules are presented for the Board's consideration.

Issues Presented:

Calendar Year Compliance Period vs Birth Month Renewal Period

Under current §§ 1.69, 3.69, and 5.79, registrants are required to complete at least 12 hours of qualifying continuing education program hours (CEPH) every calendar year. However, registrants certify the completion of these hours during annual renewal, which is due by the end of the registrant's birth month. One result is that, if a registrant discovers at renewal that he or she did not complete CE in the previous calendar year, there is no suitable remedy for the failure at the time of renewal. If a registrant calls the Board at the time of renewal to ask for guidance, the registrant is advised to complete the hours prior to renewal. Doing so does not absolve the registrant from a violation of the Board's rules but could result in a decreased administrative penalty if the registrant is audited. However, according to current renewal practices, the registrant is still required to attest to compliance with CE requirements in order to renew; a positive attestation by such a registrant would not be strictly true, since the CE hours were completed after the calendar year ended.

One solution to this issue is to join the CE and renewal periods by either requiring completion of CE by the end of the registrant's birth month, or by moving the renewal date for all registrants to the end of the calendar year. However, both approaches have potential drawbacks. First, a primary rationale for moving to a calendar year CE compliance period was to make it easier for registrants who are required to complete CE for professional certification, which generally runs by calendar year. Additionally, since it has not been long since the Board switched to a calendar year system, changing the CE compliance period again could create confusion for registrants. Conversely, changing the renewal date to the end of the calendar year might be difficult for staff, who would be required to process a year's amount of work into a brief period around the new year.

Rather than change the CE compliance or renewal periods, staff proposes amendments to the CE rules that would allow registrants an opportunity, prior to renewal, to cure a failure to

complete CE in the previous year. Under subsection (h) of the draft rules, a registrant who did not complete sufficient CE in the previous year would be allowed to attest to compliance and be considered compliant with continuing education requirements if (prior to renewal) the registrant completed sufficient qualifying CEPH to correct any deficiency for the prior calendar year AND completed 12 hours of qualifying CEPH to be applied to the current calendar year requirement. Additionally, the renewal application would be amended to allow a registrant to answer "no" about whether the registrant is compliant with CE requirements. A registrant who answers "no" would be automatically drawn into the CE audit process and assessed an administrative penalty for non-compliance, as applicable.

Adjustment of Administrative Penalties and Elimination of "Make-Up" CE

Under current processes, the administrative penalties assessed for CE violations weigh varying levels of culpability depending on whether a registrant has completed CE and when. For example, the following administrative penalties are issued under common fact patterns (assuming the registrant did not complete CE in the previous calendar year):

- The registrant completed CE prior to renewal – the registrant is issued a $500 administrative penalty for failure to timely complete CE.
- The registrant renewed without completing CE but then completed CE after renewal – the registrant is issued a $700 for submitting a false certification of CE compliance.
- The registrant renewed but did not complete any CE before or after renewal – the registrant is issued a $700 administrative penalty for submitting a false certification of CE compliance. Additionally, if the registrant does not complete "make-up" CE after the audit, the registrant would be subject to an additional $500 penalty for failure to timely complete CE.

The difference in these administrative penalties might be considered as a manner of rewarding earlier completion of "make-up" CE with decreased administrative penalties. However, under the draft rules, registrants would essentially be given an opportunity to "make-up" for a CE noncompliance by completing deficient CE hours and the current year requirements prior to renewal. Alternatively, a registrant could choose to admit to a failure to complete CE by answering "no" on the CE certification response and entering the audit process. Because the draft rules and amended process would allow registrants an opportunity to either cure previous failures or honestly admit to such failure prior to renewal, it is staff's recommendation that no post-renewal or post-audit make-up opportunity be offered. Additionally, staff recommends that the amount of the administrative penalty be dependent on the number of hours for which a registrant is deficient, at a rate of $100 per missing hour, and that a registrant who falsely certifies compliance with CE requirements be issued an additional $500 administrative penalty.

Finally, staff recommends that the rule provisions identifying administrative penalties for CE violations be relocated from §§ 1.232, 3.232, and 5.242 to §§ 1.69, 3.69. and 5.69. Relocating these provisions in the general continuing education rules will provide registrants a better opportunity to understand the potential ramifications of violating CE requirements.

Incorporation of CE Definitions and Standards from National Organizations

Recently, NCARB[1] and AIA[2] collaborated to adopt shared standards in the organizations' continuing education requirements. This rulemaking action is an opportunity to adopt those standards into the Board's rules, as well as standards adopted by the landscape architect and interior designer professions. Draft rules 1.69(a) and 3.69(a) incorporate the NCARB/AIA and LACES[3] CE categories and definitions for "health, safety and welfare" into the Board's rules. Additionally, while the IDCEC[4] continuing education standards do not include specific categories of CE, that organization's definition of "health safety and welfare" has been incorporated into draft rule 5.79(a). Additionally, the draft rules require that at least 45 minutes of every hour of CEPH directly relate to Health, Safety, or Welfare. This is consistent with a common requirement across NCARB, AIA, LACES, and IDCEC.

Other Changes

- The current rules often reference "registration period" when addressing continuing education exemptions and carryover. Since continuing education compliance is measured by calendar year rather than registration period, these references have been replaced with "calendar year" throughout the draft rules.

- Previously, some registrants have expressed confusion about whether certain continuing education activities are properly considered structured course credit or self-directed study. Therefore, definitions of these terms have been added to the draft rules, and a few common examples of continuing education activities are expressly identified as one or the other.

- The draft rules would allow a registrant to claim self-directed CE credit for hours spent in professional service to the general public through educational outreach activities. This would be a counterpart to a similar provision adopted by the Texas Board of Professional Engineers and Land Surveyors.

- The draft rules would modify a current CE exemption that is available to a registrant who is registered in another jurisdiction and satisfies that jurisdiction's CE requirements. Currently, the rules require that the other jurisdiction has registration requirements that are "substantially equivalent" to Texas requirements. Presumably, this test of substantial equivalence was taken from the Board's enabling legislation relating to the determination of whether a registrant is eligible for reciprocity registration. However, this test is of little relevance in determining whether to grant an exemption for CE compliance. If anything, the rules could require the other jurisdiction's *CE requirements* to be substantially

[1] National Council of Architectural Registration Boards
[2] American Institute of Architects
[3] Landscape Architect Continuing Education System
[4] International Design Continuing Education Council

equivalent to Texas's CE requirements. However, this would not provide registrants with much guidance on whether they could rely upon the exemption. Therefore, the draft rules would repeal any requirement of substantial equivalence for the out-of-state-registrant CE exemption.

- Under the current rules, a registrant who completes college or university credit courses addressing architectural, landscape architectural, or interior design subjects, as applicable, is entitled to one hour of continuing education credit per semester or quarter credit hour. However, one university credit is generally equivalent to one hour of instruction per week, with quarters and semesters lasting approximately 10 and 15 weeks, respectively. Staff requests guidance from the rules committee and Board about whether registrants should receive more CEPH credit per quarter or semester hour.

Copies of draft rules 1.69, 1.232, 3.69, 3.232, 5.69, and 5.242 are attached to this summary for the Board's consideration.

Staff's Recommendation:

Staff recommends that the Board approve draft amendments to 22 Tex. Admin. Code §§1.69, 1.232, 3.69, 3.232, 5.79, and 5.242 for proposal and 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.

NOTE: If approved for proposal and publication in the Texas Register, this rulemaking action would constitute a full repeal and replace of the current rule. Most of the rule has been reorganized with minor changes to rule language throughout. As such, tracked changes are minimally helpful in understanding the changes. Rather than attempt to show every minor change, this document highlights the substantive changes and provides accompanying explanations in the margins.

RULE §1.69 Continuing Education Requirements

a) For the purposes of this Section, the following definitions shall apply:
    1. Approved Subject Areas – The following are the Approved Subject Areas for qualifying continuing education:
        i. Construction and Evaluation – Areas related to construction contract administration and post-occupancy evaluation of projects. Acceptable topics include, but are not limited to: Construction Contract Administration; Bidding and Negotiation; Post Occupancy Evaluation (POE); and Building Commissioning.
        ii. Practice Management – areas related to the management of architectural practice and the details of running a business. Acceptable topics include, but are not limited to: Applicable Laws and Regulations; Ethics; Insurance to Protect Owner and Public; Business Management; Risk Management; Information Management; Design for Community Needs; and Supervisor Training.
        iii. Programming and Analysis – Areas related to the evaluation of project requirements, constraints, and opportunities. Acceptable topics include, but are not limited to: Land-Use Analysis; Programming; Site Selection; Historic Preservation; Adaptive Reuse; Codes, Regulations, and Standards; Natural Resources; Environmental Impact and Ecosystem Risk Assessment; Hazardous Materials; Resilience to Natural and Human Impacts; Life Safety; and Feasibility Studies.
        iv. Project Development and Documentation – Areas related to the integration and documentation of building systems, material selection, and material assemblies into a project. Acceptable topics include, but are not limited to: Construction Documents; Materials and Assemblies; and Fixtures, Furnishings, & Equipment.
        v. Project Management – areas related to the management of architectural projects through execution. Acceptable topics include, but are not limited to: Project Delivery Methods; Contract Negotiation; Pre-Design Services; Site and Soils Analysis; Consultant Management; Project Scheduling; Quality Control (QA/QC); Economic Assessment; and Value Engineering.
        vi. Project Planning and Design – areas related to the preliminary design of sites and buildings. Acceptable topics include, but are not limited to: Building Systems; Urban Planning; Master Planning; Building Design; Site Design; Safety and Security Measures; Impacts, Adaptation and Mitigation of a Changing Climate; Energy Efficiency and Positive Energy

Design; Sustainability; Indoor Air Quality; Ergonomics; Lighting; Acoustics; Accessibility; Construction Systems; and Budget Development.

2. Health, Safety, or Welfare - Those aspects of professional practice that improve the physical, emotional, and social well-being of occupants, users, and any others affected by buildings and sites; those aspects of professional practice that protect occupants, users, and any others affected by buildings or sites from harm; and those aspects of professional practice that enable equitable access, elevate the human experience, encourage social interaction, and benefit the environment.
3. Structured Course Study - Courses of study relevant to the Practice of Architecture, taught or otherwise provided by qualified individuals or organizations, delivered by direct, in-person contact or through distance learning methods, the completion of which results in the issuance of a certificate or other record of attendance to the Architect by the provider.
4. Self-Directed Study – Time spent by an Architect, developing knowledge and skills relevant to the Practice of Architecture, which does not qualify as Structured Course Study.

b) During each calendar year between January 1 and December 31, an Architect shall complete a minimum of 12 qualifying continuing education program hours (CEPH) according to the requirements of this section. Each hour of continuing education applied to this requirement shall directly relate to Health, Safety, or Welfare.

c) Of the 12 qualifying CEPH, each Architect shall complete a minimum of one CEPH relating to Barrier-Free Design and one CEPH relating to Sustainable or Energy-Efficient Design.

d) Of the 12 qualifying CEPH, each Architect shall complete a minimum of eight CEPH in Structured Course Study.
   1. Each hour of Structured Course Study shall address one or more Approved Subject Areas and at least 45 minutes of every hour of CEPH shall directly relate to Health, Safety, or Welfare.
   2. Examples of Structured Course Study include the following:
      i. Attendance at continuing education courses dealing with technical architectural subjects related to the Architect's profession, ethical business practices, or new technology.
      ii. The completion of college or university credit courses addressing architectural subjects, ethical business practices or new technology. Each semester or quarter credit hour shall equal one CEPH.

e) Of the 12 qualifying CEPH, each Architect may claim a maximum of four hours of Self-Directed Study. Examples of Self-Directed Study may include the following:
   1. Reading written material or reviewing audio, video, or digital media which develops knowledge and skills relevant to the Practice of Architecture but does not qualify as Structured Course Study;

Commented [LB1]: The Approved Subject Areas and definitions are drawn from the NCARB and AIA continuing education standards, which also correspond with the six divisions of the ARE. The "acceptable topics" are drawn from the NCARB continuing education guidelines.

Commented [LB2]: The updated definitions of health, safety, and welfare are drawn from the AIA and NCARB continuing education standards.

Commented [LB3]: This definition is partially taken from the NCARB definition for "Structured educational activities," modified to reflect TBAE precedent that a registrant must possess a certificate or other record of attendance in order to receive structured course credit.

Commented [LB4]: Under the current rule, "One continuing education program hour equals a minimum of 50 minutes of actual course time." This change would implement the AIA and NCARB CE guidelines that 75% of content and instruction time must be devoted to HSW.

Commented [LB5]: Examples of CE listed under amended (d)(2) and (e) are separated to indicate which may be claimed as structured course study, and which are considered self-directed study. Under the current rule, these examples are listed together, without identifying which are considered structured course credit or self-directed study. This has caused confusion for some registrants.

Commented [LB6]: Staff requests guidance on this provision, which is taken from the current version of the rule and allows one hour of CEPH credit for every credit hour of a college or university course addressing relevant subject areas. Staff inquires whether registrants should receive more CEPH credit per quarter or semester. For reference, one credit is generally equivalent to one hour of instruction per week, with quarters lasting 10 weeks, and semesters 15 weeks.

2. Hours spent in architectural research which is published or formally presented to the profession or public;
3. Hours spent in professional service to the general public which draws upon the Architect's professional expertise, such as serving on planning commissions, building code advisory boards, urban renewal boards, code study committees, or educational outreach activities;
4. Time spent preparing to teach or teaching architectural courses. An Architect may not claim credit for preparing for or teaching the same course more than once; and
5. One CEPH may be claimed for attendance at one full-day session of a meeting of the Texas Board of Architectural Examiners.

f) An Architect may be exempt from continuing education requirements for any of the following reasons:
1. An Architect shall be exempt upon initial registration and upon reinstatement of registration through December 31st of the calendar year of his/her initial or reinstated registration;
2. An inactive or emeritus Architect shall be exempt during any calendar year in which the Architect's registration is in inactive or emeritus status, but all continuing education credits for each period of inactive or emeritus registration shall be completed before the Architect's registration may be returned to active status;
3. An Architect who is not a full-time member of the Armed Forces shall be exempt for any calendar year during which the Architect serves on active duty in the Armed Forces of the United States for a period of time exceeding 90 consecutive days;
4. An Architect who has an active architectural registration in another jurisdiction that has (~~registration requirements which are substantially equivalent to Texas registration requirements and that has~~) a mandatory continuing education program may claim an exemption for any calendar year (~~registration period~~) during which the Architect satisfies that jurisdiction's continuing education program requirements (~~except with regard to the requirement in Texas that each Architect complete one CEPH related to Sustainable or Energy-Efficient design~~). Notwithstanding this exemption, the Architect shall complete one CEPH relating to Sustainable or Energy-Efficient Design; or
5. An Architect who is, as of September 1, 1999, a full-time faculty member or other permanent employee of an institution of higher education, as defined in §61.003, Education Code, and who in such position is engaged in teaching architecture.

g) An Architect shall maintain a detailed record of the Architect's continuing education activities, including all course completion certificates documenting completion of Structured Course Study and a record of Self-Directed Study including a date and

Commented [LB7]: This would be an addition to the current rule. It was suggested by Ms. Dockery as a counterpart to a similar provision adopted by the Texas Board of Professional Engineers and Land Surveyors.

Commented [LB8]: Under the current rule, an architect may claim an exemption from Texas CE requirements by meeting CE requirements in certain other states. These changes would eliminate the requirement that the other state's registration requirements be substantially equivalent to Texas requirements. (Tracked changes show comparison with current rule).

description of the claimed activity, for a period of five years after the end of the calendar year for which credit is claimed.

h) When renewing his/her annual registration, an Architect shall complete an attestation regarding the Architect's compliance with minimum continuing education requirements. An Architect may attest to compliance and shall be considered compliant with continuing education requirements if:

1. The Architect fulfilled minimum continuing education program requirements during the immediately preceding calendar year according to the requirements of this Section; or
2. The Architect failed to fulfill minimum continuing education program hours during the immediately preceding calendar year, but prior to renewing his/her registration in the current calendar year, the Architect:
    i. Completed sufficient qualifying CEPH to correct any deficiency for the prior calendar year (which will be applied to the previous calendar year and cannot be applied to the current calendar year requirement); and
    ii. Completed 12 hours of qualifying CEPH to be applied to the current calendar year requirement.

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

1. Board staff will review an Architect's response to such a request to determine whether the Architect is in compliance with this Section.
2. If an Architect fails to provide acceptable documentation of compliance within 30 days of request, the Architect will be presumed to have not complied with minimum continuing education requirements.
3. The Board has final authority to determine whether to award or deny credit claimed by an Architect for continuing education activities.

j) Violations of continuing education requirements and administrative penalties:

1. Falsely attesting to compliance with minimum continuing education requirements shall be subject to an administrative penalty in the amount of $500;
2. Failure to timely complete minimum continuing education requirements shall be subject to an administrative penalty in the amount of $100 for every hour of deficiency per calendar year;
3. Failure to maintain a detailed record of continuing education activities shall be subject to an administrative penalty of $100 for every hour of claimed continuing education for which an Architect is unable to provide proof of compliance; and

Commented [LB9]: These suggested changes are meant to address issues created by the difference between registration periods and continuing education periods. Under the current rule and application process, a registrant is required to certify compliance with CE requirements, the completion of which was required to have been completed by December 31 of the previous year. If the registrant did not complete those requirements, he or she is certifying something that is both not true and not susceptible to a remedy at the time of renewal. This provision would allow such a registrant to maintain compliance by completing enough CE (prior to renewal) to correct any deficiency in the prior year and meet the current year obligation.

Commented [LB10]: Under the current rule, this provision allows a registrant to complete "makeup" CE following an audit which results in a determination of deficient claimed CE. If completed, the registrant is eligible for a decreased administrative penalty. Since the proposed changes would allow a registrant to remedy any previous year's deficiency prior to renewal, it is recommended that this provision be repealed.

4. Failure to respond to or comply with an audit or verification shall be subject to an administrative penalty of $250 per failure.

k) The administrative penalties identified in subsection (j) of this section are considered appropriate for a first-time violation of continuing education requirements. If an Architect was previously found to have violated the Board's continuing education requirements in a warning or Order of the Board, the Board may increase the penalty up to a factor of two for a second or subsequent violation, in addition to consideration of suspension or revocation of registration under §1.232 of the Board's rules.

l) The administrative penalties identified in subsection (j) of this section are to be applied to each individual violation of the Board's continuing education requirements. If a respondent has committed multiple violations, the Respondent shall be subject to a separate administrative penalty for each violation.

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

n) An Architect may receive credit for up to 24 CEPH earned during any single calendar year. A maximum of 12 CEPH that is completed in excess of the continuing education requirements for a calendar year may be carried forward to satisfy the continuing education requirements for the next calendar year.

o) As the term is defined in §1.29(a) of the Board's rules, a military service member is entitled to two years of additional time to complete any CEPH requirements.

Commented [LB11]: These changes would incorporate the recommended penalties for CE violations within the CE rule. Under the current rules, administrative penalties for CE violations are identified in 1.232. Including the penalties within this rule will provide registrants a better opportunity to understand the potential ramifications of violating CE requirements.

RULE §1.232 Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of this chapter (relating to Disciplinary Action). However, if a Contested Case is not settled informally pursuant to Subchapter I of this chapter, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) If a party submits proposed findings of fact or conclusions of law, the proposal for decision shall include a ruling on each proposed finding or conclusion.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board. The oral presentation shall be confined to matters contained within the administrative record.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board's decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

(Attached Graphic)

Figure: 22 TAC §1.232(j)

Violation	**Rule or Statutory Citation**	**Recommended Penalty**
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§1.62	Administrative penalty
Unlawful practice of architecture while registration is on emeritus status	§1.67(b)	Administrative penalty
Practice of architecture while registration is inactive	§1.68 or §1.82(b)	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§1.69	Administrative penalty~~, suspension, or both~~
Failure to timely complete required continuing education program hours	§1.69~~(b)~~	Administrative penalty ~~of $500; subject to higher penalties or suspension for second or subsequent offenses~~
Falsely reporting compliance with mandatory continuing education requirements	§1.69~~(g)~~	Administrative penalty ~~of $700; subject to higher penalties or suspension for second or subsequent offenses~~
Failure to maintain a detailed record of continuing education activities	§1.69~~(g)(1)~~	Administrative penalty ~~of $700; subject to higher penalties for second or subsequent offenses~~
Use of non-compliant seal by registrant	§1.102	Administrative penalty
Failure to seal or sign documents	§1.103 §1.105 §1.122(c),(e)	Administrative penalty

Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required	§1.103(b)	Administrative penalty
Sealing or authorizing the sealing of a document prepared by another without Supervision and Control or Responsible Charge – "plan stamping"	§1.104(a) §1.122(c) or (e)	Administrative penalty and either suspension or revocation
Failure to take reasonable steps to notify sealing Architect of intent to modify that architect's sealed documents	§1.104(d)	Administrative penalty
Failure to indicate modifications or additions to a document prepared by another Architect	§1.104(b) and (d)	Administrative penalty, suspension, or both
Removal of seal after issuance of documents	§1.104(e)	Administrative penalty
Failure to maintain a document for 10 years as required	§1.103(g) §1.105(b) §1.122(d)	Administrative penalty
Unauthorized use of a seal or a copy or replica of a seal	§1.104(c)	Administrative penalty, suspension, or both
Failure to comply with requirements relating to preparation of only a portion of a document	§1.104(b)	Administrative penalty, suspension, or both
Violation of requirements regarding prototypical design	§1.105	Administrative penalty, suspension, or both
Failure to provide Statement of Jurisdiction	§1.106	Administrative penalty
Failure to enter into a written agreement of association when required	§1.122	Administrative penalty
Failure to exercise Supervision and Control over the preparation of a document as required	§1.122(c)	Administrative penalty, and either suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	§1.122(e)	Administrative penalty, and either suspension or revocation
Failure of a firm, business entity, or association to register	§1.124(a) and (b)	Administrative penalty

Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture	§1.124(c)	Administrative penalty, suspension, or both
Offering or rendering the Practice of Architecture by and through a firm, business entity or association that is not duly registered	§1.124 §1.146(a)(2)(B)	Administrative penalty
Gross incompetency	Tex. Occ. Code §1051.752(4), §1.142	Administrative penalty, and either suspension or revocation
Recklessness	Tex. Occ. Code §1051.752(5) §1.143	Administrative penalty, and either suspension or revocation
Dishonest practice	Tex. Occ. Code §1051.752(6)§1.144(a) or (b)	Administrative penalty, and either suspension or revocation
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work	§1.144(c)	Administrative penalty and either suspension or revocation, and payment of restitution
Conflict of interest	§1.145	Administrative penalty and either suspension or revocation
Participating in a plan, scheme or arrangement to violate the Act or rules of the Board	§1.146(a)	Administrative penalty, suspension, and/or revocation
Failure to provide information regarding an Applicant upon request; failure to report lost, stolen or misused architectural seal	§1.146(b), (c)	Administrative penalty
Submission or solicitation of a competitive bid or direct or indirect disclosure of fee information in violation of the Board's Rule implementing the Professional Services Procurement Act	§1.147	Administrative penalty and either suspension or revocation
Unauthorized practice or use of title "architect"	§1.123 §1.148	Administrative penalty, denial of registration, or refusal to renew, reinstate, or reactivate registration
Criminal conviction	§1.149	Suspension or revocation

Gross incompetence caused by substance abuse	§1.150	Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety, followed by probated suspension if appropriate
Violation by Applicant regarding unlawful use title “architect”, unlawful practice, or criminal convictions	§1.148 §1.149 §1.151	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Failure to submit a document as required by the Architectural Barriers Act	Tex. Occ. Code §1051.752(2), §1.170	Administrative penalty
Failure to respond to a Board inquiry	§1.171	Administrative penalty
Giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration	Tex. Occ. Code §1051.752(7)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Aiding or abetting an unregistered person in violating Occupations Code Chapters 1051, 1052, or 1053	Tex. Occ. Code §1051.752(8)	Administrative penalty equivalent to that which would be appropriate for the underlying conduct by the unregistered person, and/or suspension or revocation
Using or attempting to use as the person's own the certificate of registration of another person.	Tex. Occ. Code §1051.752(9)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Unregistered individual engaging in construction observation for a nonexempt building	§1.217	Administrative penalty, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Failure to report course of action likely to have material adverse effect on safe use of building or	§1.216	Administrative penalty and either suspension or revocation

failure to refuse to consent to the course of action		

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent. If the Respondent has previously been subject to disciplinary action before the Board, more severe discipline may be imposed.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §1.177 of this chapter (relating to Administrative Penalty Schedule) shall be applied to determine the amount of the administrative penalty.

NOTE: If approved for proposal and publication in the Texas Register, this rulemaking action would constitute a full repeal and replace of the current rule. Most of the rule has been reorganized with minor changes to rule language throughout. As such, tracked changes are minimally helpful in understanding the changes. Rather than attempt to show every minor change, this document highlights the substantive changes and provides accompanying explanations in the margins.

RULE §3.69 Continuing Education Requirements

a) For the purposes of this Section, the following definitions shall apply:
    1. Approved Subject Areas – The following are the Approved Subject Areas for qualifying continuing education:
        i. Building codes
        ii. Code of ethics
        iii. Codes, acts, laws, and regulations governing the practice of Landscape Architecture
        iv. Construction administration, including construction contracts
        v. Construction documents
        vi. Design of environmental systems
        vii. Environmental process and analysis
        viii. Erosion control methods
        ix. Grading
        x. Horticulture
        xi. Irrigation methods
        xii. Land planning and land use analysis
        xiii. Landscape preservation, landscape restoration and adaptive reuse
        xiv. Lateral forces
        xv. Natural hazards – impact of earthquake, hurricane, fire, or flood related to site design
        xvi. Pedestrian and vehicular circulation
        xvii. Planting design
        xviii. Resource conservation and management
        xix. Roadway design principles
        xx. Site accessibility, including Americans with Disabilities Act standards for accessible site design
        xxi. Site and soils analysis
        xxii. Site design and engineering, including materials, methods, technologies, and applications
        xxiii. Site security and safety
        xxiv. Storm water management, surface and subsoil drainage
        xxv. Structural systems considerations
        xxvi. Surveying methods and techniques as they affect Landscape Architecture
        xxvii. Sustainable design, including techniques related to energy efficiency
        xxviii. Use of site materials and methods of site construction
        xxix. Vegetative management

xxx. Wetlands
xxxi. Zoning as it relates to the improvement and/or protection of the public health, safety, and welfare
xxxii. Other matters of law and ethics that contribute to the health, safety, and welfare of the public

2. Health, Safety, and Welfare - Subject matter applying to the principles of mathematical, physical, and social sciences in consultation, evaluation, planning, design (including, but not limited to the preparation and filing of plans, drawings, specifications, and other contract documents), and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land.

3. Structured Course Study - Courses of study relevant to the practice of Landscape Architecture, taught or otherwise provided by qualified individuals or organizations, delivered by direct, in-person contact or through distance learning methods, the completion of which results in the issuance of a certificate or other record of attendance to the Landscape Architect by the provider.
4. Self-Directed Study – Time spent by a Landscape Architect, developing knowledge and skills relevant to the practice of Landscape Architecture, which does not qualify as Structured Course Study.

b) During each calendar year between January 1 and December 31, a Landscape Architect shall complete a minimum of 12 qualifying continuing education program hours (CEPH) according to the requirements of this section. Each hour of continuing education applied to this requirement shall directly relate to Health, Safety, and Welfare.
c) Of the 12 qualifying CEPH, each Landscape Architect shall complete a minimum of one CEPH relating to Barrier-Free Design and one CEPH relating to Sustainable or Energy-Efficient Design.
d) Of the 12 qualifying CEPH, each Landscape Architect shall complete a minimum of eight CEPH in Structured Course Study.
    1. Each hour of Structured Course Study shall address one or more Approved Subject Areas and at least 45 minutes of every hour of CEPH shall directly relate to Health, Safety, and Welfare.
    2. Examples of Structured Course Study include the following:
        i. Attendance at continuing education courses dealing with technical landscape architectural subjects related to the Landscape Architect's profession, ethical business practices, or new technology.
        ii. The completion of college or university credit courses addressing landscape architectural subjects, ethical business practices or new technology. Each semester or quarter credit hour shall equal one CEPH.

Commented [LB1]: The Approved Subject Areas are drawn from the Landscape Architecture Continuing Education System standards.

Commented [LB2]: This definition of health, safety, and welfare is drawn from the Landscape Architecture Continuing Education System standards.

Commented [LB3]: This definition is partially taken from the NCARB definition for "Structured educational activities," modified to reflect TBAE precedent that a registrant must possess a certificate or other record of attendance in order to receive structured course credit.

Commented [LB4]: Under the current rule, "One continuing education program hour equals a minimum of 50 minutes of actual course time." This change would implement the Landscape Architecture Continuing Education System guidelines that Seventy-five percent of the course material must address HSW.

Commented [LB5]: Examples of CE listed under amended (d)(2) and (e) are separated to indicate which may be claimed as structured course study, and which are considered self-directed study. Under the current rule, these examples are listed together, without identifying which are considered structured course credit or self-directed study. This has caused confusion for some registrants.

Commented [LB6]: Staff requests guidance on this provision, which is taken from the current version of the rule and allows one hour of CEPH credit for every credit hour of a college or university course addressing relevant subject areas. Staff inquires whether registrants should receive more CEPH credit per quarter or semester. For reference, one credit is generally equivalent to one hour of instruction per week, with quarters lasting 10 weeks, and semesters 15 weeks.

e) Of the 12 qualifying CEPH, each Landscape Architect may claim a maximum of four hours of Self-Directed Study. Examples of Self-Directed Study may include the following:
    1. Reading written material or reviewing audio, video, or digital media which develops knowledge and skills relevant to the practice of Landscape Architecture but does not qualify as Structured Course Study;
    2. Hours spent in landscape architectural research which is published or formally presented to the profession or public;
    3. Hours spent in professional service to the general public which draws upon the Landscape Architect's professional expertise, such as serving on planning commissions, building code advisory boards, urban renewal boards, code study committees, or educational outreach activities;
    4. Time spent preparing to teach or teaching landscape architectural courses. A Landscape Architect may not claim credit for preparing for or teaching the same course more than once; and
    5. One CEPH may be claimed for attendance at one full-day session of a meeting of the Texas Board of Architectural Examiners.
f) A Landscape Architect may be exempt from continuing education requirements for any of the following reasons:
    1. A Landscape Architect shall be exempt upon initial registration and upon reinstatement of registration through December 31st of the calendar year of his/her initial or reinstated registration;
    2. An inactive or emeritus Landscape Architect shall be exempt during any calendar year in which the Landscape Architect's registration is in inactive or emeritus status, but all continuing education credits for each period of inactive or emeritus registration shall be completed before the Landscape Architect's registration may be returned to active status;
    3. A Landscape Architect who is not a full-time member of the Armed Forces shall be exempt for any calendar year during which the Landscape Architect serves on active duty in the Armed Forces of the United States for a period of time exceeding 90 consecutive days;
    4. A Landscape Architect who has an active landscape architectural registration in another jurisdiction that has (~~registration requirements which are substantially equivalent to Texas registration requirements and that has~~) a mandatory continuing education program may claim an exemption for any calendar year (~~registration period~~) during which the Landscape Architect satisfies that jurisdiction's continuing education program requirements (~~except with regard to the requirement in Texas that each Landscape Architect complete one CEPH related to Sustainable or Energy-Efficient design~~). Notwithstanding this exemption, the Landscape Architect shall complete one CEPH relating to Sustainable or Energy-Efficient Design; or

Commented [LB7]: This would be an addition to the current rule. It was suggested by Ms. Dockery as a counterpart to a similar provision adopted by the Texas Board of Professional Engineers and Land Surveyors.

Commented [LB8]: Under the current rule, a landscape architect may claim an exemption from Texas CE requirements by meeting CE requirements in certain other states. These changes would eliminate the requirement that the other state's registration requirements be substantially equivalent to Texas requirements. (Tracked changes show comparison with current rule).

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

g) A Landscape Architect shall maintain a detailed record of the Landscape Architect's continuing education activities, including all course completion certificates documenting completion of Structured Course Study and a record of Self-Directed Study including a date and description of the claimed activity, for a period of five years after the end of the calendar year for which credit is claimed.

h) When renewing his/her annual registration, a Landscape Architect shall complete an attestation regarding the Landscape Architect's compliance with minimum continuing education requirements. A Landscape Architect may attest to compliance and shall be considered compliant with continuing education requirements if:

1. The Landscape Architect fulfilled minimum continuing education program requirements during the immediately preceding calendar year according to the requirements of this Section; or
2. The Landscape Architect failed to fulfill minimum continuing education program hours during the immediately preceding calendar year, but prior to renewing his/her registration in the current calendar year, the Landscape Architect:
    i. Completed sufficient qualifying CEPH to correct any deficiency for the prior calendar year (which will be applied to the previous calendar year and cannot be applied to the current calendar year requirement); and
    ii. Completed 12 hours of qualifying CEPH to be applied to the current calendar year requirement.

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

1. Board staff will review a Landscape Architect's response to such a request to determine whether the Landscape Architect is in compliance with this Section.
2. If a Landscape Architect fails to provide acceptable documentation of compliance within 30 days of request, the Landscape Architect will be presumed to have not complied with minimum continuing education requirements.
3. The Board has final authority to determine whether to award or deny credit claimed by a Landscape Architect for continuing education activities.

j) Violations of continuing education requirements and administrative penalties:

Commented [LB9]: These suggested changes are meant to address issues created by the difference between registration periods and continuing education periods. Under the current rule and application process, a registrant is required to certify compliance with CE requirements, the completion of which was required to have been completed by December 31 of the previous year. If the registrant did not complete those requirements, he or she is certifying something that is both not true and not susceptible to a remedy at the time of renewal. This provision would allow such a registrant to maintain compliance by completing enough CE (prior to renewal) to correct any deficiency in the prior year and meet the current year obligation.

Commented [LB10]: Under the current rule, this provision allows a registrant to complete "makeup" CE following an audit which results in a determination of deficient claimed CE. If completed, the registrant is eligible for a decreased administrative penalty. Since the proposed changes would allow a registrant to remedy any previous year's deficiency prior to renewal, it is recommended that this provision be repealed.

1. Falsely attesting to compliance with minimum continuing education requirements shall be subject to an administrative penalty in the amount of $500;
2. Failure to timely complete minimum continuing education requirements shall be subject to an administrative penalty in the amount of $100 for every hour of deficiency per calendar year;
3. Failure to maintain a detailed record of continuing education activities shall be subject to an administrative penalty of $100 for every hour of claimed continuing education for which a Landscape Architect is unable to provide proof of compliance; and
4. Failure to respond to or comply with an audit or verification shall be subject to an administrative penalty of $250 per failure.

k) The administrative penalties identified in subsection (j) of this section are considered appropriate for a first-time violation of continuing education requirements. If a Landscape Architect was previously found to have violated the Board's continuing education requirements in a warning or Order of the Board, the Board may increase the penalty up to a factor of two for a second or subsequent violation, in addition to consideration of suspension or revocation of registration under §3.232 of the Board's rules.

l) The administrative penalties identified in subsection (j) of this section are to be applied to each individual violation of the Board's continuing education requirements. If a respondent has committed multiple violations, the Respondent shall be subject to a separate administrative penalty for each violation.

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

n) A Landscape Architect may receive credit for up to 24 CEPH earned during any single calendar year. A maximum of 12 CEPH that is completed in excess of the continuing education requirements for a calendar year may be carried forward to satisfy the continuing education requirements for the next calendar year.

o) As the term is defined in §3.29(a) of the Board's rules, a military service member is entitled to two years of additional time to complete any CEPH requirements.

Commented [LB11]: These changes would incorporate the recommended penalties for CE violations within the CE rule. Under the current rules, administrative penalties for CE violations are identified in 3.232. Including the penalties within this rule will provide registrants a better opportunity to understand the potential ramifications of violating CE requirements.

RULE §3.232 Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of this chapter (relating to Disciplinary Action). However, if a Contested Case is not settled informally pursuant to Subchapter I of this chapter, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) If a party submits proposed findings of fact or conclusions of law, the proposal for decision shall include a ruling on each proposed finding or conclusion.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board. The oral presentation shall be limited to matters contained in the administrative record.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board's decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

(Attached Graphic)

Figure: 22 TAC §3.232(j)

Violation	**Rule or Statutory Citation**	**Recommended Penalty**
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§3.62	Administrative penalty
Unlawful practice of landscape architecture while registration is on emeritus status	§3.67(b)	Administrative penalty
Practice of landscape architecture while registration is inactive or expired	§3.68	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§3.69	Administrative penalty~~, suspension, or both~~
Failure to timely complete required continuing education program hours	§3.69~~(b)~~	Administrative penalty ~~of $500; subject to higher penalties or suspension for second or subsequent offenses~~
Falsely reporting compliance with mandatory continuing education requirements	§3.69~~(g)~~	Administrative penalty ~~of $700; subject to higher penalties or suspension for second or subsequent offenses~~
Failure to maintain a detailed record of continuing education activities	§3.69~~(g)(1)~~	Administrative penalty ~~of $700; subject to higher penalties for second or subsequent offenses~~
Use of non-compliant seal by registrant	§3.102	Administrative penalty
Failure to seal or sign documents	§3.103 §3.105 §3.122(c), (e)	Administrative penalty
Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required	§3.103(b)	Administrative penalty

Sealing or authorizing the sealing of a document prepared by another without Supervision and Control or Responsible Charge – "plan stamping"	§3.104(a) and (b) §3.122(c) and (e)	Administrative penalty and either suspension or revocation
Failure to take reasonable steps to notify sealing Landscape Architect of intent to modify that Landscape Architect's sealed documents	§3.104(d)	Administrative penalty
Failure to indicate modifications or additions to a document prepared by another Landscape Architect	§3.104(e)	Administrative penalty, suspension, or both
Removal of seal after issuance of documents	§3.104(e)	Administrative penalty
Failure to maintain a document for 10 years as required	§3.103(g) §3.105(b) §3.122(d)	Administrative penalty
Unauthorized use of a seal or a copy or replica of a seal	§3.104(c)	Administrative penalty, suspension, or both
Failure to comply with requirements relating to preparation of only a portion of a document	§3.104(b)	Administrative penalty, suspension, or both
Violation of requirements regarding prototypical design	§3.105	Administrative penalty, suspension, or both
Failure to provide Statement of Jurisdiction	§3.106	Administrative penalty
Failure to report a course of action taken against the landscape architect's advice as required	§3.106(d)	Administrative penalty and either suspension or revocation
Failure to enter into a written agreement of association when required	§3.122	Administrative penalty
Failure to exercise Supervision and Control over the preparation of a document as required	§3.122(c)	Administrative penalty, and either suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	§3.122(e)	Administrative penalty, and either suspension or revocation
Failure of a firm, business entity, or association to register	§3.124(a) and (b)	Administrative penalty
Failure to timely notify the Board upon dissolution of a business entity or	§3.124(c)	Administrative penalty, suspension, or both

association of loss of lawful authority to offer or provide landscape architecture		
Offering or rendering Landscape Architecture by and through a firm, business entity or association that is not duly registered	§3.124 §3.146(a)(2)(B)	Administrative penalty
Gross incompetency	Tex. Occ. Code §1052.252(7) §3.142	Administrative penalty and either suspension or revocation
Recklessness	Tex. Occ. Code §1052.252(7) §3.143	Administrative penalty and either suspension or revocation
Dishonest practice	Tex. Occ. Code §1052.252(9) §3.144(a), (b)	Administrative penalty and either suspension or revocation
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly-funded work	§3.144(c)	Administrative penalty, suspension, and/or revocation, and payment of restitution
Conflict of interest	§3.145	Administrative penalty and either suspension or revocation
Participating in a plans, scheme or arrangement to violate the Act or the rules of the Board	§3.146(a)	Administrative penalty, suspension and/or revocation
Failure to provide information regarding an Applicant upon request; failure to report lost, stolen or misused landscape architectural seal	§3.146(b), (c)	Administrative penalty
Unauthorized practice or use of title "landscape architect"	§3.123 §3.148	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Criminal conviction	§3.149	Suspension or revocation
Gross incompetence caused by substance abuse	§3.150	Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety, followed by probated suspension if appropriate

Violation by Applicant regarding unlawful use of title “landscape architect”, unlawful practice, or criminal convictions	§3.148 §3.149 §3.151	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Failure to submit a document as required by the Architectural Barriers Act	Tex. Occ. Code §1052.252(8) §3.170	Administrative penalty
Failure to respond to a Board inquiry	§3.171	Administrative penalty
Using fraud or deceit in obtaining a certificate of registration, or giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration	Tex. Occ. Code §1052.252(2) or (3)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Using or attempting to use as the person's own the certificate of registration of another person.	Tex. Occ. Code §1052.252(4)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Use of the term “engineer,” “professional engineer,” or related term or otherwise creating the impression that one is authorized to practice engineering unless the person is registered under Occupations Code Chapter 1001	Tex. Occ. Code §1052.252(5)	Administrative Penalty
Use of the term “surveyor” or related term or otherwise creating the impression that one is authorized to practice surveying unless the person is registered under Occupations Code Chapter 1071	Tex. Occ. Code §1052.252(6)	Administrative Penalty
Aiding or abetting an unregistered person in violating Occupations Code Chapters 1051, 1052, or 1053	Tex. Occ. Code §1052.252(10)	Administrative penalty equivalent to that which would be appropriate for the underlying conduct by the unregistered person, and/or suspension or revocation

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent. If the Respondent has previously been subject to disciplinary action before the Board, more severe discipline may be imposed.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §3.177 shall be applied to determine the amount of the administrative penalty.

NOTE: If approved for proposal and publication in the Texas Register, this rulemaking action would constitute a full repeal and replace of the current rule. Most of the rule has been reorganized with minor changes to rule language throughout. As such, tracked changes are minimally helpful in understanding the changes. Rather than attempt to show every minor change, this document highlights the substantive changes and provides accompanying explanations in the margins.

RULE §5.79 Continuing Education Requirements

a) For the purposes of this Section, the following definitions shall apply:
   1. Approved Subject Areas – The following are the Approved Subject Areas for qualifying continuing education:
      i. Legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance to protect owners and public.
      ii. Technical: structural, mechanical, electrical, communications, fire protection, controls.
      iii. Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation.
      iv. Occupant Comfort: air quality, lighting, acoustics, ergonomics.
      v. Materials and Methods: building systems, products, finishes, furnishings, equipment.
      vi. Preservations: historic, reuse, adaptation.
      vii. Pre-design: programming, project analysis, survey of existing conditions, including the materials and configuration of the interior space of a project.
      viii. Design: interior building design, interior specifications, accessibility, safety, and security measures.
      ix. Construction Documents: drawings, specifications and other materials within the definition of the term "Construction Document".
      x. Construction Administration: contract, bidding, and contract negotiations.
   2. Health, Safety, or Welfare – Continuing education course content covering knowledge and practice of interior design that is focused on protection of the public and the environment.
   3. Structured Course Study - Courses of study relevant to the practice of Interior Design, taught or otherwise provided by qualified individuals or organizations, delivered by direct, in-person contact or through distance learning methods, the completion of which results in the issuance of a certificate or other record of attendance to the Registered Interior Designer by the provider.
   4. Self-Directed Study – Time spent by a Registered Interior Designer, developing knowledge and skills relevant to the practice of Interior Design, which does not qualify as Structured Course Study.
b) During each calendar year between January 1 and December 31, a Registered Interior Designer shall complete a minimum of 12 qualifying continuing education program

Commented [LB1]: These subject areas are adapted from the Board's current continuing education rule for registered interior designers.

Commented [LB2]: This definition of health, safety, and welfare is drawn from the IDCEC continuing education standards.

Commented [LB3]: This definition is partially taken from the NCARB definition for "Structured educational activities," modified to reflect TBAE precedent that a registrant must possess a certificate or other record of attendance in order to receive structured course credit.

hours (CEPH) according to the requirements of this section. Each hour of continuing education applied to this requirement shall directly relate to Health, Safety, or Welfare.

c) Of the 12 qualifying CEPH, each Registered Interior Designer shall complete a minimum of one CEPH relating to Barrier-Free Design and one CEPH relating to Sustainable or Energy-Efficient Design.

d) Of the 12 qualifying CEPH, each Registered Interior Designer shall complete a minimum of eight CEPH in Structured Course Study.
   1. Each hour of Structured Course Study shall address one or more Approved Subject Areas and at least 45 minutes of every hour of CEPH shall directly relate to Health, Safety, or Welfare.
   2. Examples of Structured Course Study include the following:
      i. Attendance at continuing education courses dealing with technical Interior Design subjects related to the Registered Interior Designer's profession, ethical business practices, or new technology.
      ii. The completion of college or university credit courses addressing Interior Design subjects, ethical business practices or new technology. Each semester or quarter credit hour shall equal one CEPH.

e) Of the 12 qualifying CEPH, each Registered Interior Designer may claim a maximum of four hours of Self-Directed Study. Examples of Self-Directed Study may include the following:
   1. Reading written material or reviewing audio, video, or digital media which develops knowledge and skills relevant to the practice of Interior Design but does not qualify as Structured Course Study;
   2. Hours spent in Interior Design research which is published or formally presented to the profession or public;
   3. Hours spent in professional service to the general public which draws upon the Registered Interior Designer's professional expertise, such as serving on planning commissions, building code advisory boards, urban renewal boards, code study committees, or educational outreach activities;
   4. Time spent preparing to teach or teaching Interior Design courses. A Registered Interior Designer may not claim credit for preparing for or teaching the same course more than once; and
   5. One CEPH may be claimed for attendance at one full-day session of a meeting of the Texas Board of Architectural Examiners.

f) A Registered Interior Designer may be exempt from continuing education requirements for any of the following reasons:
   1. A Registered Interior Designer shall be exempt upon initial registration and upon reinstatement of registration through December 31st of the calendar year of his/her initial or reinstated registration;
   2. An inactive or emeritus Registered Interior Designer shall be exempt during any calendar year in which the Registered Interior Designer's registration is in

Commented [LB4]: Under the current rule, "One continuing education program hour equals a minimum of 50 minutes of actual course time." This change would implement the IDCEC requirement that minimum of 75% of an HSW CEU's content covers knowledge and practice of interior design that is focused on protection of the public and the environment.

Commented [LB5]: Examples of CE listed under amended (d)(2) and (e) are separated to indicate which may be claimed as structured course study, and which are considered self-directed study. Under the current rule, these examples are listed together, without identifying which are considered structured course credit or self-directed study. This has caused confusion for some registrants.

Commented [LB6]: Staff requests guidance on this provision, which is taken from the current version of the rule and allows one hour of CEPH credit for every credit hour of a college or university course addressing relevant subject areas. Staff inquires whether registrants should receive more CEPH credit per quarter or semester. For reference, one credit is generally equivalent to one hour of instruction per week, with quarters lasting 10 weeks, and semesters 15 weeks.

Commented [LB7]: This would be an addition to the current rule. It was suggested by Ms. Dockery as a counterpart to a similar provision adopted by the Texas Board of Professional Engineers and Land Surveyors.

inactive or emeritus status, but all continuing education credits for each period of inactive or emeritus registration shall be completed before the Registered Interior Designer's registration may be returned to active status;

3. A Registered Interior Designer who is not a full-time member of the Armed Forces shall be exempt for any calendar year during which the Registered Interior Designer serves on active duty in the Armed Forces of the United States for a period of time exceeding 90 consecutive days;
4. A Registered Interior Designer who has an active interior designer registration in another jurisdiction that has (~~registration requirements which are substantially equivalent to Texas registration requirements and that has~~) a mandatory continuing education program may claim an exemption for any calendar year (~~registration period~~) during which the Registered Interior Designer satisfies that jurisdiction's continuing education program requirements (~~except with regard to the requirement in Texas that each Registered Interior Designer complete one CEPH related to Sustainable or Energy Efficient design~~). Notwithstanding this exemption, the Registered Interior Designer shall complete one CEPH relating to Sustainable or Energy-Efficient Design; or
5. A Registered Interior Designer who is, as of September 1, 1999, a full-time faculty member or other permanent employee of an institution of higher education, as defined in §61.003, Education Code, and who in such position is engaged in teaching Interior Design.

g) A Registered Interior Designer shall maintain a detailed record of the Registered Interior Designer's continuing education activities, including all course completion certificates documenting completion of Structured Course Study and a record of Self-Directed Study including a date and description of the claimed activity, for a period of five years after the end of the calendar year for which credit is claimed.

h) When renewing his/her annual registration, a Registered Interior Designer shall complete an attestation regarding the Registered Interior Designer's compliance with minimum continuing education requirements. A Registered Interior Designer may attest to compliance and shall be considered compliant with continuing education requirements if:

1. The Registered Interior Designer fulfilled minimum continuing education program requirements during the immediately preceding calendar year according to the requirements of this Section; or
2. The Registered Interior Designer failed to fulfill minimum continuing education program hours during the immediately preceding calendar year, but prior to renewing his/her registration in the current calendar year, the Registered Interior Designer:
    i. Completed sufficient qualifying CEPH to correct any deficiency for the prior calendar year (which will be applied to the previous calendar year and cannot be applied to the current calendar year requirement); and

Commented [LB8]: Under the current rule, a registered interior designer may claim an exemption from Texas CE requirements by meeting CE requirements in certain other states. These changes would eliminate the requirement that the other state's registration requirements be substantially equivalent to Texas requirements. (Tracked changes show comparison with current rule).

ii. Completed 12 hours of qualifying CEPH to be applied to the current calendar year requirement.

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

1. Board staff will review a Registered Interior Designer's response to such a request to determine whether the Registered Interior Designer is in compliance with this Section.
2. If a Registered Interior Designer fails to provide acceptable documentation of compliance within 30 days of request, the Registered Interior Designer will be presumed to have not complied with minimum continuing education requirements.
3. The Board has final authority to determine whether to award or deny credit claimed by a Registered Interior Designer for continuing education activities.

j) Violations of continuing education requirements and administrative penalties:

1. Falsely attesting to compliance with minimum continuing education requirements shall be subject to an administrative penalty in the amount of $500;
2. Failure to timely complete minimum continuing education requirements shall be subject to an administrative penalty in the amount of $100 for every hour of deficiency per calendar year;
3. Failure to maintain a detailed record of continuing education activities shall be subject to an administrative penalty of $100 for every hour of claimed continuing education for which a Registered Interior Designer is unable to provide proof of compliance; and
4. Failure to respond to or comply with an audit or verification shall be subject to an administrative penalty of $250 per failure.

k) The administrative penalties identified in subsection (j) of this section are considered appropriate for a first-time violation of continuing education requirements. If a Registered Interior Designer was previously found to have violated the Board's continuing education requirements in a warning or Order of the Board, the Board may increase the penalty up to a factor of two for a second or subsequent violation, in addition to consideration of suspension or revocation of registration under §5.242 of the Board's rules.

l) The administrative penalties identified in subsection (j) of this section are to be applied to each individual violation of the Board's continuing education requirements. If a

Commented [LB9]: These suggested changes are meant to address issues created by the difference between registration periods and continuing education periods. Under the current rule and application process, a registrant is required to certify compliance with CE requirements, the completion of which was required to have been completed by December 31 of the previous year. If the registrant did not complete those requirements, he or she is certifying something that is both not true and not able to be remedied at the time of renewal. This provision would allow such a registrant to maintain compliance by completing enough CE (prior to renewal) to correct any deficiency in the prior year and meet the current year obligation.

Commented [LB10]: Under the current rule, this provision allows a registrant to complete "makeup" CE following an audit which results in a determination of deficient claimed CE. If completed, the registrant is eligible for a decreased administrative penalty. Since the proposed changes would allow a registrant to remedy any previous year's deficiency prior to renewal, it is recommended that this provision be repealed.

respondent has committed multiple violations, the Respondent shall be subject to a separate administrative penalty for each violation.

m) If a Registered Interior Designer is registered to practice more than one of the professions regulated by the Board and the Registered Interior Designer completes a continuing education activity that is directly related to more than one of those professions, the Registered Interior Designer may submit that activity for credit for all of the professions to which it relates. The Registered Interior Designer must maintain a separate detailed record of continuing education activities for each profession.

n) A Registered Interior Designer may receive credit for up to 24 CEPH earned during any single calendar year. A maximum of 12 CEPH that is completed in excess of the continuing education requirements for a calendar year may be carried forward to satisfy the continuing education requirements for the next calendar year.

o) As the term is defined in §5.39(a) of the Board's rules, a military service member is entitled to two years of additional time to complete any CEPH requirements.

Commented [LB11]: These changes would incorporate the recommended penalties for CE violations within the CE rule. Under the current rules, administrative penalties for CE violations are identified in 5.242. Including the penalties within this rule will provide registrants a better opportunity to understand the potential ramifications of violating CE requirements.

RULE §5.242 Board Responsibilities

(a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases informally as provided in Subchapter I of this chapter (relating to Disciplinary Action). However, if a Contested Case is not settled informally pursuant to Subchapter I of this chapter, it shall be referred to SOAH for a formal hearing to determine whether there has been a violation of any of the statutory provisions or rules enforced by the Board.

(b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.

(c) After a formal hearing of a Contested Case, the SOAH administrative law judge who conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so that the Board may render a final decision with regard to the Contested Case. The proposal for decision shall include findings of fact and conclusions of law.

(d) If a party submits proposed findings of fact or conclusions of law, the proposal for decision shall include a ruling on each proposed finding or conclusion.

(e) Any party of record in a Contested Case may request an oral hearing before the Board. A request for an oral hearing shall be filed with the Board and copies shall be served on the administrative law judge and on all other parties in the same manner as for serving other documents in a Contested Case. The Board, in its sole discretion, shall determine whether to grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party of record shall be allotted 30 minutes to make an oral presentation to the Board. The oral presentation shall be confined to matters contained within the administrative record.

(f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if exceptions and briefs are filed, upon the 10th day following the time provided for the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a Contested Case. The Board may change a finding of fact or conclusion of law made by an administrative law judge or may vacate or modify an order issued by an administrative law judge only if the Board determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

(g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies an order pursuant to subsection (f) of this section, the Board must state in writing the specific reason and the legal basis for the change.

(h) The Board shall issue a written order regarding the Board's decision to finally resolve a Contested Case that is not settled informally. The written order shall include findings of fact and conclusions of law that are based on the official record of the Contested Case. The written order may adopt by reference the findings of fact and conclusions of law made by an administrative law judge and included in the proposal for decision submitted to the Board.

(i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a final decision in a Contested Case shall be responsible for the cost of the preparation of the original or a certified copy of the record of the agency proceeding that is required to be sent to the reviewing court.

(j) The Board and the administrative law judge who presides over the formal hearing in a Contested Case shall refer to the following guidelines to determine the appropriate penalty for a violation of any of the statutory provisions or rules enforced by the Board:

(Attached Graphic)

Figure: 22 TAC §5.242(j)

Violation	**Rule or Statutory Citation**	**Recommended Penalty**
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§5.72	Administrative penalty
Using the title "Registered Interior Designer" while on emeritus status	§5.77(b)	Administrative penalty
Practice of Interior Design while registration is inactive or expired	§5.78 or §5.92(b)	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§5.79	Administrative penalty ~~or suspension~~
Failure to timely complete required continuing education program hours	§5.79~~(b)~~	Administrative penalty ~~of $500; subject to higher penalties or suspension for second or subsequent offenses~~
Falsely reporting compliance with mandatory continuing education requirements	§5.79~~(g)~~	Administrative penalty ~~of $700; subject to higher penalties for second or subsequent offenses~~
Failure to maintain a detailed record of continuing education activities	§5.79~~(g)(1)~~	Administrative penalty ~~of $700; subject to higher penalties for second or subsequent offenses~~
Use of non-compliant seal by registrant	§5.112 §5.114(c)	Administrative penalty
Failure to sign or seal documents	§5.113 §5.132(c) and (e)	Administrative penalty
Failure to mark documents issued for purposes other than regulatory approval, permitting or construction as required	§5.113(b)	Administrative penalty

Sealing or authorizing the sealing of a document prepared by another without Supervision and Control or Responsible Charge – "plan stamping"	§5.114(a) and (b) §5.132(c) and (e)	Administrative penalty and either suspension or revocation
Failure to take reasonable steps to notify sealing Registered Interior Designer of intent to modify sealed documents	§5.114(d)	Administrative penalty
Failure to indicate modifications to or portion of document prepared by Registered Interior Designer	§5.114(b) and (d)	Administrative penalty, suspension, or both
Removal of seal after issuance of documents	§5.114(e)	Administrative penalty
Failure to maintain a document for 10 years as required	§5.113(c) §5.132(d)	Administrative penalty
Unauthorized use of a seal or a copy or replica of a seal	§5.114(c)	Administrative penalty, suspension, or both
Failure to comply with requirements relating to preparation of only a portion of a document	§5.115(b)	Administrative penalty, suspension, or both
Failure to provide Statement of Jurisdiction	§5.115(a)	Administrative penalty
Failure to report a course of action taken against the interior designer's advice as required	§5.115(d)	Administrative penalty and either suspension or revocation
Failure to enter into a written agreement of association when required	§5.132	Administrative penalty
Failure to exercise Supervision and Control over the preparation of a document as required	§5.132(c)	Administrative penalty and either suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	§5.132(e)	Administrative penalty and either suspension or revocation
Failure of a firm, business entity, or association to register	§5.134(a) and (b)	Administrative penalty
Failure to timely notify the Board upon dissolution of a business entity or association or upon loss of lawful authority to use the title "registered interior designer"	§5.134(c)	Administrative penalty

Representing an unregistered firm, business entity or association as a Registered Interior Designer firm	§5.134	Administrative penalty
Gross incompetency	§5.152	Administrative penalty and either suspension or revocation
Recklessness	§5.153	Administrative penalty and either suspension or revocation
Dishonest practice	§5.154(a), (c)	Administrative penalty and either suspension or revocation
Offering, soliciting or receiving anything or any service as an inducement to be awarded publicly funded work	§5.154(b)	Administrative penalty and either suspension or revocation and payment of restitution
Conflict of interest	§5.155	Administrative penalty and either suspension or revocation
Participating in a plan, scheme, or arrangement to violate the Act or rules of the Board	§5.156(a)	Administrative penalty, suspension, and/or revocation
Failure to provide information regarding an Applicant upon request; failure to report lost, stolen, or misused registered interior design seal	§5.156(b), (c)	Administrative penalty
Unauthorized practice or use of title "registered interior designer"	§5.133 §5.157	Administrative penalty, denial of registration, or refusal to renew, reinstate, or reactive registration
Criminal conviction	§5.158	Suspension or revocation
Gross incompetency caused by substance abuse	§5.159	Indefinite suspension until respondent demonstrates terminating suspension will not imperil public safety, followed by probated suspension if appropriate
Violation by Applicant regarding unlawful use of the title “registered interior designer,” unlawful practice or criminal convictions	§5.157 §5.158 §5.160	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Failure to submit a document as required by the Architectural Barriers Act	Tex. Occ. Code §1053.252(8) §5.180	Administrative penalty
Failure to respond to a Board inquiry	§5.181	Administrative penalty

Using fraud or deceit in obtaining a certificate of registration, or giving false or forged evidence to the Board or a Board member in obtaining or assisting another person to obtain a certificate of registration	Tex. Occ. Code §1053.252(3) or (9)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Practicing in a manner detrimental to the public health, safety, or welfare	Tex. Occ. Code §1053.252(5)	Administrative penalty, suspension, or revocation
Using or attempting to use as the person's own the certificate of registration of another person.	Tex. Occ. Code §1053.252(10)	Administrative penalty, suspension, revocation, denial of application, denial of reapplication for up to five years, and/or probationary initial registration
Advertising in a manner that tends to deceive or defraud the public	Tex. Occ. Code §1053.252(6)	Administrative penalty, suspension, or revocation
Aiding or abetting an unregistered person in violating Occupations Code Chapters 1051, 1052, or 1053	Tex. Occ. Code §1053.252(7)	Administrative penalty equivalent to that which would be appropriate for the underlying conduct by the unregistered person, and/or suspension or revocation

(k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board may vary from the penalty recommended in subsection (j) of this section if justified by the circumstances of the matter or the disciplinary history of the respondent. If the Respondent has previously been subject to disciplinary action before the Board, more severe discipline may be imposed.

(l) For any violation where revocation is recommended as an appropriate penalty for the violation, refusing to renew the respondent's certificate of registration also shall be an appropriate penalty for the violation.

(m) If the Board or the administrative law judge determines that an administrative penalty is the appropriate sanction for a violation, the guidelines described in §5.187 of this title (relating to Administrative Penalty Schedule) shall be applied to determine the amount of the administrative penalty.

YOUR GUIDE TO

Online Proctoring and ARE 5.0

NCARB

NCARB

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INTRODUCTION

The option for candidates to take the Architect Registration Examination® (ARE®) via online proctoring will be offered in addition to traditional, in-person testing, which will still be available through Prometric's global network of test centers.

To enable online proctoring while maintaining the exam's essential reliability and rigor as a measure of candidate competency, several changes to ARE 5.0's navigation, timing, and policies will go into effect when online proctoring launches. These changes will impact both in-person and online exams, including in-person exams already scheduled.

The following provides additional information about the changes to ARE 5.0. Keep in mind, the exam's overall content—including the division structure, item bank, and objectives—is not changing. While candidates should familiarize themselves with the updated demo exam when it launches mid-November, candidates do not need to alter the materials they're currently studying.

EXAM CHANGES

➤ Items Per Division Will Be Reduced

In an effort to continue to increase the efficiency of the licensure process, NCARB will reduce the total number of items candidates will see in each division of ARE 5.0.

Practice Management (PcM)
Original Number of Items 80
Updated Number of Items 65

Project Management (PjM)
Original Number of Items 95
Updated Number of Items 75

Programming & Analysis (PA)
Original Number of Items 95
Updated Number of Items 75

Project Planning & Design (PPD)
Original Number of Items 120
Updated Number of Items 100

Project Development & Documentation (PDD)
Original Number of Items 120
Updated Number of Items 100

Construction & Evaluation (CE)
Original Number of Items 95
Updated Number of Items 75

Key things to know:

- **The majority of items to be removed are "pre-test" items.** Each division of the ARE includes several "pretest" items—new items in the testing stage of development. These items are indistinguishable from regular items, but do not contribute to the candidate's score. To reduce the exam's length without impacting rigor, there will be less pretest items per division of the ARE.
- **Reducing the number of items per division will not make the exam easier** Reducing the length of the test is based upon recommendations from NCARB's independent psychometricians, but the changes will not impact the exam's difficulty. NCARB will establish a new cut score to ensure the ARE is a fair test of competency.

➤ Test Duration Per Division Adjusted Slightly

Changes in the number of items per division will not have a significant impact on exam timing as **candidates are being given more time per item on each division and more break time per division**.

Practice Management (PcM)

Original Appointment Time	**3 HR 30 MIN**
Original Test Duration	**2 HR 45 MIN**
Updated Appointment Time	**3 HR 20 MIN**
Updated Test Duration	**2 HR 40 MIN**

Project Management (PjM)

Original Appointment Time	**4 HR**
Original Test Duration	**3 HR 15 MIN**
Updated Appointment Time	**3 HR 40 MIN**
Updated Test Duration	**3 HR**

Programming & Analysis (PA)

Original Appointment Time	**4 HR**
Original Test Duration	**3 HR 15 MIN**
Updated Appointment Time	**3 HR 40 MIN**
Updated Test Duration	**3 HR**

Project Planning & Design (PPD)

Original Appointment Time	**5 HR**
Original Test Duration	**4 HR 15 MIN**
Updated Appointment Time	**5 HR**
Updated Test Duration	**4 HR 5 MIN**

Project Development & Documentation (PDD)

Original Appointment Time	**5 HR**
Original Test Duration	**4 HR 15 MIN**
Updated Appointment Time	**5 HR**
Updated Test Duration	**4 HR 5 MIN**

Construction & Evaluation (CE)

Original Appointment Time	**4 HR**
Original Test Duration	**3 HR 15 MIN**
Updated Appointment Time	**3 HR 40 MIN**
Updated Test Duration	**3 HR**

Key things to know:

- **Candidates will have more time per item.** Because the reduction in the number of items is proportionally larger than the reduction in test time, candidates will have more time to consider each item.
- **Timing considers the changes to navigation and tools.** The additional time in relation to the number of items gives candidates the necessary flexibility to review items and use updated tools, such as the digital whiteboard.

➤ Optional Break Time Expanded; Items Locked When a Break is Taken

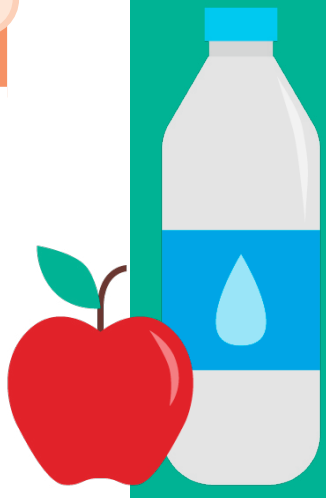
Candidates' optional break time will be expanded to 30 or 45 minutes, depending on the division. In addition, candidates will be able to use this time for multiple short breaks or one long break during their appointment.

Candidates will be able to review any previously viewed items before they take a break. **However, upon returning from a break, candidates will be unable to review or edit items seen prior to a break.** Those items will be locked for the duration of the test appointment. Candidates are required to click the on-screen break tool anytime they take a break.

Division	Optional Break Time
Practice Management (PcM)	30 MIN
Project Management (PjM)	30 MIN
Programming & Analysis (PA)	30 MIN
Project Planning & Design (PPD)	45 MIN
Project Development & Documentation (PDD)	45 MIN
Construction & Evaluation (CE)	30 MIN

Key things to know:

- **Candidates will have more break flexibility.** The new break structure allows candidates more flexibility in terms of when and for how long to take a break, both in-person and when testing online.
- **Locking items after breaks is essential for exam security.** Because NCARB will not control the break activities of candidates who test via online proctoring, locking items maintains the exam's security.
- **Candidates should plan to review items before taking a break.** Candidates will be able to review any previously viewed items before they take a break. Currently, many candidates choose to review "flagged items" at the end of their test appointment. Candidates should adjust their testing strategy to review any flagged items prior to taking a break, since they will be unable to return to these items.



➤ NCARB Will Set New Cut Scores

Because the number of scored items is changing, NCARB will have to set a new cut score for each ARE division. NCARB and our psychometrician experts will use current cut scores as a reference when setting the new cut scores—this will minimize the time needed to set cut scores and allow NCARB to benchmark the current exam rigor.

➤ Reduced Rescheduling Fees in Effect on January 1

NCARB has not charged rescheduling fees since the COVID-19 pandemic initially shut down test centers in mid-March. NCARB will reinstate fees for rescheduling exam appointments beginning on January 1, 2021. However, NCARB has reduced rescheduling fees.

Days Before Exam Appointment	Previous Fee	Updated Fee
0-3 BUSINESS DAYS	**Rescheduling Not Permitted**	**Rescheduling Not Permitted**
4-15 BUSINESS DAYS (before Noon ET)	**$80**	**$55**
16-30 BUSINESS DAYS (before Noon ET)	**$60**	**$40**
30 OR MORE BUSINESS DAYS (before Noon ET)	**$0**	**$0**

Key things to know about the cut score process:

- NCARB does not expect pass rates to change dramatically. The changes being made to enable online proctoring are not intended to make the exam easier or harder; therefore, pass rates for the updated exam are expected to align with current pass rates.
- Score reports will be held for approximately four weeks while cut scores are set. During this time, candidates will also be unable to see provisional feedback prior to leaving the test center or online appointment. Provisional feedback will return once the cut score is set. Score reports will be released by division, as the cut scores for each division are established.

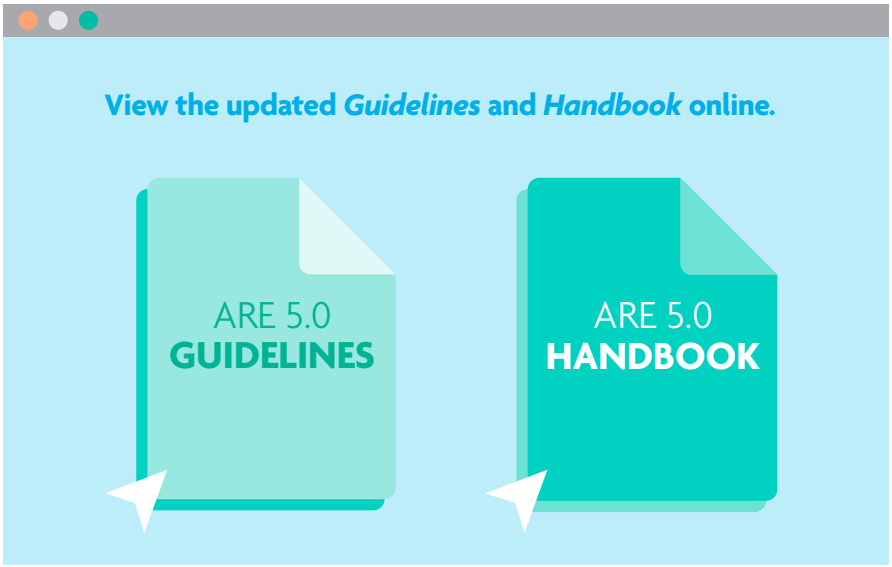
Key things to know about the reduction of rescheduling fees:

- Rescheduling fees apply to both online and in-person appointments.

➤ Updated *Guidelines* and *Handbook* Available Now

NCARB's updated *ARE 5.0 Guidelines* and *ARE 5.0 Handbook*—which apply to all exams scheduled on or after the launch date of the online proctoring option—are available now. The previous versions of these documents will remain available until the launch date of the online proctoring option. You can find both versions on NCARB's website at ncarb.org/onlineproctoring.

These documents outline changes to exam policy and exam navigation, including the updates to exam timing and items.



Key things to know:

- **The updated *ARE 5.0 Guidelines* includes the requirements for taking an online proctored exam.** These include both technical and environmental requirements from both NCARB and Prometric. Candidates are required to review and understand all requirements prior to scheduling an online proctored appointment.
- **The objectives outlined in the *ARE 5.0 Handbook* have not changed.** However, NCARB has added additional details about the relative percentage of the exam each objective comprises.
- **More resources available in mid-November.** The updated demo exam and exam prep videos will help candidates familiarize before the December launch.

In addition, both the *Guidelines* and *Handbook* have been updated to be more accessible and mobile-friendly.

➤ Updated Exam Candidate Conduct Policy

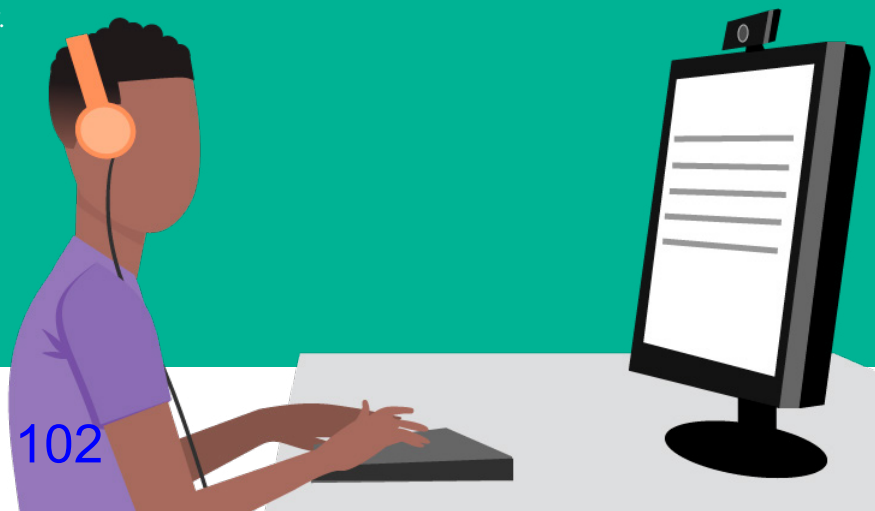
NCARB has modified the Exam Candidate Conduct policy to better reflect expectations in a dual-delivery (online proctored and in-person) world. The new policy is now in effect and available on the NCARB website.

➤ Digital Whiteboard Will Replace Physical Scratch Paper

Candidates will still be able to take notes, outline potential solutions, and more using an online whiteboard option. More details regarding this tool, including the ability to become familiar with the tool via the Demonstration Exam in My NCARB, will be available by mid-November at the latest.

Key things to know:

- **Candidates must have a consistent exam experience regardless of test delivery.** In order to maintain fairness across delivery modes, NCARB needs to ensure candidates are provided the same tools while testing, whether they are testing online or onsite. To launch online proctoring appropriately, NCARB will ensure consistent delivery tools for all candidates.
- **NCARB must ensure the security of exam content.** The ARE is an essential measure of candidate competency used by all 55 U.S. licensing boards. Allowing physical scratch paper for candidates testing via online proctoring would introduce a major security risk for exam content. It is more difficult to monitor the use and disposal of loose paper when candidates are testing from a remote location, as opposed to in a test center. Because of this, online proctoring cannot launch with the allowance of physical scratch paper.
- **A "clean desk" policy is recommended by testing experts.** The replacement of scratch paper follows best practices in testing recommended to NCARB by our psychometrician experts. Requiring a "clean desk" is the most reliable way to ensure that candidates are not violating the ARE Candidate Agreement. The desire to make online proctoring available may have moved the timeline for this decision forward, but it is not the only reason behind the change.



➤ Other Changes While Testing

To improve the candidate testing experience, NCARB has made changes to ARE 5.0's references, PDF reader, and some multiple-choice items.

- **References:** Structural resources or formulas needed to solve a particular item will be included in the item.
- **PDF Reader:** NCARB and our test development consultant are upgrading the PDF reader used for case studies to improve the candidate experience.
- **Multiple-choice items will include three or four response options.** Some multiple-choice items will only include three response options, while others will include the current four response options. This change eliminated easily dismissed response options that served no assessment value, and will ease some of the timing burden placed on candidates.
- **Candidate privacy will be maintained.** Similar to the ARE's content, personal information, recorded sessions, and other sensitive data are stored securely on Prometric's advanced network.

➤ Not All Accommodations Will Be Available for Online Proctoring

NCARB offers testing accommodations for candidates with documented disabilities and temporary medical conditions. The process to apply for accommodations will not change with the launch of remote proctoring.

Key things to know:

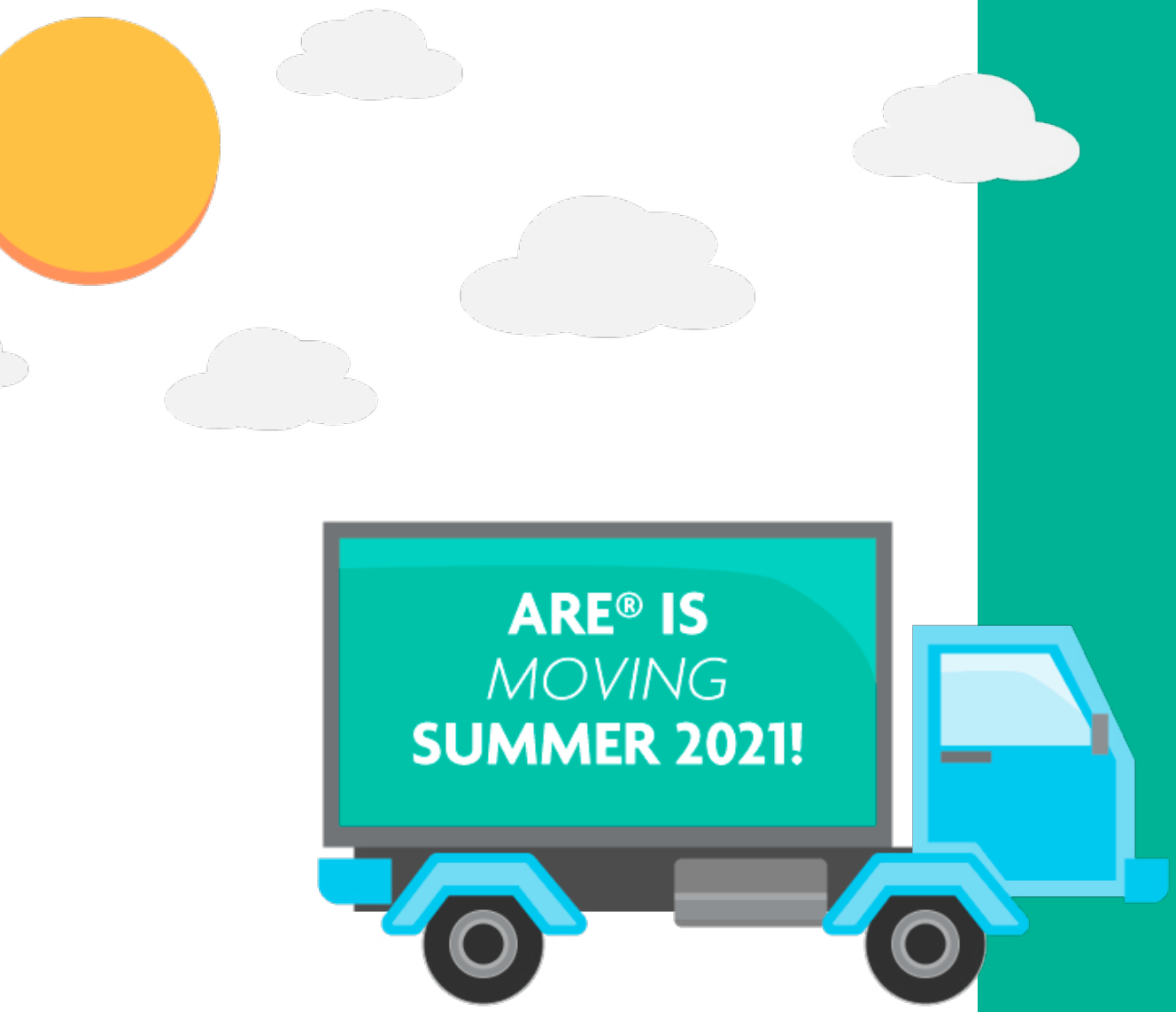
- **Not all accommodations will be available via online proctoring.** The nature of online proctoring means that not all exam accommodations can be offered for online testing, such as a reader or sign language interpreter. Candidates can reach out to NCARB staff for more information about their specific accommodation.
- **Accommodations must be approved prior to scheduling an appointment.** If you would like to request an accommodation, you must receive approval before you schedule your appointment (whether online or in-person).

➤ Exam Delivery Moving to PSI in Summer 2021

NCARB will switch to a new test administration vendor, PSI, in summer 2021. PSI offers both in-person and online proctored exam appointments. More information around the migration to PSI will be available early next year.

Key things to know:

- **NCARB will use PSI's third-party testing locations in addition to PSI's proprietary test centers.** This will significantly expand the number of physical test centers available to ARE candidates.
- **More information on how to look up your local PSI test center location will be provided in the spring 2021.**



ONLINE PROCTORING SETUP REQUIREMENTS

Before you schedule an online-proctored appointment, please take the time to make sure your computer and testing environment meet all the requirements established by both NCARB and Prometric. These requirements help ensure that all ARE divisions are administered under comparable conditions, and that the results represent a fair and accurate measurement.

You can find the full list of requirements in the *ARE 5.0 Guidelines*, as well as the highlights below:

➤ Systems Requirements

The ARE will require a combination of Prometric's systems requirements plus some additional requirements from NCARB designed to accommodate the ARE's graphic elements. These include:

- **Operating System:** Windows/MacOS
- **Web Browser:** Latest Google Chrome
- **Webcam Resolution:** A minimum of 640 X 480 pixels
- **Microphone:** Enabled at all times
- **Screen setup**: Laptop or desktop computer in a single monitor configuration; tablets or dual-monitor configurations are NOT acceptable. Laptops are required to be plugged directly into a power source and UNATTACHED from a docking station.
- **Screen Resolution:** A minimum of 1920 x 1080 pixels
- **Monitor Size:** 19-inch or larger monitor (using a smaller monitor will reduce image clarity, and may hinder your testing progress)

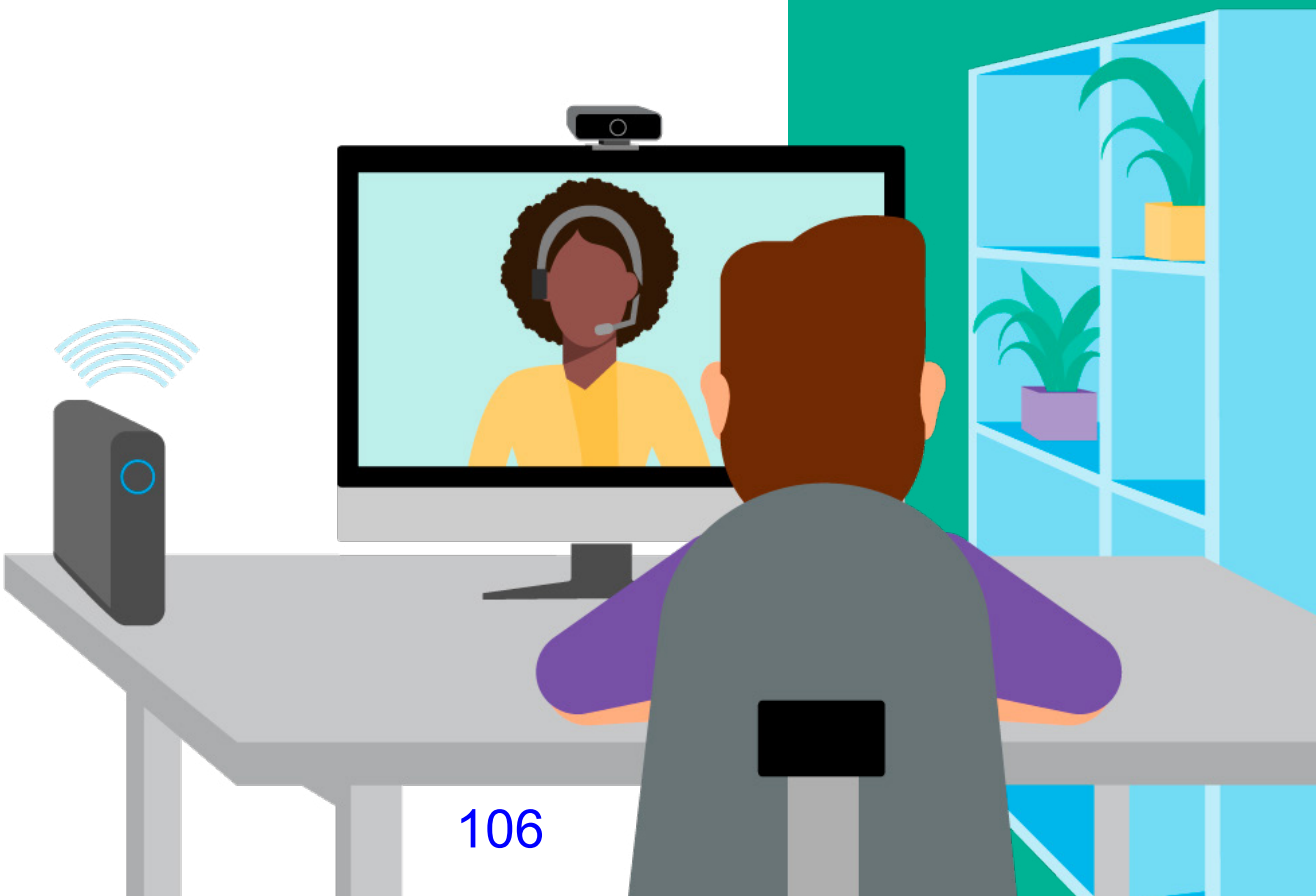
- **Webcam:** External webcam with the flexibility and cord length to provide a 360-degree view of your testing environment.
- **Internet Speed:** A minimum of 3 mbps of dedicated bandwidth
- **Internet Connection Type:** An ethernet cable connection is recommended, but if you use wi-fi, be sure you have a strong signal throughout your exam administration
- **Cables:** All cables connected to the computer and/or peripheral devices must be accessible and visible for full inspection prior to testing.

Tip: If you wish to use a single external monitor configuration with a laptop, connect a computer monitor cable directly from your external monitor to your laptop and close the laptop screen. You will not be able to use the laptop's integrated webcam or keyboard.

$50 Rebate for First Online Proctored Appointment

To help offset the cost of meeting the system requirements for testing via online proctoring (such as the external webcam), NCARB will provide all candidates who schedule their first online appointment with a $50 e-gift card. Every ARE candidate is eligible to receive one rebate. This gift card will be issued automatically after a candidate schedules their first online proctored appointment. Candidates who do not schedule an online proctored appointment will not be eligible.

The gift card will be delivered to the email address on file in your NCARB Record.

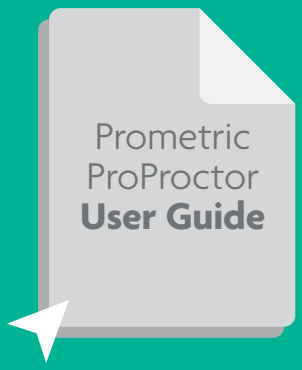


➤ Environmental Requirements

In addition to the technical requirements, your testing environment must meet the requirements within the Prometric ProProctor User Guide. Please ensure the room you plan to test in meets all of the following conditions, and any others outlined by Prometric:

- **Indoors:** You must test indoors in a walled environment. Do not test in a room with see-through/glass walls.
- **Privacy:** You must have a private space, preferably with a single closing door. No people or animals can be present in the room while you test. If your testing room does not have a door, you can block the entrance with a bed sheet.
- **Lighting:** Your testing environment must be well-lit.
- **Quiet:** Your room must be free of background noise.
- **Workspace:** Your computer must be placed on a table or desk. You cannot test with your computer in your lap.
- **Free from distractions:** The room must be as uncluttered as possible. Your workspace and the surrounding area must be free of:
    - Cell phones or other electronic devices
    - Calculators
    - Paper or notepads
    - Books or study resources
    - Purses
    - Food or drinks
    - Tobacco or other smoking products

View the Prometric ProProctor User Guide online.

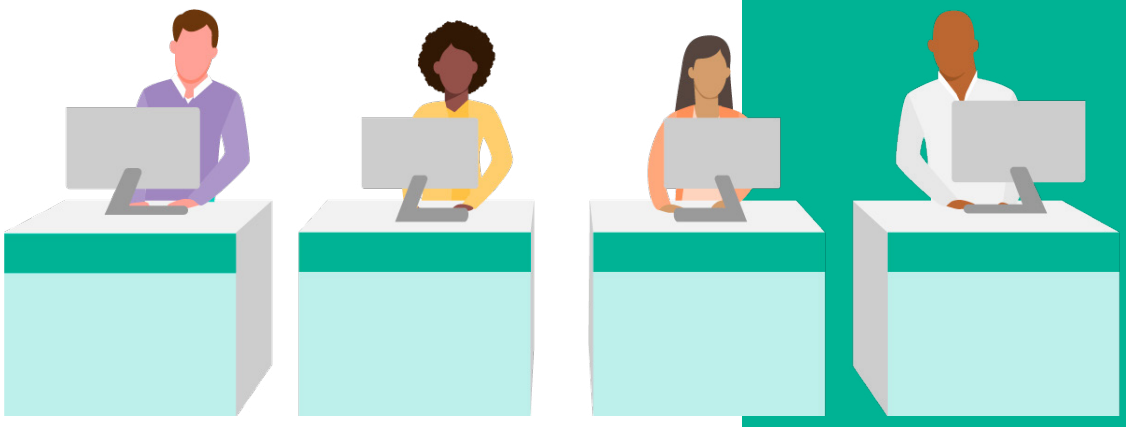


HOW NCARB DEVELOPS EXAM CHANGES

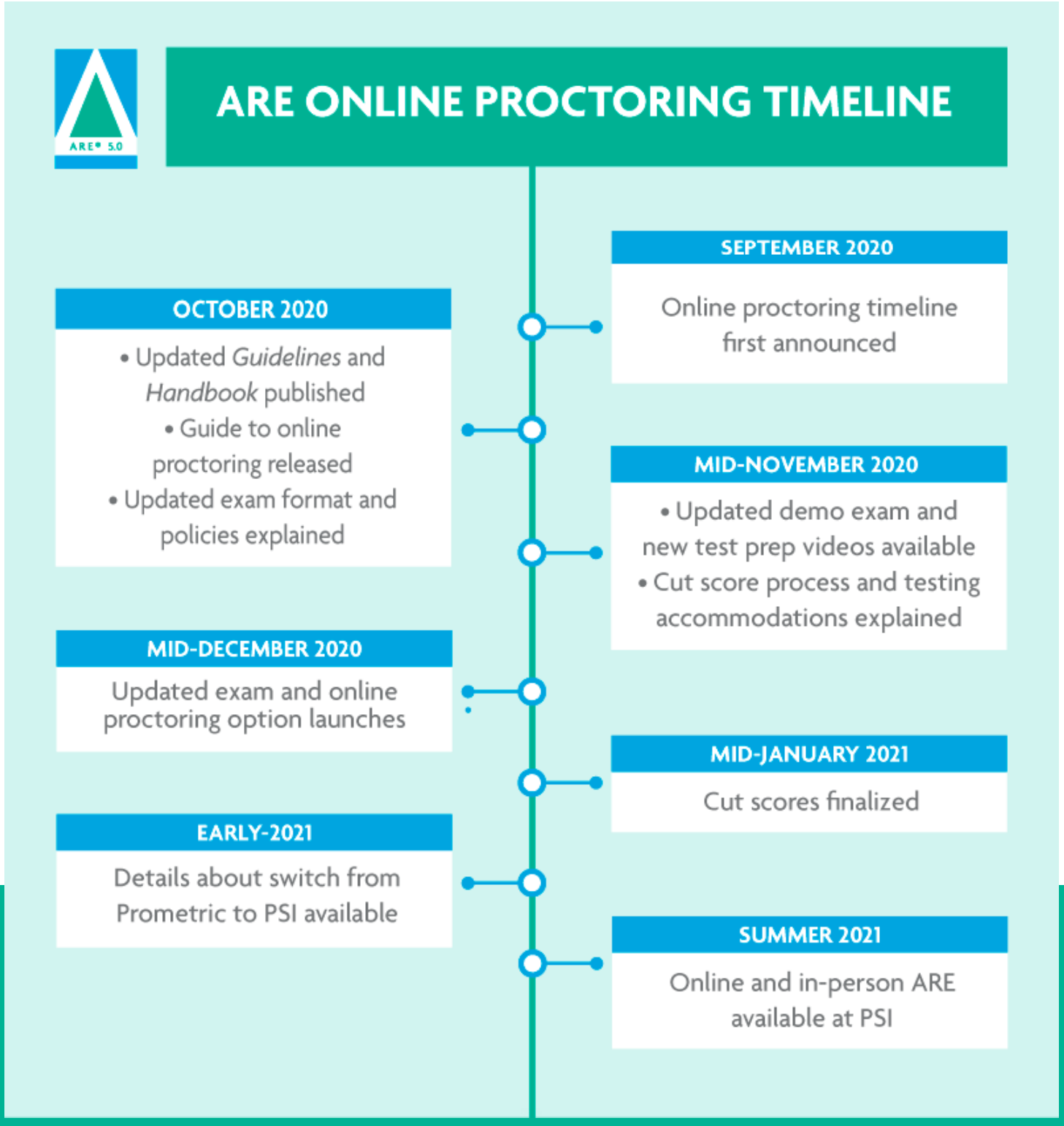
The ARE is an essential part of the licensure process, and enables licensing boards to carry out their work to protect the public by providing a reliable assessment of candidate competency. Because of this, NCARB takes the ARE very seriously, and no changes are made to the exam's navigation, content, or delivery without serious consideration.

The ARE is developed by hundreds of volunteer architects, who collaborate with NCARB's examination team (including staff architects) and psychometrician experts to ensure the ARE is reliable, rigorous, and fair. NCARB uses the psychometric services of Alpine Testing Solutions, who provide expertise regarding examination best practices. Any software needed for the exam delivery is developed in partnership with Zoomorphix Systems.

When NCARB makes changes to the exam, any updates are reviewed at the staff, psychometrician, volunteer, and Board of Director level before being announced to candidates. With the help of our psychometrician experts, NCARB monitors exam performance to ensure any changes aren't unfairly impacting candidates.



➤ ARE Timeline



FAQS

Why is NCARB launching online proctoring?

NCARB has been exploring the option to enable online proctoring for some time. The pandemic has highlighted the need for test delivery flexibility. With a possible spike in COVID-19 cases expected this fall and winter, candidates could experience more test center closures, further impacting their licensure progress. Because of this, NCARB is working to launch online proctoring in 2020 to provide access to the ARE for candidates who are not comfortable testing onsite or have underlying health conditions that limit their ability to test during the ongoing health crisis.

What do I do if there's a technical issue during my online-proctored exam?

If you need assistance at any time during your exam, you will be able to contact your online proctor through Prometric's secure testing browser. If you are disconnected from your exam during your appointment, you will be able to reboot your computer, run the system check, and re-launch your exam using the "Launch exam" button in Prometric's browser. You must go through the whole check-in process again; however, your exam will re-start from the point where it was disconnected.

Who does NCARB work with to determine exam changes?

NCARB partners with several groups of people to administer and update the ARE:

- Architect volunteers, who help develop items for the ARE
- Alpine Testing Services, who provide psychometricians (testing experts) to ensure NCARB meets industry best practices
- Jurisdictional licensing boards
- Zoomorphix Systems, who develop the software (such as the digital whiteboard) to deliver the ARE
- Prometric, who manages the test centers and provides proctoring services

When can I test the new exam navigation?

The updated demo exam will be available to candidates through My NCARB in mid-November.

Can I take the previous version of ARE 5.0?

No. Once the updates to the exam launch, all candidates will experience the updated version of the ARE.

Will the content/length of online-proctored exams be the same as the exams administered at the test center?

Yes, candidates testing online will experience the same exam as candidates testing in person, with the same number of items, same testing length, and same exam content and objectives.

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:	**205-17N**
SOAH Docket No.:	**459-20-4299**
Respondent:	**Martin Nguyen**
Location of Respondent:	**Houston, Texas**
Instrument:	**Agreed Order**

Findings of Fact and Conclusions of Law

- See attached proposed Agreed Order

Action Recommended by Executive Director:

- Enter the attached Agreed Order, including the findings of fact and conclusions of law, which imposes an administrative penalty of **$10,000**, with two $2,500 payments payable within 60 days, and payment of the remaining $5,000 deferred and subject to cancellation, provided that Respondent complies with the terms of the Order and does not violate the laws or rules of the Board for a five-year deferral period.

TBAE CASE NO. 205-17N

IN THE MATTER OF	§	BEFORE THE TEXAS BOARD
	§	
MARTIN NGUYEN	§	OF
	§	
RESPONDENT	§	ARCHITECTURAL EXAMINERS

AGREED ORDER

On this day, the Texas Board of Architectural Examiners (hereafter "the Board") considered the matter of Martin Nguyen, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Texas Occupations Code §§ 1051.701 and 1051.752. Respondent waived notice and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on September 1, 2020. Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

1. Prior to the institution of agency proceedings, notice of the matters specified below in the Findings of Fact was served on Respondent, and Respondent was given an opportunity to show compliance with all requirements of law.
2. Respondent waived noticed and hearing and agreed to the entry of this Order.
3. Respondent is not and never has been registered as an architect in the State of Texas.
4. On or about March 3, 2016, Respondent offered to engage in the unregistered practice of architecture, and engaged in the unlawful use of the term "architect" to describe services offered or provided by Respondent, in that, while utilizing the business name "CAD Construction – Architect – Design," Respondent issued an invoice to a client regarding the project Cinco West Pediatrics in Katy, Texas which indicated that Respondent would

provide services to the client that are within the definition of the practice of architecture as described by Tex. Occ. Code §1051.001(7).

5. On or about May 5, 2016, Respondent engaged in the unregistered practice of architecture, in that, pursuant to the offer of March 3, 2016, Respondent prepared and issued architectural plans and specifications for the project Cinco West Pediatrics in Katy, Texas.

6. On or about July 15, 2016 through October 26, 2016, Respondent engaged in the unregistered practice of architecture, and engaged in the unlawful use of the term "architect" to describe services offered or provided by Respondent, in that Respondent prepared and issued architectural plans and specifications and observed the construction of work to evaluate conformance with those architectural plans and specifications, for the project Slurping Noodle in Cypress, Texas, while utilizing the title "architect" in connection with the project. Specifically, Respondent attested as the "Architect" for the project that the work performed under the construction contract had been substantially completed.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the disciplinary authority delegated to the Board in Texas Occupations Code Chapter 1051, Subchapters H, I, J, and O.

2. Pursuant to Tex. Occ. Code 1051.701, a person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture, as defined in Section 1051.001(7)(A), (B), or (C) unless the person is registered as an architect.

3. The unauthorized practice of architecture and unauthorized use of the title "architect" in the State of Texas are criminal offenses under Tex. Occ. Code §1051.801.

4. Except as allowed under limited circumstances specified by Tex. Occ. Code §1051.606(a)(4), Respondent has been prohibited from practicing architecture in the State of Texas for all times pertinent to this Agreed Order. Respondent's business, CAD Construction – Architect – Design, has also been prohibited from engaging in the practice of architecture, offering architecture, and representing to the public that it is engaging in the practice of architecture for all times pertinent to this Agreed Order. Tex. Occ. Code §1051.701.

5. Under 22 Tex. Admin. Code 1.123, only architects, duly registered by the Board, may use any form of the word "architect" or "architecture" to describe themselves or the services they offer or perform in Texas.

6. By utilizing the title "architect" while providing services on two projects, including preparing and issuing architectural plans and specifications and engaging in construction observation, Respondent engaged in the unregistered practice of architecture in violation of Tex. Occ. Code §1051.701 and violated 22 Tex. Admin. Code 1.123(c).

7. The evidence received is sufficient cause pursuant to Tex. Occ. Code §1051.752(1) to take disciplinary action against Respondent.

ORDER OF THE BOARD

NOW, THEREFORE, it is the ORDER of the Texas Board of Architectural Examiners that Respondent be subject to the following provisions:

(A) AN ADMINISTRATIVE PENALTY of Ten Thousand Dollars ($10,000.00) is imposed upon RESPONDENT, Two Thousand Five Hundred Dollars ($2,500.00) of which is due and payable within 30 days after the effective date of this Order. A second payment of Two Thousand Five Hundred Dollars ($2,500.00) is due and payable within 60 days of the

effective date of this order. Payment of the remaining Five Thousand Dollars ($5,000.00) ("the Deferred Administrative Penalty") shall be deferred for a period of five (5) years after the effective date of this Order ("the Deferral Period") or until Respondent violates the terms of this Order or otherwise violates the laws or administrative rules enforced by the Board, whichever occurs first. If Respondent does not violate the terms of this Order and does not violate the laws or rules enforced by the Board during the Deferral Period, the remaining Deferred Administrative Penalty is cancelled five (5) years after the effective date of this Order.

If, during the Deferral Period, an additional allegation, accusation, or complaint is reported or filed against the Respondent or a firm or business owned or controlled by the Respondent, the Deferral Period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

If, during the Deferral Period, the Respondent fails to comply with any of the terms and conditions of this Order or otherwise violates the laws or rules of the Board, the entire amount of the administrative penalty, including the Deferred Administrative Penalty, shall become payable and due immediately, and any failure to pay such debt shall be referred to the Attorney General's office for collection. Respondent's liability for this payment shall be separate and in addition to any disciplinary action or administrative penalty the Respondent may be subject to arising from subsequent violations under Texas Occupations Code §1051.752.

(B) RESPONDENT SHALL NOT engage in or offer to engage in the practice of architecture as defined by Tex. Occ. Code Chapter 1051, unless and until Respondent becomes registered by the Board as an architect. This provision is not intended to prohibit

Respondent from acting within any exception set out in Tex. Occ. Code §§1051.601–1051.606, provided that Respondent complies with all limitations of the exception.

(C) RESPONDENT SHALL NOT use any form of the word "architect" or "architecture" to describe Respondent or services provided by Respondent in the State of Texas unless and until Respondent becomes registered by the Board as an architect.

(D) RESPONDENT SHALL NOT accept employment with, knowingly provide services for or on behalf of, or hold any ownership or managerial authority in, any firm, partnership, corporation, or association that represents to the public that the entity is engaged in the practice of architecture or is offering architectural services, or otherwise uses any form of the word "architect" or "architecture" in any manner in its name, unless any practice of architecture or performance of architectural service on behalf of the entity is performed by and through a duly registered architect and the entity is duly registered as a firm which may practice architecture in Texas.

Respondent, by signing this Order, agrees to its terms and acknowledges his understanding of those terms. Respondent further acknowledges that this Order shall not become effective unless it is approved by the Board and signed by the Board's presiding officer. The effective date of this Order is the first date it is signed by all parties and approved by the Board.

The Board, by approving this Order, acknowledges that it is the Board's express desire to resolve this matter according to its terms. The Board acknowledges that so long as Respondent abides by the provisions of the Order, the Board shall not take further action against Respondent for any of the activities that are specifically identified as Findings of Fact in this Order or for any action occurring prior to the entry of this Order.

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. By my signature on this Order, I agree to the entry of this Order, and all conditions of said Order, to avoid further disciplinary action in this matter. I waive notice and hearing and judicial review of this Order. I understand that when this Order becomes final, and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, as a consequence of my noncompliance.

DATED: Sept 2, 2020, 20__.

Martin Nguyen

STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this day personally appeared Martin Nguyen, a person whose identity is known to me. After I administered an oath to him, upon his oath he said that he read this Agreed Order, he acknowledged to me that he freely and knowingly executed the same for the purposes and consideration therein expressed.

SWORN TO AND SUBSCRIBED before me by Martin Nguyen, on this the 2 day of September, 2020.

DAVID APONTE
Notary Public
STATE OF TEXAS
My Comm. Exp. 08-02-23
Notary ID # 13211396-0

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of _____, 20__, by Martin Nguyen, Respondent, and said Order is final.

Effective this the _____ day of _____, 20__.

_____
DEBRA DOCKERY, FAIA
Chair
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	**070-20N**
Respondent:	**Grace Garza**
Location of Respondent:	**League City, TX**
Instrument:	**Revised Report and Notice of Violation**

Findings:

- Grace Garza (hereafter "Respondent") is not and has never been registered as an architect in Texas.
- Respondent's firm identified as "Studio G Design Group" was not registered with the Board as a firm which may lawfully be held out to the public as practicing or offering to engage in the practice of architecture.
- On or about April 18, 2019, Respondent issued a proposal to a potential client for "Architectural Services, "Architectural Drawings" and "Architectural Design Services" for a residential property on Colorado Avenue in League City, Texas. The contract called for the Respondent to provide "architectural drawings," including code information, site plan, first floor plan, second floor plan, roof plan, and interior elevations. The proposal was submitted by Respondent with Studio G Design Group.
- On or about June 4, 2019, pursuant to the proposal described above, Respondent issued architectural plans and specifications for the project.
- On or about January 16, 2020, Respondent utilized a Houzz profile that indicated she provided services including "architectural design residential and commercial."
- On or about January 16, 2020, Respondent utilized a Facebook profile that identified her as the Studio G Design Group Owner, and that she was an "Architectural Designer in Residential & Commercial Projects."

Applicable Statutory Provisions and Rules:

- By issuing a Proposal to a potential client offering "Architectural Services," "Architectural Drawings" and "Architectural Design Services" on the project, Respondent violated Tex. Occ. Code 1051.701(a) and Board Rule 1.123(a).
- By preparing and issuing architectural plans and specifications pursuant to an agreement to provide architectural services, Respondent violated Tex. Occ. Code §1051.701(a).
- By utilizing the term "architectural" to describe her services on her company's Facebook webpage and on www.houzz.com, Respondent violated Board Rule 1.123(c).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **$3,000** and requires the Respondent to cease

and desist from violating Occupations Code Chapter 1051, as set forth in the Revised Report and Notice of Violation dated July 29, 2020.

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:	**016-20N**
Respondent:	**Ammar Jaber**
Location of Respondent:	**Houston, TX**
Instrument:	**Revised Report and Notice of Violation**

Findings:

- Ammar Jaber (hereafter "Respondent") is not and has never been registered as an architect in Texas.
- Respondent has offered and provided services as President of *LED Construction & Design, Inc.*, which is not and has never been 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 October 8, 2018, Respondent signed a Professional Services Agreement for services to be provided on the project *Pool House* in Missouri City, Texas. The Agreement stated that LED Construction and Design would provide "Architectural . . . professional design services to create the plans, ready to submit for approval by Missouri City plan review and permitting, and the construction documents for the proposed project of 600sf Pool House." The agreement stated that "In the performance of the project, Architect shall be free on any dominion or control by Client over the manner in which Architect performs the project."
- Based on the Professional Services Agreement Respondent provided to the client, the client believed Respondent was an architect.
- On or about February 12, 2019, pursuant to the Agreement described above, Respondent issued fifteen (15) sheets of architectural plans and specifications for the project.

Applicable Statutory Provisions and Rules:

- By issuing a Professional Services Agreement to a potential client and offering "architectural" services on the project, Respondent violated Tex. Occ. Code §1051.701(a) and 22 Tex. Admin. Code 1.123.
- By preparing and issuing architectural plans pursuant to an offer to provide architectural services, Respondent engaged in the unregistered practice of architecture in violation of Tex. Occ. Code §1051.701(a).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **$3,000** and requires the Respondent to cease and desist from violating Occupations Code Chapter 1051, as set forth in the Revised Report and Notice of Violation dated September 28, 2020.

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:	**257-19A**
Respondent:	**John S. Vaci**
Location of Respondent:	**Birmingham, AL**
Instrument:	**Revised Report and Notice of Violation**

Findings:

- John S. Vaci (hereafter "Respondent") is registered as an architect in Texas with registration number 25280.
- On or about March 2, 2019, Respondent engaged architect D.H., located and registered in Texas, to provide drafting services for a restaurant project in Arkansas. Under the terms of the arrangement, Respondent would provide a prototype design to D.H., who would use the prototype to draft customized design details to suit the project and return the work to Respondent for his review. Respondent would be responsible for issuing the documents under his name, seal, and registration number.
- On or about March 17, 2019, while working from Texas, D.H. accessed a Dropbox link provided by Respondent for the purpose of providing prototype documents for the project. The Dropbox file was dedicated to the project in question and did not contain documents for other projects or general access to Respondent's digital files. Included within the documents was a blank drawing file that included Respondent's pre-signed architectural seals for 14 states, including Texas registration number 25280. At the time Respondent provided D.H. with access to this file, Respondent had not engaged D.H. to provide services on any project located in Texas and had no appropriate reason to provide D.H. with access to his signed Texas architectural seal.
- On or about October 1, 2020, the Colorado Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors entered a Stipulation and Final Agency Order in Case No. 2019-2314, relating to Respondent's Colorado architect license number 405214. The Order was entered following an investigation into the alleged failure of Respondent to maintain proper control of his Colorado architectural seal pursuant to the factual circumstances described above. As a result of the Order, Respondent received a Letter of Admonition for failing to maintain proper control of his seal and was ordered to pay a fine and surcharge in the amount of $575, which was paid by Respondent in full.

Applicable Statutory Provisions and Rules:

- By providing D.H. with access to Respondent's signed Texas architectural seal, Respondent failed to be responsible and accountable for the care, custody, control, and use of his architectural seal and professional signature. This constitutes a violation of 22 Tex. Admin. Code §1.146 and Tex. Occ. Code §1051.752(1).

- Under Tex. Occ. Code §1051.751 and 22 Tex. Admin. Code §1.165, the Board may issue a reprimand if it determines that a ground for discipline exists under Tex. Occ. Code §1051.752.
- The Respondent's payment of a fine under the Colorado disciplinary order constitutes sufficient deterrent effect to support the issuance of a Reprimand in this matter rather than an administrative penalty.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact and conclusions of law set forth in the Revised Report and Notice of Violation dated October 6, 2020 and which reprimands the Respondent for failing to be responsible and accountable for the care, custody, control, and use of his architectural seal and professional signature.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	**075-20A**
Respondent:	**Mario Bolullo**
Location of Respondent:	**Houston, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Mario Bolullo (hereafter "Respondent") is registered as an architect in Texas with registration number 10830.
- 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 1.69(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 1.69(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 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **$250** 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 March 31, 2020.

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:	**370-19I**
Respondent:	**Sharon Rhodes Cowart**
Location of Respondent:	**Keller, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Sharon Rhodes Cowart (hereafter "Respondent") is registered as an interior designer in Texas with registration number 10581.
- On May 15, 2019, Respondent was notified by the Board that she was being audited for compliance with continuing education requirements for the audit period of January 1, 2018 through December 31, 2018.
- On August 16, 2019, Respondent replied that she could not locate her continuing education certificates.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

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 5.79. 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 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:	**076-20I**
Respondent:	**Suzanne McHenry**
Location of Respondent:	**Dallas, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Revised Report and Notice of Violation**

Findings:

- Suzanne McHenry (hereafter "Respondent") is registered as an interior designer in Texas with registration number 10945.
- On October 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, 2018 through December 31, 2018.
- On January 14, 2020, Respondent claimed continuing education credits that were completed outside of the audit period.
- Subsequently, after notification that her claimed continuing education activities had been disallowed, she completed supplemental CEPH pursuant to Board Rule §5.79(g)(2). The hours have been applied to the 2018 audit period and cannot be counted again for 2019 or 2020.
- On August 25, 2020, Respondent provided clarification to the Board that she completed qualifying continuing education credit during the 2018 audit period but was unable to produce complete and accurate proof thereof.

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 §5.79. 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 Revised Report and Notice of Violation dated September 1, 2020.

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:	**172-20A**
Respondent:	**Francisco Valadez**
Location of Respondent:	**San Antonio, TX**
Nature of Violation:	**Violation of Continuing Education Requirements**
Instrument:	**Report and Notice of Violation**

Findings:

- Frank Valadez (hereafter "Respondent") is registered as an architect in Texas with registration number 15586.
- Previously, on August 21, 2014, in TBAE Case Number 121-14A, the Board entered an administrative penalty in the amount of $500 against Respondent based on findings of fact that he failed to maintain documentation of continuing education hours for the 2010-2011 audit period.
- In the current matter, on December 16, 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, 2018 through December 31, 2018.
- On June 8, 2020, Respondent replied that he could not locate his continuing education certificates.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his 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**. However, since Respondent has previously been subject to discipline for failure to comply with continuing education requirements, he is subject to increased penalties under 22 Tex. Admin. Code §§1.177(5) and 1.232(k).

Action Recommended by Executive Director:

- The Executive Director recommends that the Board 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 July 8, 2020.

TBAE EVENT CALENDAR 2020

JANUARY

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*)
16 CLARB MBE (*Julie*)
20 M.L. King Day (*Closed*)

FEBRUARY

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

06 NCARB Model Law (*Julie*)
12 New Bd Mbr & Exec Orientation
17 Presidents' Day (*Closed*)
20 Board Meeting

MARCH

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 TX Independence Day (*Skeleton*)
05 NCARB Regional Summit
Cambridge, MA
05 CLARB Board Meeting (*Julie*)
15 Spring Break

APRIL

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		

10 1 (*Skeleton*)
21 San Jacinto Day (*Skeleton*)

MAY

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						

08 NCARB Model Law *Virtual (Julie)*
21 Board Meeting (*Virtual*)
25 Memorial Day (*Closed*)

JUNE

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				

04 CLARB Board Mtg (*Julie*)
19 Emancipation Day (*Skeleton*)
18 NCARB Annual Business Mtg
(*Virtual*)

JULY

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	

03 Independence Day (*Closed*)
25 Office Relocation
31 Personal Financial Statement Filing Deadline

AUGUST

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					

11 Budget Committee Meeting
25 Board Meeting
2021 Budget Approval
2021 Board Meeting Approval
ED Evaluation
27 LBJ Holiday (*Skeleton*)

SEPTEMBER

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			

01 Fiscal Year 2021 Begins
07 Labor Day (*Closed*)
10 CLARB Annual Meeting/50th Anniversary (*Virtual*)

OCTOBER

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

21 MBChairs/MBE Leadership Summit (*Virtual*)
28 TxA Annual Conference (*Virtual*)

NOVEMBER

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					

11 Veterans Day (*Closed*)
12 CIDQ Council of Delegates Mtg
Virtual meeting
13 Rules Committee Meeting
19 Board Meeting
25 Agency Holiday (*Skeleton*)
26 Thanksgiving Day (*Closed*)
27 Day after Thanksgiving (*Closed*)

DECEMBER

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		

21-23 Agency Holidays
(*Skeleton*)
24 Christmas Eve (*Closed*)
25 Christmas Day (*Closed*)
28 Agency Holiday (*Closed*)
31 Agency Holiday (*4 hrs. Skeleton*)

Updated: October 2020