

Community

- ▶ The Information Security department leverages the power of community and information sharing to gain insight and awareness into potential threats to the Board



MS-ISAC[®]
Multi-State Information
Sharing & Analysis Center[®]



**Center for
Internet Security**[®]

Creating Confidence in the Connected World.™

Tooling

- ▶ Leveraging services available to SLTT (STATE, LOCAL & TRIBAL TERRITORY) organizations
- ▶ Always evaluating and implementing the best in industry



Research

- ▶ We leverage the power of open-source intelligence to stay up-to-date on the ever-changing threat landscape





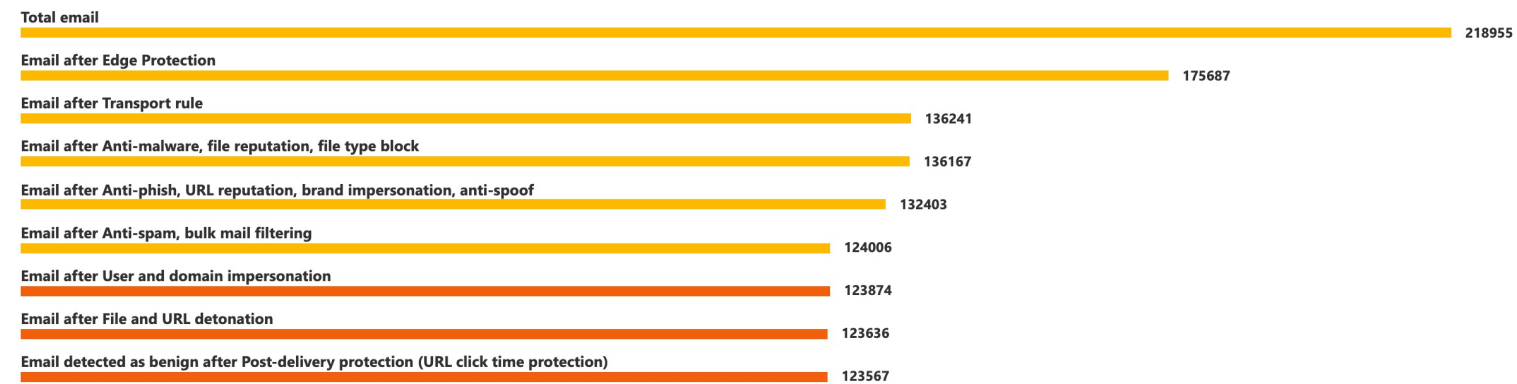
Threat Vector #1 Email

- ▶ Email is still the number one attack vector used by threat actors (Spoofing, Business Email Compromise, Phishing, Spear-Phishing, Whaling) because threat actors can use email to distribute malware easily....and it works!

Mailflow status report

Type Direction **Funnel** Tech view

Filters: Date (UTC): 7/24/2021-10/21/2021 Mail direction: Inbound +1 ✕



Cyber Kill Chain

- ▶ Threat actors must be right once, we must be right all the time...



Baked in Security

Building a risk-aware culture

- ▶ Application Development
- ▶ Systems integration
- ▶ Governance
- ▶ Vulnerability testing
- ▶ Penetration testing
- ▶ Threat intelligence

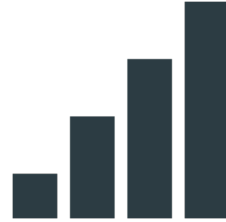
Staying Vigilant

We are not alone in the fight.....





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Thank You

Agency Spotlights (continued)

Texas State Board of Architectural Examiners and Texas State Board of Public Accountancy

Collaborative Approach to Modernization

When the Texas State Board of Architectural Examiners and Texas State Board of Public Accountancy were required to relocate from a state-owned building to a private building, they saw an opportunity for a collaborative approach.

They decided to assess co-location options for their network and servers and established a cooperative agreement.

The process involved coordinating logistics, vendor selection, project management, and establishing the

cabling, fiber, and circuit infrastructure needed for secure connectivity and redundancy.

Each agency purchased and relocated more modern servers, assessed data, and inventoried physical assets to better align their information resources with their respective missions.

Together they were able to overcome the challenges of a relocation and modernization effort during a pandemic.

The results were improvements in data management, increased security, and reduced risk.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
BOARD COMMITTEES
(Revised ----- November 2020)

RULES COMMITTEE

Members: Jennifer Walker – Chair, Architect Member
Tim Bargainer – Landscape Architect Member
Rosa Salazar – Registered Interior Designer Member
Joyce Smith – Public Member

Responsibility: Receive and consider public input and carry out the development of prospective rules. The committee conducts rule-making workshops, and reports recommendations to the full Board.

Authority: Texas Occupational Code, Chapters 1051, 1052, and 1053 for Architects, Landscape Architects, and Registered Interior Designers, respectively.

LEGISLATIVE REVIEW COMMITTEE

Members: Bob Wetmore – Chair, Architect Member
Rosa Salazar – Registered Interior Designer member
Chase Bearden – Public Member

Responsibility: To serve as the Board’s representative and primary contact on legislative issues. The Legislative Committee may testify at the Texas Legislative Committee hearings.

Authority: Established by the TBAE Board on October 20, 2014

BUDGET COMMITTEE

Members: Joyce Smith – Chair
Fernando Trevino – Public Member
Vacant

Responsibility: To serve as the Board’s representative and primary contact on budget issues. The Budget Committee will review the agency’s annual operating budget for presentation to the full Board for approval in accordance with the agency Policy FA-006, Budget Administration and Approval Process.

Authority: Established by the TBAE Board on December 1, 2016

Consideration of Proposed Rules for Adoption – 22 Tex. Admin Code § 3.191
Relating to the Experience Requirement for Landscape Architectural Registration by
Examination

Summary

Pursuant to the Board’s quadrennial rule review and input from the Governor’s Office Regulatory Compliance Division, the Board proposed amendments to Rule 3.191 at the August Board meeting. Those amendments were published in the Texas Register, and no comments have been received. Staff recommends that the Board adopt the amendments to Rule 3.191.

Background

Occupational licensing agencies, including TBAE, are required to submit existing rules that affect market competition for review by the Governor’s Regulatory Compliance Division (RCD) during the quadrennial rule review required under Tex. Gov’t. Code § 2001.039. The RCD was created under new law adopted in 2019, Occupations Code Chapter 57, which implements processes within the governor’s office to provide active supervision of regulatory board rules that affect market competition. Under these processes, agencies are required to submit any rule that affects market competition for review by the RCD. For the purposes of Chapter 57, a rule is considered to affect market competition if it would (1) create a barrier to market participation in this state; or (2) result in higher prices or reduced competition for a product or service provided by or to a license holder in this state.

Rule Review by TBAE and the RCD

On March 26, 2021, Staff published a notice of intent to review Chapters 1, 3, 5 and 7 of the agency’s rules, which invited the public to submit comments or any other responses or suggestions. No comments were received from the public.

Additionally, after a preliminary review of TBAE’s rules to determine potential impacts on market competition, staff submitted Board Rules 1.21, 1.22, 1.211, 1.212, 1.213, 3.21, 3.22, and 3.191 to the RCD for review. On June 16, 2021, the RCD notified the Board of the completion of its review. The RCD determined that each of the submitted rules, other than Rule 3.191, are consistent with state policy and could be readopted. With respect to Rule 3.191, which describes the experience required for landscape architectural registration by examination, the RCD identified three issues that must be resolved prior to readoption.

At the August Board Meeting, Staff recommended, and the Board agreed, to propose amendments to Rule 3.191 that would implement the RCD’s recommendations. The proposed rule was published in the September 17, 2021 issue of the Texas Register. No comments on the proposed rule were received. A summary of the RCD’s recommendations, as well as the implementation of those recommendations in the proposed rule, follows.

Issues Identified by RCD and Proposed Amendments for Consideration

Discrepancy in Experience Requirements for Domestic Graduates vs. Foreign Graduates

The RCD's first issue relates to a discrepancy between the number of years of experience required for registration by domestic and foreign graduates. Under the rules as currently written, domestic graduates of LAAB-accredited programs are required to complete two years of experience, whereas graduates of qualifying foreign programs (which are not accredited by LAAB) are required to complete three years of experience.

This issue was directly addressed in a rule change that took effect on March 22, 2016. Prior to the rule change, an applicant with a professional degree from a foreign landscape architectural program was subject to the general eligibility requirement of two years of experience, provided that the program was substantially equivalent to a LAAB-accredited professional program, as determined by Education Credential Evaluators (ECE) or another organization acceptable to the Board. However, TBAE was forced to consider amendments to the rule after ECE notified TBAE that it could not certify that a program met standards for LAAB-certification. Rather, ECE would only certify that the program was substantially equivalent to a doctorate, master's degree, or baccalaureate degree in landscape architecture. Because TBAE was unaware of any other organization that could certify equivalency to a LAAB-accredited program (as required by the rule), the former rule left no path for a foreign graduate of a landscape architectural program to become registered as a landscape architect by examination in Texas.

To remedy this issue, TBAE adopted amendments to §§ 3.21 and 3.191. Under those amendments, currently in effect, a foreign graduate is eligible for registration if ECE or another acceptable organization has concluded that the program is substantially equivalent to a doctorate, master's degree, or baccalaureate degree in landscape architecture. However, the Board's rule change also required such graduates to complete three, rather than two, years of experience according to the Table of Equivalents. The additional experience required under the rule change was intended supplement any potential deficit in educational preparation associated with the loss of certified equivalence with LAAB standards.

However, the RCD noted that the evaluation performed by ECE both before and after the rule change remained the same. For that reason, and because the Board's rules continue to recognize that foreign programs can be substantially equivalent to domestic degrees, the RCD determined that additional required experience for foreign graduates is inconsistent with state policy and not supported by statute. In the absence of a showing that accredited programs have an experiential component not found in foreign programs, or some similar substantive difference, the RCD requires the Board to amend §3.191 to implement the same experience requirement for foreign and domestic graduates.

To address this issue, the proposed rule would be amended to repeal subsection (b), which requires that qualifying foreign graduates complete three years of experience. Instead, under amendments to subsection (a), all applicants for registration by examination would be required to complete the same amount of experience, regardless of whether they graduated from a LAAB-accredited domestic program, or a substantially equivalent foreign program.

Requirements Relating to Minimum Weekly Hours and Employment Duration

The RCD has also expressed disagreement with §3.191(e), which implements minimum requirements for full-time and part-time employment and employment duration in recognizing qualifying work experience. Under the current rule, an applicant for registration must work at least thirty-five hours per week for a minimum of ten consecutive weeks for full credit, or between twenty and thirty-four hours per week for a minimum of six consecutive months for half credit. As noted in staff's response to the RCD, this rule is based on the premise that an applicant who spends more time in a firm, for longer, would likely be incorporated more deeply into the firm's projects and exposed to a greater breadth of tasks compared to a similar employee who is employed only for short periods or a few hours per week.

However, the RCD expressed concern that this rule could discourage aspiring landscape architects from seeking diverse or meaningful opportunities for experience of shorter duration because credit is not available. In noting that longer employment does not guarantee deeper incorporation into a greater breadth of tasks, the RCD determined that the limitations in §3.191(e) do not serve the statutory directive that applicants complete satisfactory experience and, therefore, the subsection is inconsistent with state policy.

To address this issue, the proposed rule would measure experience in hour units, rather than years. If the experience requirement is measured in hours, then it is unnecessary to define minimum work hours to qualify for half-time or full-time credit in converting to annual equivalency. Rather, each qualifying work hour may be applied directly to the experience requirement for registration. The proposed rule would require all applicants for registration to complete 3,640 hours of experience in accordance with Table 22 TAC §3.191(a). This figure is equal to thirty-five hours per week (the minimum number of hours to qualify for full time experience under the current rule) multiplied by fifty-two weeks, multiplied by two years. Additionally, the proposed rule would repeal the requirements relating to minimum weekly hours or duration of employment.

Accumulation of Experience Credit Before Graduation

Finally, the RCD has determined that §3.191(g) must be amended before re adoption. Under this rule, an applicant may not earn credit for experience gained prior to the date the applicant completed the educational requirements for landscape architectural registration by examination. This is comparable to standards that were formerly required of architectural applicants. However, following changes to the NCARB IDP/AXP program, and corresponding TBAE rule changes, this requirement was repealed for architects. Under the current NCARB AXP requirements, individuals become eligible to participate in the AXP after earning a high school diploma or completing an established equivalent. In noting that TBAE relies on substantially the same authority to set experience standards for architecture and landscape architecture and that any inconsistencies between requirements should be reasonably justified by and consistent with evidence, the RCD determined there is no evidence that the opportunities to earn experience for landscape architectural students are measurably inferior to those available for architectural students. Therefore, the restriction in §3.191(g) is not supportable by state policy.

To address this issue, the proposed rule would be amended to allow applicants to claim credit for experience earned after the date the applicant successfully earned a high school diploma or completed an established equivalent. This rule change would institute an equivalency between the requirements for landscape architect applicants under Board rules, and the AXP eligibility requirements for architect applicants.

The proposed amendments to rule 3.191 are attached to this summary for the Board's consideration, along with the RCD's determination regarding Board Rules 3.21, 3.22, and 3.191.

Staff's Recommendation:

Approve the proposed amendments to 22 Tex. Admin. Code §3.191 for final adoption.