

LICENSING NEWS

ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

90.00

FALL 2019

CHAIR'S COLUMN

Earlier this year, the National Council of Architectural Registration Boards (NCARB) shared some news regarding a handful of test-takers sanctioned for misconduct. The allegations, investigated by NCARB, regarded violations of the candidate agreement each test-taker signs. Of the 13 bullet points to which candidates agree in the document, 12 address keeping the content of the examination confidential, or the consequences of not doing so. In short, the issue resulting in the sanctions was cheating on the professional exam.

It might not seem like a big deal. You share advice with colleagues all the time. So much content is readily available by downloading from the internet. What difference do a few test questions make? Ethically, they violated the agreement they signed to take the test. This would certainly indicate they are not of the moral character expected of a licensed professional. Passing the registration examination is one of the three requirements to demonstrate to the licensing board, and to candidates themselves, that a person is competent to practice architecture. If a test-taker felt the need to have prior knowledge of specific test questions in order to pass, that test-taker is not yet competent.

Fudging on the essentials gained and demonstrated in education, experience, or examination short changes the individual and endangers the public. The expectation is that

when the knowledge gained from all three components come together, a candidate will have in place the fundamentals to be a competent design professional. With those elements firmly in place, the people who live, work, and play in Texas should expect their health, safety, and welfare to be firmly entrenched in the built environment.

The Texas Board of Architectural Examiners (TBAE) is here to step in when that expectation is not met. We take ethics seriously, as you can see in this newsletter from time to time in its reportage of such violations as bribery, fraud, recklessness, and improper use of professional seals, often in the form of plan stamping or failure to exercise supervision and control over sealed drawings.

Whether you're an examination candidate or a principal at a multistate firm, you should take ethics seriously. National councils are watching. This Board is watching. You should remember to be on the lookout for ethical quicksand, too.



Debra Dockery, FAIA *Chair*

Find us at our new home on the Web, and remember to update any bookmarks with our new URL!

www.TBAE.Texas.gov

INSIGHT FROM THE EXECUTIVE DIRECTOR:

On the front page of this issue of *Licensing News*, the Chair shared insight into events involving architecture's professional exam and the ethics of taking it. NCARB is not alone, however, in keeping a close eye on the integrity of its professional exam. On a continual basis, both CIDQ and CLARB review and refine the content and security of their professional examinations in order to stay current, relevant, and secure. Both councils convene committees of experts to ensure best practices are observed, and CLARB in particular went a step further not long ago.

In order to make sure the professional exam is as secure as possible, CLARB engaged an exam security audit firm that specializes in high stakes testing security. The firm interviewed all parties involved in both developing and administering the LARE, including a psychometrician the Council engages in developing the exam.

CLARB was pleased to learn that the thorough audit suggested only a few minor tweaks, calling for an updated form here and some formalization of a process there. And as the Council prepares for its upcoming Job Task Analysis in 2021, it will consider fresh research suggested by the firm regarding new ways to administer professional exams.

All three national councils take test security seriously. Here at TBAE, we share the idea that, as one of the three required

components of professional registration alongside education and experience, the integrity of the exam is paramount. If the examination is compromised, by extension so may be the profession and the public's trust in it. If examination security is breached, the line between qualified candidates and unqualified candidates becomes blurred. By continually coordinating with the national councils, our Board commits itself to knowing about breaches of security by would-be Texas registrants and considering the circumstances of each case. No such circumstances have arisen to date, which is something every Texas candidate and registrant should be proud of. But if that unfortunate day comes, the Board is bound to follow every statute and rule on the books to ensure every requirement is met to become registered in the first place. Exam candidates surely know the folly of creating for themselves a formidable—maybe insurmountable—barrier to becoming registered, and they should be commended for that as well.



Julie Hildebrand Executive Director

Architecture candidates:

Are you eligible for a \$500 ARE reimbursement?

Did you know that the Texas Legislature created a special fund intended to defray part of the costs of taking the Architectural Registration Examination (ARE)? Under the reimbursement program, technically called the Architectural Registration Examination Financial Assistance Fund or more simply the "scholarship fund," eligible candidates for architectural registration may apply for a \$500 reimbursement.

At this time, the Legislature has authorized such a program only for architectural candidates, not for takers of the interior design or landscape architectural registration examinations.

You can learn more about the scholarship program, find out if you're eligible, and apply on the TBAE Web site.

Visit our new Web site: www.TBAE.Texas.gov

Are your plans properly attired?

To seal, or not to seal? That is the question.

And since we at the TBAE have been hearing that very question from city officials and registrants alike, we're happy to provide the answer. Here's the long and the short of when and for what purposes to seal your plans, and conversely when to sign them, date them, and mark them appropriately. Remembering to properly dress your drawings before sending them off should be as automatic as remembering to put on clothes before going to the office.

Let's say you need to send a set of plans and/or specifications to another person, someone outside your firm and other than the person doing the drafting work. For instance, a client, banker, TXDOT, TDLR, a building official, or contractor, just to name a few. Those documents need to be either sealed, signed and dated or labeled with your name, date and the phrase "Not for Regulatory Approval, Permitting or Construction." The choice hinges on the purpose for which the documents are issued.

If you issue construction documents for the purposes of regulatory approval, permitting, or construction, the documents must be sealed, signed and dated. To properly seal your document, simply affix your professional seal (electronically, with a rubber stamp, or even with an impression seal—as long as it's legible and reproducible).

Then sign across, below or adjacent to the seal in a manner that does not obstruct your name and registration number on the seal image, and enter the date you signed and sealed the document. The signature and date of signature may also be affixed electronically. By sealing a document according to these requirements, you are affirming that the documents may be used for regulatory approval, permitting, or construction.

If you issue drawings for any reason other than regulatory approval, permitting, or construction, do not seal them. Instead, label them with your name and the date, and mark it with the statement, "Not for regulatory approval, permitting, or construction." You can type the statement, write it in ink, or have a stamp made for the purpose. Scenarios in which not to seal but instead to sign/date/mark documents as above might include a review by the client's lender, or a courtesy progress update to the client. Think about this last scenario when a client requests a copy of some plans to bring home and show off to his family and friends—those sheets should include the "Not for..." statement.

As you can see, all construction documents issued need either your seal or the "not for..." statement. Do one or the other, but not both and not neither. One memorable, rather colorful way to remember this is: don't issue naked plans.

Find us at our new home on the Web, and remember to update any bookmarks with our new URL!

WWW.TBAE.Texas.gov

Simple ways to avoid a title violation

Information is everywhere, flowing to you and from you (or to and from your smart device, at least). It's on your desktop, in your pocket or purse, on your wrist. Now that the Internet is ubiquitous, a larger portion of peoples' lives is spent filtering useful, accurate information from everything else. Naturally you want the information you receive to be correct. And hopefully, you want the information you provide to be correct and accurate as well.

With that in mind, let's discuss title usage and the regulations that govern it. Are you getting—and are you providing—accurate information as to your status as a registered design professional in Texas? Is the public, including your prospective clients, accessing correct information about your registration status? And going one step further, what steps are you taking to ensure your firm's promotional materials provide correct information about your staff?

We'll start with the basics. In order to use the title Architect, Landscape Architect, or Registered Interior Designer (RID) in Texas, one must be registered by TBAE. (As a side note, simply being registered somewhere is not sufficient to use the title; a registration in Texas, through TBAE, is required.) What's more, using those titles is only allowed for TBAE registrants who are in good standing—or in other words, title use is prohibited when a TBAE registrant is late on renewing his or her registration. If late renewal fees weren't enough of a reason to renew on time, perhaps this will be an extra layer of motivation. Read on about the repercussions of violating title restrictions.

And what about your firm's interns, or emerging professionals? For architecture, the term is "architectural intern." For RIDs, it's "registered interior design intern." And last but not least, for landscape architects, the term is "landscape architectural intern." Note that for aspiring architects specifically, the regulation states that "architectural intern" is for use by those enrolled in the Architectural Experience Program (AXP), not simply for anyone engaged in his or her definition of an

internship. For the latter two professions, the titles may be used by individuals participating in an internship to complete the experiential requirements for registration.

Social media, too, can trip up well-meaning (or less well-meaning) registrants and future registrants, so be sure your profile and the content you post stays within the rules. Generally speaking, you are responsible for social media content regarding your registration status.

People found to be in violation of title regulations in Texas aren't routinely sent to a gulag or even sentenced to community service. Usually, TBAE issues a warning for a first-time title violation. When determining an appropriate sanction for a repeat title violation offender, however, the Board factors in any history of noncompliance. But years of conversations with design professionals—and data provided by registrants like you—suggest that what might hurt a title violator the most is seeing his or her name in the Disciplinary Actions section of our newsletter. And having violators' names in the newsletter isn't negotiable, either. It's required by statute.

A case study should prove helpful. To illustrate what we've discussed above, let's take the example of an up and coming regional design firm. The business is of course on the Web, with a well-designed, elegant site highlighting past projects, the firm's vision and philosophy, and press clippings. And a page called "Who We Are," listing the firm's design staff and even interns, complete with a short biography of each. If you are a firm owner or one of the staff listed on a staff roster of this type, that's one page on your site deserving of particular attention.

In some instances, and we imagine this is often a simple oversight, a firm's staff roster contains erroneous information about registration status. For instance, perhaps a Fort Worth firm's site lists Josephine Jones as a Project Architect. Ms. Jones is a registered architect in North Carolina, from where she recently relocated, but she is not (yet) registered in Texas. That represents a title violation, which can be remedied by some simple edits to the site and by becoming registered in Texas.

The same firm's site also provides a full and impressive biography of one of the firm's Principals, Bob Whitley. Bob was first registered in 1995 as a Registered Interior Designer and has maintained registration all these years. Well, until this year anyway, when his registration renewal slipped his mind and he became delinquent. Since he is represented as a Registered Interior Designer on his firm's site, that's a title violation too. Bob can solve that problem by quickly removing the offending language from the site until he renews his registration.

And finally, the site thoughtfully includes a section for its hardworking staff of emerging professionals. The person responsible for writing and publishing biographical information—whether a marketing department, a firm owner, or the emerging professional him- or herself—must ensure that each intern's status is presented accurately and according to regulations. See the fourth paragraph of this article regarding how to ensure accuracy and compliance when presenting biographical information about aspiring design professionals.

One other note: In the event that a firm's site contains a title violation, it is conceivable that both the firm owner and the inaccurately described design professional would be subject to disciplinary action. It is quite worth the time of a firm owner and its design staff and interns—and of course the firm's Web administrator—to ensure that what is published is accurate.

What is left to discuss is what you, as a registrant, firm owner, or emerging professional can do to stay out of title trouble. Check our site. Communicate with your supervisor and Web administrator. Call us if you have questions.

Every day, we're inundated with information from a vast array of sources. We have no control over the quality or accuracy of any of this sea of information—except that which we produce and publish ourselves. It is up to you and your firm to ensure that your public information is accurate. So we urge you to take some time to review your site, your business cards, and your social media to make sure you stay on the right side of the law. It's easy to accidentally run afoul of title regulations, but it's also easy to make sure you don't.



Disciplinary Action

The following cases were decided during TBAE Board meetings in February, June, and August, 2019. Each case is based on the applicable rule in effect at the time of the violation, and was considered by Enforcement staff and the Board in light of its unique facts. Individual rules may have changed between the time a violation occurs and the time the case is publicized.

In order to ensure compliance with continuing education (CE) responsibilities, TBAE staff audits 10 percent of its registrants each year through a random selection process. All of the continuing education enforcement cases brought to the Board at the meetings stem from the random audit program. The cases reflect the most common violations: (1) failing to complete adequate continuing education hours during a program year, (2) failing to maintain continuing education records and verification of participation in CE activities for a period of five years, (3) falsely certifying, at the time of renewal, compliance with continuing education responsibilities, and/or (4) failing to respond to a request for information within 30 days. Each continuing education infraction is subject to a standard administrative penalty.

Non-registrant Cases

Garcia, Mario T.

\$5,000

San Antonio, TX

Respondent is not and never has been registered to practice architecture in the state of Texas. Respondent engaged in the prohibited use of an architectural seal, in that Respondent issued plans for an auto shop that were stamped with the purported seal of a Texas architect. However, the architect in question had previously surrendered his registration, had no knowledge of the project, and had not consented to the use of his seal. By using an architect's seal and affixing the seal to architectural plans without the knowledge or consent of the architect, Respondent violated Tex. Occ. Code \$1051.702 and 22 Tex. Admin. Code \$1.104(c)(2).

Gisbert, Ramon Jonathan \$26,000 Pearland.TX

Respondent is a candidate for the Architect Registration Examination (ARE) and has never been registered to practice architecture in the state of Texas. Previously, Respondent's firm was a registered architectural firm, but its registration expired after the architect who had associated with the firm to provide architectural services on its behalf terminated the relationship. Subsequently, Respondent continued to use the term "architecture" to describe his firm on construction documents and on the firm's Web site and Facebook page. By preparing and issuing plans and specifications for regulatory approval, permitting, and/or construction on five (5) separate projects while utilizing this terminology, Respondent violated 22 Tex. Admin. Code §1.123(c) and engaged in the unauthorized practice of architecture in violation of Tex. Occ. Code §§1051.701, 1051.752(1) and 1051.801.

Under the terms of the Board Order, Respondent is required to pay an administrative penalty in the amount of \$26,000 but may retain his status as an approved candidate for the ARE.

Griffin, J. Scott

\$3,000

Lakeway,TX

Respondent is not and never has been registered to practice architecture in the state of Texas. By issuing a proposal to a potential client using the regulated title "architect" and offering "architectural design" on a residential project, and then issuing construction documents on the project, Respondent unlawfully offered architectural services in violation of Tex. Occ. Code §1051.701(a) and 22 Tex. Admin. Code §1.123(c).

By utilizing the title "architect" to describe himself on his LinkedIn Web site, Respondent violated 22 Tex. Admin. Code §1.123(a).

Herron, Doug Fort Worth, TX

\$1,500

Respondent is not and never has been registered to practice architecture in the state of Texas. By referring to himself as an "architect" on his LinkedIn Web site, Respondent unlawfully offered architectural services in violation of Tex. Occ. Code §1051.701(a) and 22 Tex. Admin. Code §1.123.

Hillert, Jonathan R.

\$3,500

Melrose, IL

Neither Respondent nor his business is registered to engage in the practice of architecture in the state of Texas. By referring to himself as an architect and offering architectural services on behalf of his firm on multiple Web sites, Respondent unlawfully offered architectural services in violation of Tex. Occ. Code §1051.701 and 22 Tex. Admin. Code §1.123.

Registrant Cases:

Ballas, Jeffrey Todd

\$2,000

Dallas,TX

Respondent is registered as an architect in the state of Texas. By signing and sealing architectural plan sheets for two residential

Visit our new Web site: www.TBAE.Texas.gov

projects, as well as indicating on the plan sheets that they were not intended for regulatory approval, permitting or construction, Respondent violated 22 Tex. Admin. Code §1.101.

Cameron, John J.

\$5.000

Austin, TX

Respondent is registered as an architect in the state of Texas. While providing services on a residential project, Respondent sealed architectural plans that had been prepared by an unregistered firm outside of his supervision and control. By affixing his architectural seal to construction documents that were not prepared by Respondent or under his supervision and control, Respondent violated 22 Tex. Admin. Code §1.104(a).

Chang, Robert T.

\$10,000

Dallas, TX

Probated Suspension

Respondent is registered as an architect in the state of Texas. In 2016, while providing services on an office building project, Respondent sealed plans that had been prepared by an unregistered person outside of his supervision and control. By affixing his architectural seal to construction documents that were not prepared by Respondent or under his supervision and control, Respondent violated 22 Tex. Admin. Code §1.104(a).

In 2018, Respondent issued a plan set for an assisted living facility in Plano, Texas. The plans depicted significant design deficiencies and violations of code requirements. The design deficiencies depicted in the architectural plans were of such seriousness and number to demonstrate that Respondent lacked the knowledge of building code and licensing requirements applicable to the proposed building or lacked the skills to depict these requirements in the drawings; and/or consciously disregarded compliance with statutes, regulations, codes, ordinances, or recognized standards applicable to the design of the project, and that these actions placed the public's health safety, and welfare in jeopardy. Based on these findings, Respondent was found to be subject to discipline for gross incompetency and/or reckless practice in violation of Tex. Occ. Code §1051.752(4) and/or (5) and 22 Tex. Admin. Code §1.142 and/or §1.143.

As a result of Respondent's violations, the Board Ordered the following:

Probated suspension of Respondent's architectural registration for a period of two (2) years; submission of a quarterly report which identifies all projects for which the Respondent has provided architectural services in the previous three months; and an administrative penalty of \$10,000.00.

Hinkle, Darren H.

\$1.000

North Richland Hills, TX

Respondent is registered as an architect in the state of Texas. In 2018, Respondent issued an architectural plan sheet for a yoga studio to the building official for the City of Southlake. According to Respondent, the plan sheet was submitted for the purpose of requesting preliminary feedback from the building official regarding code compliance issues prior to the client signing a lease for the space. However, Respondent failed to seal the plan sheet or indicate on the plan sheet that it was not for regulatory approval, permitting, or construction. By failing to seal or indicate on the plan sheet that it was not intended for regulatory approval, permitting or construction, Respondent violated 22 Tex. Admin. Code §1.101 and §1.103(b)(1).

Pittman, Julian

\$1,000

Houston, TX

Respondent is registered as an architect in the state of Texas. From May 1, 2018 through October 18, 2018, Respondent's architectural registration was delinquent due to a failure to renew his registration. By using the title "architect" and sealing plans for a project at a time when his certificate of registration was not in good standing, Respondent violated Tex. Occ. Code §§1051.351(a) and 1051.752(a) and 22 Tex. Admin. Code §§\$1.82(b), 1.123(c) and 1.148(c). Respondent stated that his failure to renew his registration was due to a clerical error in his office and that it was corrected as soon as it was brought to his attention.

Reagan, Charles J.

\$1,000

Richardson, TX

Respondent is registered as an architect in the state of Texas. From November 30, 2018 to April 5, 2019, Respondent's architectural registration was delinquent due to a failure to renew his registration. By using the title "architect" and sealing plans for a residential remodel at a time when his certificate of registration was not in good standing, Respondent violated Tex. Occ. Code §§1051.351(a) and 1051.752(1) and 22 Tex. Admin. Code §§1.82(b) 1.123, and 1.148(c).

Continuing Education Cases

Adams, Paul Eugene

\$700

Architect

Dallas, TX

Failure to maintain a detailed record of continuing education activities for five years

Visit our new Web site: www.TBAE.Texas.gov

Bekat, Ismail Burak \$700 Architect Tucson, AZ

Failure to maintain a detailed record of continuing education activities for five years

Braht, Emily G. *Landscape Architect*\$700

Frisco,TX

Failure to maintain a detailed record of continuing education activities for five years

Churchill, Stephen T. \$1,700

Registered Interior Designer Austin, TX

Failure to timely complete CE requirements

Falsely reporting completion of CE requirements in order to renew registration

Failure to respond to two board inquiries

Dang, Liem\$700ArchitectHouston,TX

Falsely reporting completion of CE requirements in order to renew registration

Ferguson, Marcella H. \$700

Architect San Antonio,TX

Falsely reporting completion of CE requirements in order to renew registration

Fuller, Jessica Anne \$700

Registered Interior Designer Houston, TX

Falsely reporting completion of CE requirements in order to renew registration

Greer, Todd Ashley \$700
Architect Quitman, TX

Failure to maintain a detailed record of continuing education activities for five years

Griggs, Jimmy Glenn \$700

Architect Atoka,TN

Falsely reporting completion of CE requirements in order to renew registration

Grossman, Kenneth Marc \$700 Architect South Orange, NJ

Failure to maintain a detailed record of continuing education activities for five years

Haas, Stanley Alan \$700

Architect Martinsville, VA

Failure to maintain a detailed record of continuing education activities for five years

Haverdink, Michael James \$700

Architect Lubbock,TX

Falsely reporting completion of CE requirements in order to renew registration

Herman, Timothy Mark \$700

Architect Fort Worth,TX

Failure to maintain a detailed record of continuing education activities for five years

Lambert, Amy \$700

Architect Georgetown,TX

Falsely reporting completion of CE requirements in order to renew registration

Maclaine, Merissa Anne \$700

Registered Interior Designer Houston, TX

Falsely reporting completion of CE requirements in order to renew registration

Martin, Lee \$700

Registered Interior Designer Colleyville, TX

Failure to maintain a detailed record of continuing education activities for five years

Norris, Jean Donnell \$700

Registered Interior Designer EI Paso,TX

Falsely reporting completion of CE requirements in order to renew registration

Petersen, Richard Keith \$500

Architect Dallas,TX

Failure to timely complete CE requirements

Pobanz, Pamela Riley \$700

Registered Interior Designer Richardson, TX

Failure to maintain a detailed record of continuing education activities for five years

Visit our new Web site: www.TBAE.Texas.gov

Ross, Janet K.

\$700

Registered Interior Designer

Pearland, TX

Failure to maintain a detailed record of continuing education activities for five years

Rye, Jacqueline Renee

\$500

Architect

Houston,TX

Failure to timely complete CE requirements

Snyder, Erich Deeg

\$700

Architect

Dallas,TX

Falsely reporting completion of CE requirements in order to renew registration

Trimble, Craig Neil

\$500

Architect

Arlington,TX

Failure to timely complete CE requirements

Vasquez, Samuel Jr.

\$1,200

Architect

Naples, FL

Failure to timely complete CE requirements

Falsely reporting completion of CE requirements in order to renew registration

Wainscott, Mark Alton

\$700

Architect

Lewisville,TX

Falsely reporting CE requirements in order to renew registration

Walker, Peter E.

\$1,200

Landscape Architect

Berkeley, CA

Failure to timely complete CE requirements

Falsely reporting completion of CE requirements in order to renew registration

Weisbard, Russell Nathan

\$500

Architect

Dallas,TX

Failure to timely complete CE requirements

Yeatts, Gordon N.

\$2.500

Architect

Houston,TX

Respondent was previously disciplined in 2014 for failing to complete CE requirements, falsely certifying compliance with CE, and failure to respond to two Board inquiries.

In the present matter, Respondent engaged in the following violations:

Failure to timely complete CE requirements

Falsely reporting of CE requirements in order to renew registration

Failure to respond to two board inquiries



Change of Address

Please make sure that we have your current mailing and email address so we may send your renewal notice to you in a timely fashion. You may update your own record by logging in to your online account on our Web site, www.tbae.texas.gov. You can also mail or fax 512.305.8900 the address change along with your signature. We will send renewal reminders to registrants at the e-mail address on file with TBAE, so be sure to keep your valid and unique email address updated.

Upcoming Board Meetings

November 19, 2019

EXECUTIVE DIRECTOR

Julie Hildebrand

BOARD MEMBERS

Debra Dockery, FAIA

Chair, Architect Member; Term ends 1/31/23

Bob Wetmore, AIA

Vice-Chair, Architect Member; Term ends 1/31/21

Jovce Smith

Secretary-Treasurer, Public Member; Term ends 1/31/23

Chuck Anastos, AIA – Architect Member; Term ends 1/31/19

Chad Davis, RLA – Landscape Architect Member; Term ends 1/31/19

Fernando Trevino – Public Member; Term ends 1/31/19

Corbett "Chase" Bearden – Public Member; Term ends 1/31/21

Jennifer Walker, AIA – Architect Member; Term ends 1/31/21

Rosa G. Salazar, RID – Registered Interior Designer Member, Term ends 1/31/23

The mission of the Texas Board of Architectural Examiners (TBAE) is to serve the State of Texas by protecting and preserving the health, safety, and welfare of the Texans who live, work, and play in the built environment through the regulation of the practice of architecture, landscape architecture, and interior design.

www.tbae.texas.gov



Attestation of Self-Directed Credit Hours Earned

TBAE newsletter, Licensing News

I certify that I read the hours (up to two) on	[Month, Year as found at top of page one] issue of TBAE's <i>Licensing News</i> for[date].
These continuing education hours will	count for self-directed Health/Safety/Welfare study for the calendar year in which
they were earned. I understand that up	to four continuing education hours of the required 12 per calendar year may be
earned via self-study.	
Your name	Date

Please keep this Certificate for your records, and submit it if you receive an audit letter from TBAE, along with all additional certificates for the specified calendar year.

