

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

The William P. Hobby Jr. Bldg., Tower III, Room 102

333 Guadalupe Street

Austin, Texas

Thursday, January 31, 2013

9:00 a.m.

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

Alfred Vidaurri
Sonya Odell
Alfred Vidaurri

2. **Approval of the October 17, 2012, Board Meeting Minutes (Action)**

Alfred Vidaurri

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

Cathy Hendricks

 - A. Budget Review
 - B. Sunset Advisory Commission Decisions Review
 - C. Texas.gov Credit Card Transaction Processing

Report on conferences and meetings (Information)

 - A. TSA 73rd Annual Convention – Oct 18-20, 2012
 - B. NCARB 2011 MBC/MBE Conference – Oct 31 - Nov 4, 2012
 - C. NCIDQ Annual Council of Delegates Meeting – Nov 9-10, 2012

4. **Board Review of House Bill 2284 Committee Decision on Applications for Exempt Engineer Status (Action)**

Chuck Anastos

 - A. Clifford Martin, P.E.
 - B. Daniel O'Donnelly, P.E.

5. **General Counsel Report (Action)**

Scott Gibson

 - A. **Consideration of public comment and Adoption of Proposed Rules**
 - I. Repeal Rules 1.63/3.63/5.73 relating to the replacement of certificates of registration for architects, landscape architects and registered interior designers
 - II. Amend Rule 1.67 relating to architectural emeritus status, making defined terms upper-case
 - III. Amend Rules 1.142/3.142/5.152 to revise the definition of the term "gross incompetence" to include reference to the circumstances of the specific conduct at issue
 - IV. Amend Rules 144/3.144/5.154 to repeal requirements that Board registrants publish registration numbers in certain advertising
 - V. Repeal Rules 1.152/3.152/5.161 prohibiting Board registrants from maliciously injuring the professional reputation of another
 - VI. Amend Rules 1.177/3.177/5.187 relating to the administrative

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penalty schedules to correct a technical error

VII. Amend Rule 7.10 relating to the fee schedule to correct a technical error and repeal an obsolete administrative fee

B. Prospective Rule for Proposal

- I. Amend Rule 1.191 relating to experience required for architectural registration by examination, deleting the cap on the maximum number of hours awarded for an academic internship
- II. Amend Rule 7.10 relating to General Fees to impose professional fees upon initial architectural registration, reduce late renewal penalties, impose charge for online business registration and technical amendments

6. Enforcement Cases (Action)

Scott Gibson

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

A. Continuing Education Cases:

Bernard, Edward (#004-13A)
Brooks, Robert S. (#078-13A)
Englert, Dimitri C. (#080-13A)
Evans, Julia (#044-13I)
Garza, Allison Hall (#050-13I)
Gonzales, Joseph E. (#241-12A)
Huerta, Wally (#002-13A)
LaBard, Laura (#047-13I)
LeVrier, Fulgencio (#069-13I)
Loose, Kenneth H. (#068-13A)
McCathren, James (#042-13A)
McCuaig, Lori (#251-12I)
Metersky, Richard (#062-13A)
Miller, Dwight D. (#083-13A)
Parker, Timothy K. (#079-13A)
Sarabia, Joe C. (#240-12L)
Schwartz, Martha (#038-13L)
Senelly, Richard (#250-12A)
Sopourn, Robert J. (#064-13A)
Traub, Robert G. (#048-13A)
Veale, Peter Read (#059-13A)

B. Unlawful Use of Architectural Title (Whistler, Todd (#015-12N))

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

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| 7. | Consideration of Adoption or Amendment of Proposal for Decision - Texas Board of Architectural Examiners v. Ruben Martinez (SOAH Case No. 459-11-6016) (Action) | Nancy Fuller |
| 8. | Approval of Resolution Honoring: (Action)
Diane Steinbrueck
Chuck Anastos
Brandon Pinson
Beatriz Lewellen | Alfred Vidaurri |
| 9. | Chair's Closing Remarks | Alfred Vidaurri |
| 10. | Adjournment | Alfred Vidaurri |
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NOTE:

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

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services (such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille), are required to contact Glenda Best at (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made.

FREQUENTLY USED ACRONYMS

AIA	American Institute of Architects
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
CLARB	Council of Landscape Architectural Registration Boards
IDCEC	Interior Design Continuing Education Council
IDEC	Interior Design Educators Council
IDEP	Interior Design Experience Program
IDP	Intern Development Program
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
NCIDQ	National Council for Interior Design Qualification
TAID	Texas Association for Interior Design
TASB	Texas Association of School Boards
TBPE	Texas Board of Professional Engineers
TSA	Texas Society of Architects
TSPE	Texas Society of Professional Engineers

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of October 17, 2012 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 102

Austin, TX 78701

9:00 a.m. until completion of business

1. Preliminary Matters

A. Call to Order

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

B. Roll Call

Secretary/Treasurer Chase Bearden called the roll.

Present

Alfred Vidaurri, Jr.	Chair
Charles H. (Chuck) Anastos	Vice-Chair
Chase Bearden	Secretary/Treasurer
Bert Mijares, Jr.	Member
Brandon Pinson	Member
Diane Steinbrueck	Member (showed @ 9:15 a.m.)
Debra Dockery	Member
Sonya Odell	Member
Paula Ann Miller	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Katherine Crain	Legal Assistant
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Ken Liles	Finance Manager
Julio Martinez	Network Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

C. Excused and unexcused absences

None

D. Determination of a quorum

A quorum was present.

E. Recognition of Guests

Guests were as follows: Michael Armstrong, CEO of NCARB, Katherine Hillegas, CAE, Director, Council Relations, NCARB, Donna Vining, Executive Director for Texas Association for Interior Design, and Jeri Morey, Architect from Corpus Christi, David Lancaster, Texas Society of Architects.

F. Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He thanked Mr. Armstrong for attending the meeting, noted TBAE had never had officials from NCARB before today and stated the Board's appreciation for his attendance. He said that he was honored to serve on the Board and there are a lot of things to reflect on. The agenda is going to require some deep thinking and take action on some important ideas. He said that he was reading a book titled "Made to Stick". It is about the reasons some ideas stick while others do not. According to the book, the ideas that stick have certain characteristics: they are simple and profound, substantive and concrete, creditable and supported by fact, and ideas that stick have provoke an emotional response. The Chair expressed his hope that the Board produce some "sticky" ideas by the end of the day.

G. Public Comment

None

2. Approval of Minutes (Action)

A. August 23, 2012 Board Meeting

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE AUGUST 23, 2012, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

3. Executive Director Report (Information)

A. Operating Budget – Presentation on FY 2012 end-of-year actual expenditures/revenue

The Executive Director outlined the expenditures and revenues for Fiscal Year 2012 and called upon Ken Liles, the agency Finance Manager, to answer any specific questions. The Chair asked about revenues collected as "other fees" in the budget. The agency collected 355% of the projected amount in that category. The Executive Director attributed the variance to a greater number of public information requests. Finance Manager noted it is practically impossible to accurately project that amount. Too many variables come into play in projecting the amount collected as other fees. The amount generally is not very great so any variation from the budgeted amount creates percentage changes. Mr. Anastos asked if, in future, agency staff could prepare a separate sheet explaining variances when there is a variance of 150% from the budgeted amount. The Executive Director said that will become part of the budget presentation.

The Chair noted that the budgeted amount for fees paid for providing electronic payment services to the agency's registrants was \$98,000 and the actual cost was \$108,000. The Chair asked why the projection was off by that amount. Finance Manager indicated that the agency had projected a downturn in online renewals due to economic conditions. However, that projection was not correct and the agency will be cognizant that registrants tend to favor online renewal regardless of adverse economic conditions. The agency will be cognizant of that when preparing future budgets.

Mr. Anastos noted that the agency has collected 97% of projected revenue for the year and that the agency had a very small surplus of \$394.84 at the end of the year. Finance Manager noted the agency paid for a new accounting program from the agency operating budget. If not for that purchase, the surplus would be higher by roughly \$42,000.

The Board discussed agency expenditures for IT upgrades and the SWCAP. The Finance Manager explained that SWCAP represented services provided by oversight agencies and other agencies which provide services to state agencies. Finance Manager explained the total amount is calculated and that amount is divided among the state agencies. Last year the amount charged to the agency was significantly higher.

The Executive Director explained the amounts paid out as scholarships during Fiscal Year 2012.

The Board noted the amount paid by the agency into General Revenue. The Executive Director noted the amount paid under the Self-Directed Semi-Independent pilot program has not changed since 2003. There was discussion about the manner in which the legislature determined the agency should pay that amount. Ms. Steinbrueck noted it was based upon the amount of revenue in excess of expenditures collected by the agency in the year the pilot program was started. The Executive Director reported that roughly 60% of agency revenue are deposited into the General Revenue Fund. The Chair determined roughly \$25 of each registrant's renewal fee goes to pay the \$510,000 amount payable to the General Revenue Fund under the Self-Directed Semi-Independent program.

Mr. Anastos asked if the agency is analyzing the effect of losing roughly a third of the Board's registrants, as recommended by the Sunset Commission without reducing the \$510,000 paid to the General Revenue Fund. Finance Manager reported that the agency is doing that analysis. He said it has not been completed yet but according to the Sunset Commission, the recommendation will cost the agency roughly \$660,000. He reported that there is no way to absorb the costs without going to the other registrants through increased fees. Even if the payment to General Revenue goes to zero, it appears that the agency would still be short by roughly \$150,000. Ms. Steinbrueck stated that the Board might consider whether it should remain self-directed and semi-independent. She opined that though she favors the program, it might be that it works only for agencies of a certain size and if TBAE is to be reduced as recommended by the Sunset Commission staff report, it might consider whether it should remain in the SDSI program.

B. Trend Analysis Presentation:

The Executive Director explained the charts on trending contained in the notebook. She stated that there was a decline in registrants in 2001 and there was an office renovation in 2008; therefore, we had lower fund balance numbers for those calendar years. There were questions regarding how many dual licensees the agency current has. The General Counsel stated that there were about 2300 dual licensed architects/interior designers. The

Board discussed the trends in the numbers of architects, landscape architects and registered interior designers. The Executive Director noted that the economic downturn caused a number of architects who were also licensed as registered interior designers to drop the interior design registration. The experience requirements are also hard to meet when it is difficult to get a job in the required practice areas.

Operating Budget/Scholarship

The scholarship fund balance is going down and the amount of scholarships offered is going up. The Executive Director explained the creation of the fund to benefit architectural candidates who have trouble covering the cost of the Architectural Registration Examination. It is based upon need and awarded after the examination is passed. The Executive Director stated she would like the law amended to allow for awards up to the full cost of the examination and to expand it to landscape architects and registered interior designers

Enforcement

The Board reviewed the trends in enforcement case loads. It was noted that the Sunset staff recommended in 2002 that the agency take a year to inform registrants of new requirements before enforcing. The result is lower case loads as the agency shifted emphasis to outreach from enforcement.

Communications

The Board reviewed the charts reflecting the trends in agency communications efforts. The Chair asked about the number of impressions by quarter and the overlay for the session years. He inquired if there is an effect caused by the legislative session that spikes the number of impressions. The Communications Manager stated he had analyzed this question and concluded there is not a correlation between the number of impressions in session and interim years. He noted the communications program is has to do with relationships the agency has with TSA, BOAT, ASLA and other organizations. The spikes in quarterly impressions seem to reflect quarters in which we happen to have a lot of people attend one presentation.

The Chair stated that the Board should consider whether the agency's communication efforts should have a strategy going forward, with targets or goals on the number of presentations made and the number of impressions made. He stated the Board should have a more coordinated communications strategy. The Executive Director noted the upcoming communications effort will be dominated by news and reports from the legislative session.

C. Outreach Program Update

The Executive Director directed the Board members to the section on TBAE's Outreach Program. She stated that the Outreach Program has involved UT on 4 occasions, TCU, UT Arlington, UT San Antonio on two occasions and the Dallas Design Center. Furthermore, she said that other schools scheduled on the horizon are Texas Tech, Abilene Christian, Rice University, the University of Houston. There are three professions; therefore, they spoke to all three at the University of Texas. She stated that personnel try to go to

every school every other year. In addition, personnel attended TSA, ASLA, and Metro Con every year and have booths at all of those conferences. She said that Sunset staff was impressed with the amount of agency outreach but thought it might have gone overboard.

The Board took a break at 10:18 a.m. and reconvened at 10:35 a.m.

Report on conferences and meetings (Information)

- A. 2012 CLARB Board of Directors/Annual Meetings – Sep 5-8
Board member Sonya Odell reported on this meeting. She stated that besides herself, Ms. Steinbrueck and the Executive Director attended the meeting in San Francisco. As a new member from a different design profession, she attended a lot of orientation meetings and learned about CLARB's initiatives and functions. She thought it was very beneficial. The Executive Director reported that CLARB was looking to the architectural profession regarding continuing education requirements and sought examples from NCARB's efforts on standardizing continuing education standards. She also reported on efforts by ASLA to encourage its members to use the term "Professional Landscape Architect" or "PLA".

Ms. Steinbrueck stated that the "PLA" issue is a solution looking for a problem. ASLA does not require licensure as a prerequisite for professional member status. This has created conflicts with title acts. The "PLA" appellation was created to address the problem but a better solution would be to require licensure to use professional titles.

Ms. Steinbrueck also reported on a controversy about efforts to get two certification programs in California accredited by the Landscape Architects Accreditation Board. She cited materials in the notebook regarding the positions taken by other jurisdictions which oppose the move and indicate certificate-holders from those programs will not qualify for reciprocal registration.

Ms. Steinbrueck also noted that a review by ASLA of examination preparation courses revealed misstatements about the qualifications of an individual who was providing one of the preparation courses. She indicated that the Board may consider creating a vetting process for those who provide exam prep courses to ensure they understand the substance of the LARE.

- B. HB2284 Taskforce Meeting (TBAE/TBPE) – Sep 25
Board member Chuck Anastos reported on this meeting. He stated that the Committee narrowed its discussion to four issues: (1) Design of Mixed-Use Projects; (2) Simple Foundations; (3) Criteria for architects designing surface drainage; and (4) Roofing Design. Debra Dockery stated that she suggested that the Committee refer to the IBC definition of "ancillary use" regarding Mixed-Use Projects. Mr. Anastos requested input, especially from Ms. Steinbrueck and the professional societies in addressing these issues. Ms. Steinbrueck suggested reference to the task analysis by NCARB and CLARB. Mr. Armstrong, CEO of NCARB offered to share any questions or concerns at

ICORE – a meeting of NCARB, CLARB and NCEES. Ms. Steinbrueck offered to attend meetings of the task force.

- C. 2012 LRGV-AIA Building Communities Conference – Sep 28-29
Scott Gibson and Jack Stamps attended this conference from TBAE as well as David Howell from TBPE and made a presentation on HB2284. They informed attendees of the implementation of HB 2284 and the efforts underway by the task force.

4. Board Review and Response to the Sunset Advisory Commission Staff Recommendations (Action)

Recommendation 1.1: Discontinue the regulation of registered interior designers

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO OPPOSE THE RECOMMENDATION TO DEREGULATE INTERIOR DESIGN BECAUSE IT HAS A NEGATIVE IMPACT ON THE HEALTH, SAFETY AND WELFARE OF TEXAS, THE REVENUE TO THE STATE, THE ECONOMIC CLIMATE OF TEXAS AND AGENCY REVENUE. THE MOTION PASSED UNANIMOUSLY.

The Board discussed potential impacts of the recommendation, including the implications for students preparing for registration as a registered interior designer, the fiscal impact upon architects and landscape architects, and the loss of registered interior designers to affix a seal to plans and specifications, as required for permitting purposes. Mr. Bearden noted there are over 2.9 million disabled people, including those with sensory deprivation. He noted there are studies that show interior designers make buildings useable to people who have disabilities. There was also disagreement with the representation made in the staff report that NCIDQ certification serves as an adequate substitute for state licensure as a registered interior designer. It was also noted that 11 educational programs offer accredited degrees which would be adversely affected if regulation ended. The Board also heard from Ms. Vining who stated the trend in other states is toward regulation of interior design. More new states are adopting interior design laws than have dropped them. She also noted the more populous states have interior design regulation. Ms. Vining also noted the International Building Code defines the term “professional designer” as one who is licensed and requires the issuance of permits to design professionals. If the recommendation is adopted, currently registered interior designers would lose the ability to pull permits, unless they hire architects to obtain permits. Ms. Odell noted the recommendation would put interior design firms out of business as they would no longer have the authority to pull permits and could not remain competitive if they had to employ architects for that purpose. The Board also addressed the possibility that loss of licensure status will prevent Texas registered interior designers from gaining or maintaining reciprocal registration in other jurisdictions.

Recommendation 1.2: Remove the registered interior designer from the Board and replace the position with an additional landscape architect member.

A MOTION WAS MADE AND SECONDED (Pinson/Mijares) TO OPPOSE RECOMMENDATION 1.2 BASED UPON COMMENTS MADE ON RECOMMENDATION 1.1. THE MOTION PASSED UNANIMOUSLY.

The Chair explained that the Board would be having a working lunch with a 10 minute break in between.

The Board took a break at noon and reconvened at 12:27.

Recommendation 1.3: Continue the Texas Board of Architectural Examiners until the next Sunset review of the Texas Department of Licensing and Regulation.

The General Counsel gave background on this recommendation. Sunset staff recommended the agency's next Sunset review coincide with the Sunset review for the Department of Licensing and Regulation (TDLR) to consider whether TBAE should be merged into TDLR. The Board noted the disruption to agency operations and an adverse fiscal impact on the agency and state. The Board also discussed whether TDLR is able to regulate professions. The Board also noted certain programs at TDLR might better be performed at TBAE.

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO OPPOSE RECOMMENDATION 1.3. BOARD RECOMMENDATION WAS TO STAY ON THE CURRENT SUNSET REVIEW SCHEDULE TO BE REVIEWED IN 2025. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.1: Clarify statute to require the Board to assess the \$200 professional fee at initial registration and renewal for all three regulated professions.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO SUPPORT RECOMMENDATION 2.1. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.2: Require the Board to conduct fingerprint-based criminal background checks of applicants and licensees with active licenses.

The Board members had an active discussion on this topic. Board members noted they had heard from registrants opposed to this recommendation. Ms. Odell noted the Department of Public Safety received fingerprints to issue a driver's license. Ms. Dockery noted design professionals, consultants and contractors must provide fingerprints to design public school projects. Ms. Miller and Mr. Bearden stated, as public members, they favor this recommendation. The General Counsel stated the recommended process is less intrusive than the current process, will detect criminal activities in other jurisdictions, and poses less of a risk to the agency because agency staff will have less contact with confidential criminal history data. The Department of Public Safety will contact the agency only in the event that there is a match between an applicant or registrant and a criminal history record. Board members asked General Counsel if the Department of Public Safety will consult the fingerprints it already has through the driver's license program. General Counsel stated he did not know.

A MOTION WAS MADE AND SECONDED (Bearden/Odell) TO SUPPORT RECOMMENDATION 2.2. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.3: Clarify statute to require the Board to use only its own renewal fee when calculating penalties for late renewals.

Ms. Steinbrueck favors this recommendation and stated she always believed the way the agency currently calculates its late penalties on the renewal fee plus the \$200 added to the fee by statute was less than completely transparent. She opined that the agency may have calculated the late penalties in accordance with the statute as written but not in accord with what the Legislature meant. Mr. Anastos noted the negative fiscal impact on the agency, along with significant negative fiscal implications of other recommendations. A MOTION WAS MADE AND SECONDED (Anastos/Miller) TO STATE THE BOARD'S OPPOSITION TO RECOMMENDATION 2.3. THE MOTION FAILED PASSAGE 2-7. (Anastos and Miller voting in favor.)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO SUPPORT RECOMMENDATION 2.3. THE MOTION PASSED WITH SEVEN MEMBERS VOTING TO SUPPORT THE RECOMMENDATION AND TWO OPPOSED (Chuck Anastos and Paula Miller).

Recommendation 2.4: Clarify statute to authorize the Board to apply administrative penalties per violation per day.

A MOTION WAS MADE AND SECONDED (Dockery/Odell) TO SUPPORT RECOMMENDATION 2.4. THE MOTION PASSED UNANIMOUSLY.

Recommendations regarding the SDSI project:

Recommendation 1.1: Continue the SDSI Act, but remove its separate Sunset date and pilot project status and provide for its future Sunset review with agencies subject to the Act.

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO SUPPORT RECOMMENDATION 1.1. THE MOTION PASSED UNANIMOUSLY.

Recommendation 1.2: Expand the data in the current reports required by agencies subject to the SDSI Act to help improve oversight.

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO SUPPORT RECOMMENDATION 1.2. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.1: Clarify that provisions of general law applicable to state agencies apply to the project agencies if not in conflict with their SDSI status.

A MOTION WAS MADE AND SECONDED (Steinbrueck/Mijares) TO SUPPORT RECOMMENDATION 2.1. THE MOTION PASSED UNANIMOUSLY.

Recommendation 2.2: Clarify that project agencies must use the Comptroller's Uniform Statewide Accounting System to make all payments.

A MOTION WAS MADE AND SECONDED (Pinson/Steinbrueck) TO SUPPORT RECOMMENDATION 2.2. THE MOTION PASSED UNANIMOUSLY. Ms. Steinbrueck noted the agency's responses should point out that the agency already follows recommendations 2.1 and 2.2.

Recommendation 2.3: Require the project agencies to remit all administrative penalties to General Revenue.

A MOTION WAS MADE AND SECONDED (Pinson/Mijares) TO SUPPORT RECOMMENDATION 2.3. Ms. Steinbrueck stated opposition to the recommendation. She noted that the agency expends a great deal on enforcement and does not currently recover costs. The Board discussed possibly capping the amount to be remitted to General Revenue and noted the agency had recommended transferring administrative penalties to General Revenue to secure the actual and apparent integrity of the agency's enforcement efforts. THE MOTION PASSED WITH EIGHT MEMBERS TO SUPPORT THE RECOMMENDATION AND ONE OPPOSED (Steinbrueck).

The Board took at break at 2:10 p.m. and reconvened at 2:25 p.m.

The Board discussed the \$510,000 annual payment to General Revenue under the Self-Directed Semi-Independent program. The Board reached a general informal consensus that consideration should be given to altering the payment amount to make it more equitable, especially if the more costly recommendations are adopted.

**5. Report of Rules Committee (Action)
Pending Approval of the Rules Committee, Consider for Proposal the following Potential Committee Recommendations:**

- A. Readopt Chapters 1, 3, and 5 relating to the regulation of the practices of architects, landscape architects and registered interior designers, except as follows:
 - I. Repeal Rules 1.63/3.63/5.73 relating to the replacement of certificates of registration.
 - II. Amend Rule 1.67 relating to emeritus status, making defined terms upper-case.
 - III. Amend Rules 1.142/3.142/5.152 to revise the definition of the term "gross incompetence" to include reference to the circumstances of the specific conduct at issue.
 - IV. Amend Rule 1.144/3.144/5.154 to repeal requirements that Board registrants publish registration numbers in certain advertising.
 - V. Repeal Rules 1.152/3.152/5.161 prohibiting Board registrants from maliciously injuring the professional reputation of another.
 - VI. Amend Rules 1.177/3.177/5.187 relating to the administrative penalty schedule to correct a technical error.
- B. Readopt Chapter 7, relating to the administration of the Texas Board of Architectural Examiners, except as follows:
 - Amend Rule 7.10, relating to administrative fees to correct a technical error and repeal an obsolete administrative fee.

The General Counsel explained to the Board members that the Rules Committee met in September to receive stakeholder input on the rules under review. On October 16, 2012 the Committee met again to consider stakeholder and staff input. The Committee report recommends the proposal and re-adoption of chapters 1, 3, 5, and 7 with some technical changes to the rules. He gave the background on the recommendations of the Committee. He stated that the rules committee declined to adopt recommendations to include violations of the intent of building codes in the

description of “recklessness”, and declined to alter the enforcement process to include evaluation by unlicensed experts of evidence in certain cases as a prerequisite to filing for a contested case hearing at the State Office of Administrative Hearings.

A MOTION WAS MADE AND SECONDED (Mijares/Bearden) TO ADOPT THE REPORT OF THE RULES COMMITTEE AND PROPOSE AMENDMENTS TO THE RULES ACCORDINGLY. THE MOTION PASSED UNANIMOUSLY.

6. Consider and Act on Landscape Architecture Education Accreditation Requirements (Action)

Ms. Steinbrueck reported that there was an effort to urge the Landscape Architectural Accreditation Board to accredit two certificate programs in California as accredited landscape architecture programs. The programs do not issue degrees. Ms. Steinbrueck urged the Board to express opposition to the accreditation of certificate programs because they are contrary to Texas standards for licensure. To give equal stature to certificate programs would diminish the value of landscape architecture in the public’s mind and will complicate reciprocity. A MOTION WAS MADE AND SECONDED (Odell/Steinbrueck) TO NOT SUPPORT THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS ACCREDITING LESS THAN DEGREE PROGRAMS FOR LICENSING PURPOSES. THE MOTION PASSED UNANIMOUSLY.

7. Enforcement Cases

Review and possibly adopt the ED’s recommendation in the following enforcement cases: The Executive Director’s recommendations are to resolve the following cases in accordance with agreements reached with the Respondents. The Chair recognized the Managing Litigator to present the enforcement cases.

A. Continuing Education Cases

The Managing Litigator outlined the cases on the agenda. For continuing education cases, a standard penalty of \$700 for misstatements to the Board, \$500 for failing to complete required continuing education, and \$250 for failing to respond to an inquiry of the Board is recommended by the Executive Director to resolve the cases. The Managing Litigator also reported there is a case which the Executive Director recommends resolving with a \$3,000 administrative penalty for three failures to timely file plans for accessibility review.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR’S PROPOSED SETTLEMENTS IN THE FOLLOWING CASES INVOLVING CONTINUING EDUCATION VIOLATIONS:

- Adams, Joseph H. (#233-12A)
- Atwood, Robert O. (#249-12L)
- Campbell, David G. (#006-13A)
- Croft, Brent E. (#235-12L)
- Dykes, Tim L. (#237-12A)
- Gabriel, Michael (#243-12A)
- Hibbs, Richard A. (#254-12A)
- Joy, Rick (#257-12A)

Lew, Dick H. (#248-12A)
Marusak, Jean Marie (#234-12A)
Reynolds, Nicolett (#238-12I)
Riffey, Brenda L. (#223-12I)
Weintraub, Lee (#236-12A)
THE MOTION PASSED UNANIMOUSLY.

B. TDLR Case:

Gomez, Rudolph V. (#184-12A)
A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENT IN CASE NUMBER 184-12A INVOLVING TDLR VIOLATIONS BY RUDOLPH V. GOMEZ. THE MOTION PASSED UNANIMOUSLY.

C. Makover v. TBAE, Dismissal of the Appeal of the Final Board Order of October 30, 2010

The Managing Litigator updated the Board on the appeal of the Board's Order rendered in the Makeover case. The Board had altered the proposal for decision issued by the State Office of Administrative Hearings. The Board imposed an administrative penalty per violation instead of imposing a penalty per project as proposed by the administrative law judge. The Respondent appealed the Board's decision but neglected to prosecute his appeal. The Court dismissed the appeal with prejudice. Thus, the Board's final order stands and may be used as precedent for assessing administrative penalties.

8. Architecture/Engineering Taskforce Update (Information)

This section was previously covered in the Board meeting.

9. Board Election (Action)

Board Vice-Chair and Secretary/Treasurer

The Chair opened the floor for nomination for Vice-Chair. The Chair recognized Ms. Odell who nominated Mr. Bearden for Vice-Chair. The Chair nominated Ms. Steinbrueck for Vice-Chair. Ms. Steinbrueck respectfully declined the nomination. Hearing no further nominations, the Board put the nomination of Mr. Bearden as Vice-Chair before the Board. By unanimous consent of the Board, Mr. Bearden was elected Vice-Chair. The

Chair thanked Mr. Anastos for his service as Vice-Chair.

The Chair opened the floor for nominations for Secretary/Treasurer and recognized Ms. Dockery who nominated Ms. Odell. Hearing no further nominations, the Chair put the nomination before the Board. By unanimous consent, the Board elected Ms. Odell as Secretary/Treasurer.

Board Committee Assignments (Action)

Executive and Rules Committees

The Executive Committee will be comprised of the following: Mr. Vidaurri (Chair), Mr. Bearden, Ms. Odell and Ms. Miller.

The Rules Committee will be comprised of the following Board members:

Mr. Mijares (Chair), Mr. Pinson, Ms. Steinbrueck and Ms. Odell.

11. Upcoming Board Meeting

January 31, 2013.

10. NCARB Chief Executive Officer Question & Answer Session (Information)

Mr. Armstrong (CEO of NCARB) addressed the Board and thanked the members for placing him on the agenda. He said that Texas was the nineteenth state that they had addressed as part of the NCARB “road show.” By the end of the year, he will have visited 21 states. Mr. Armstrong listed the reasons for visiting the member boards: 1) to get to know the boards outside of the NCARB meeting context; 2) to understand each board’s political environment, concerns, and realities and take that information back to Washington; and 3) to change the brand of NCARB as a community center of dialogue that convenes and facilitates, not just dictate. In short, as CEO, Mr. Armstrong is going out to change the image of NCARB as a castle on the hill with the drawbridge up.

Mr. Armstrong outlined his experience in city and state government in Colorado and his work as an appointee in the Clinton administration so he understands the operations and challenges of the member boards as entities within state government. However, he opined that it was going to take awhile for the culture to accept this idea. He said that he has opened up NCARB to more transparency with its members. He tasked his communications department with writing up summaries of Board meetings as news stories and putting them live on the Web site in real time during the meeting. He started a CEO update with highlights on key activities of each department at the Council. He thought it was important to justify expenditures to show member boards that NCARB is a good steward of their dues and that members get their money’s worth. NCARB is working on its strategic plan and developing the “blue sky” input discussions. NCARB started from scratch on the re-design of the exam and the IDP process. Mr. Armstrong stated his concern that much of what NCARB has done has been over-designed. NCARB will adapt, evolve and simplify.

Mr. Armstrong reported NCARB is focusing on collaboration with the local AIA groups across the country and trying to repair existing relationships and assert the value of a license. NCARB is distilling information from “NCARB by the Numbers” regarding the demographics and statistics of the profession. They are looking for redundancies with regard to communications. They have gotten all the practice analysis surveys in and are also in the process of developing a report on the practice analysis. In addition, they are taking a fresh look at the ARE.

He introduced Katherine Hillegas, Director, Council Relations. She reported that NCARB is putting more muscle behind volunteer efforts. She focuses on collateral organizations, such as AIA, which can assist in delivery of messages and information of interest to NCARB. They also are engaging and working with educational facilities regarding accreditation. NCARB seeks to have a collaborative discussion on what skills and knowledge is and is not apparent in a graduate.

Mr. Armstrong reported on NCARB’s efforts to take a fresh look at the ARE. The development of an ARE “desktop” was to solve everything. NCARB was throwing a lot of money to develop the software program. He had an analysis done of desktop and decided it was not sustainable. NCARB is currently in the process of developing a report on pursuing an ARE that tests for public health, safety and welfare.

The Board asked about the implementation of IDP 2.0 implemented in April, and alterations to the term “direct supervision” of interns by supervisors. Mr. Armstrong said that IDP 2.0 is the result of years of work after the 2007 practice analysis. A supervisor can now be licensed in any jurisdiction, making internships much more mobile. There

were lots of “blue sky” discussions on the modification to “direct supervision” which was altered to allow for advances in technology and the manner in which interns now interact with supervisors.

There was a question from the Board on new educational programs in interior architecture. Mr. Armstrong stated NCARB has no role in accrediting education programs because that is done by NAAB. Mr. Armstrong stated there are no accredited programs in interior architecture.

On the Board’s question on practice analysis, NCARB does a practice analysis every 5-7 years to determine what people in the profession are saying about what is relevant on the path to licensure. Volunteer committees compile the data from the surveys and report to the executive committee. The survey is much longer than it used to be and included educators and interns. It created 2 million data points. It is a large enough sample to justify survey results. It is not yet ready for publication.

Mr. Armstrong reported that academic internships are now accredited but the time in the internship does not count for both education and experience. NCARB is allowing credit for construction work and working for complementary professions, like landscape architecture. NCARB is also awarding credit on shorter projects in light of the post-recession economy.

The Board asked about themes in the data which seems to indicate constructability and emerging technology are the main issues for new graduates entering the profession. The Board noted architects receive a great deal of education on structures and structural issues which are on the examination. However, architects may not design structures or engage in structural engineering. It seems like the exam would be better suited to the profession if it emphasized building code and coordination of different designs. To require testing on structural engineering seems to dilute the examination. Mr. Armstrong noted that we need to not look at it as diluting. The exam is a new exam for emerging professionals. Ms. Steinbrueck stated CLARB is doing similar things with its examination and suggested Mr. Armstrong visit CLARB’s chief executive, especially regarding CLARB’s definition of “welfare.”

Mr. Anastos expressed concern over allowing interns to earn internship credit at home without in person contact with the supervisor. Ms. Hillegas suggested perhaps a part of the internship could be earned at home while the rest requires an office setting.

Ms. Hillegas reported on the activities of the NCARB issues committee: 1) AIA leadership summit on continuing education, the quality of continuing education programs, and record-keeping requirements; 2) summit on health, safety and welfare and the CLARB definition of “welfare;” 3) urging member boards to adopt the NCARB model for reporting and complying with continuing education requirements.

Mr. Armstrong concluded by telling the Board to think of NCARB as a resource to determine what the other jurisdictions do and what the best practice is with regard to a particular issue. Lastly, he stated that NCARB was offering an amnesty program to lure delinquent card holders back by charging only one year’s fee and not charging a lot of penalties. Also, they expanded it to an internship. They also restructured fees. He thanked the Board for the opportunity to meet with them and discuss the progress of NCARB.

13. Adjournment

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO ADJOURN THE MEETING AT 4:40 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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

**Texas Board of Architectural Examiners
Fiscal Year 2013 Budget**

	FY 2013 Approved Budget	FY 2013 Actual Rev. and Exp. Sept 1, 2011- Dec. 31, 2012	FY 2013 Actual Rev. Earned & Exp. as a Percentage
Total Beginning Fund Balance	1,929,608.13		
Revenues:			
Licenses & Fees	2,510,000.00	827,850.00	32.98%
Enforcement Penalties	75,000.00	24,637.50	32.85%
Late Fee Payments	215,000.00	62,045.00	28.86%
Other	5,000.00	1,494.20	29.88%
Interest	7,500.00	1,339.75	17.86%
Draw on Fund Balance	166,635.00		
Total Revenues	2,979,135.00	917,366.45	30.79%
Expenditures:			
Salaries and Wages	1,523,700.00	466,652.17	30.63%
Payroll Related costs	392,220.00	114,019.21	29.07%
Professional Fees & Services	35,060.00	7,147.85	20.39%
Travel			
Board Travel	37,000.00	8,659.62	23.40%
Staff Travel	28,000.00	8,047.27	28.74%
Office Supplies	15,000.00	6,408.74	42.72%
Postage	15,000.00	5,669.43	37.80%
Communication and Utilities	17,500.00	6,822.02	38.98%
Repairs and Maintenance	1,500.00	594.00	39.60%
Office Rental and Equipment Leases	60,910.00	3,248.19	5.33%
Printing	7,000.00	4,198.35	59.98%
Operating Expenditures	55,000.00	36,062.70	65.57%
Conference Registration Fees	7,000.00	2,795.00	39.93%
Membership Dues	21,000.00	8,460.00	40.29%
Fees for Receiving Electronic Payments	108,000.00	36,658.95	33.94%
Staff Training	23,000.00	2,795.00	12.15%
SWCAP Payment	76,610.00	34,469.50	44.99%
Payment to GR	510,000.00	0.00	0.00%
Exceptional Items: IT Upgrades in 2013	45,635.00	0.00	0.00%
Total Expenditures	2,979,135.00	752,708.00	25.27%
Excess/(Deficiency) of Rev over Exp.	-	164,658.45	
* Funding for 6 months	1,489,567.50		
Ending Fund Balance	440,040.63		

**Texas Board of Architectural Examiners
Fiscal Year 2013 - Scholarship Fund**

	FY 2013 Budget	FY 2013 Actual Expenditures Sept 1, 2012---Dec 31, 2012	FY 2013 Remaining Budget
Total Beginning Scholarship Fund Balance	164,181.00	164,181.00	158,681.00
Expenditures:			
Operating Expenditures-Scholarship Payments		5,500.00	-
Total Expenditures		5,500.00	-
Excess/(Deficiency) of Rev over Exp.	164,181.00	158,681.00	-
Ending Reserve Fund Balance	164,181.00	158,681.00	158,681.00

Number of Scholarships Awarded

11

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

**Texas Board of Architectural Examiners:
Expected legislation before the 83rd Texas Legislature**

1. Sunset legislation
 - a. Both TBAE as an agency and the “Self-Directed, Semi-Independent” program (SDSI) underwent review
 - b. The Board supports all provisions anticipated to be in the bill
 - c. Expected provisions pertaining to TBAE (highlights):
 - i. Continue the agency for 12 years
 - ii. Require all “grandfathered” Registered Interior Designers to pass the registration examination within a reasonable amount of time (expected to be three years, as introduced)
 - iii. Make changes to how late fees are calculated (resulting in less steep fees to registrants)
 - iv. Require fingerprint-based criminal background checks of all registrants
 - d. Expected provisions pertaining to SDSI (highlights):
 - i. Automatically include review of an agency’s performance under SDSI in any Sunset review (and remove separate Sunset date for SDSI)
 - ii. Add 16 specific Performance Measures to the agency’s reporting requirements
 - iii. Send enforcement penalties to General Revenue
 - iv. And some administrative/clarifying changes regarding accounting procedures, with which the agency already complies; the Board looks forward to these changes

Summary and Outline of Proposed Rules

TBAE Rules Review – Background

Pursuant to Section 2001.039, Government Code, each agency is required to conduct a review of each of its rules not later than the fourth anniversary of its effective date and each 4 years after that date. An agency shall assess its rules to determine if the original purpose for the adoption still exists. Agencies must readopt, revise or repeal rules in the course of a rules review.

In lieu of conducting a review of each rule in accordance with a separate four-year cycle, the Board has scheduled the review of all its rules every four years. The current rules review process must be completed no later than March 2013. The Board delegated the rules review to the Rules Committee.

Proposed Amendments

The Committee met in August and October to receive stakeholder input and staff recommendations. The Committee made its Report to the Board at its meeting in October. The Board re-adopted rules and proposed the following amendments and repeals in accordance with the Committee's Report:

1. Rules 1.63/3.63/5.73 –replacement of certificate of registration
Source: staff recommendation
Proposed Action: repeal
Rationale: redundant
2. Rule 1.67 – emeritus architects
Source: staff recommendation
Proposed Action: amend – make defined terms uppercase to cross-reference definitions
Rationale: conform to drafting conventions
3. Rules 1.142/3.142/5.152 – competence
Source: stakeholder input
Proposed Action: amend – revise the term “gross incompetence” to reference same or similar circumstances in the competence standard
Rationale: different standards should not apply according to local custom or practice
4. Rules 1.144/3.144/5.154 – dishonest practice
Source: stakeholder input/staff recommendation
Proposed Action: amend – delete requirement that registrants publish registration numbers in phone listings and certain advertising
Rationale: largely unenforceable and limited protection of public
5. Rules 1.152/3.152/5.161 – malicious injury to reputation
Source: staff recommendation
Proposed Action: repeal
Rationale: rule is largely unenforceable and potentially unconstitutional
6. Rules 1.177/3.177/5.187 – responding to a Board request for information
Source: staff recommendation
Proposed Action: amend – insert the word “not” within a prohibition on failing to respond without good cause within 30 days
Rationale: correct a drafting error – effects original intent
7. Rule 7.10 – administrative fees
Source: staff recommendation

Proposed Action: amend – amend drafting error by changing the word “touring” to “routing” and repealing an administrative fee for the Landscape Architecture Examination – agency no longer administers the exam so the fee is no longer assessed
Rationale: clarifies rule and deletes obsolete fee

8. Readopt Chapters 1, 3, 5, and 7, except with regard to specific rules otherwise amended or repealed.

Publication for Public Comment

Notice of the re-adoption of the rules was published in the *Texas Register* on November 23, 2012. The Board received no public comment in response to the publication.

Staff Recommendation

Staff recommends withdrawing the proposed amendment to Rule 7.10 relating to general fees. Staff is recommending further amendments to the fee schedule within the Rule to implement an online business registration process and to implement changes that are likely to pass the legislature before the Board’s next meeting. It would be confusing to the public and technically problematic to adopt amendments to a rule and, at the same meeting, propose additional amendments to the same rule. For this reason, staff recommends withdrawing the previously published amendments to Rule 7.10 and proposing the same amendments plus additional evisions to the same rule for adoption at the Board’s next meeting.

Proposed Rules for Adoption

RULE §1.63 Replacement of Certificate

1 If an Architect's certificate of registration is lost or destroyed and the Architect's
2 registration is current and in good standing, the Architect may obtain a replacement
3 certificate by:

- 4 (1) submitting a written explanation regarding the loss or destruction of the
5 certificate and requesting a replacement certificate; and
- 6 (2) paying the fee prescribed by the Board for the replacement of a
7 certificate of registration.

RULE §3.63 Replacement of Certificate

8 If a Landscape Architect's certificate of registration is lost or destroyed and the
9 Landscape Architect's registration is current and in good standing, the Landscape
10 Architect may obtain a replacement certificate by:

- 11 (1) submitting a written explanation regarding the loss or destruction of the
12 certificate and requesting a replacement certificate; and
- 13 (2) paying the fee prescribed by the Board for the replacement of a
14 certificate of registration.

RULE §5.73 Replacement of Certificate

15 If a Registered Interior Designer's certificate of registration is lost or destroyed and
16 the Registered Interior Designer's registration is current and in good standing, the
17 Registered Interior Designer may obtain a replacement certificate by:

- 18 (1) submitting a written explanation regarding the loss or destruction of the
19 certificate and requesting a replacement certificate; and
- 20 (2) paying the fee prescribed by the Board for the replacement of a
21 certificate of registration.

Proposed Rules for Adoption

1 Note: Rules 1.62, 3.62 and 5.72 include provisions for the issuance of duplicate
2 certificates. The “Replacement of Certificate” rules are redundant and unnecessary.

RULE §1.67 Emeritus Status

3 (a) An Architect whose registration is in Good Standing may apply for emeritus
4 registration status on a form prescribed by the Board. In order for an Architect to
5 obtain emeritus status, the Architect must demonstrate that:

- 6 (1) he/she has been registered as an architect for at least 20 years; and
- 7 (2) he/she is at least 65 years of age.

8 (b) An Emeritus Architect [~~emeritus architect~~] may engage in the Practice of
9 Architecture as defined by §1051.001(7)(D) - (H) of the Texas Occupations Code
10 and may prepare architectural plans and specifications for:

- 11 (1) the alteration of a building that does not involve a substantial structural
12 or exitway change to the building; or
- 13 (2) the construction, enlargement, or alteration of a privately owned building
14 that is:
 - 15 (A) a building used primarily for farm, ranch, or agricultural purposes
16 or for the storage of raw agricultural commodities;
 - 17 (B) a single-family or dual-family dwelling or a building or
18 appurtenance associated with the dwelling;
 - 19 (C) a multifamily dwelling not exceeding a height of two stories and
20 not exceeding 16 units per building;
 - 21 (D) a commercial building that does not exceed a height of two stories
22 or a square footage of 20,000 square feet; or
 - 23 (E) a warehouse that has limited public access.

24 (c) An Emeritus Architect [~~emeritus architect~~] may use the title "Emeritus
25 Architect" or "Architect Emeritus."

Proposed Rules for Adoption

- 1 (d) An Emeritus Architect [~~emeritus architect~~] may renew his/her registration prior
2 to its specified expiration date by:
- 3 (1) remitting the correct fee to the Board; and
 - 4 (2) providing the information or documentation requested by the registration
5 renewal notice and signing the renewal form to verify the accuracy of all
6 information and documentation provided.
- 7 (e) If an Emeritus Architect [~~emeritus architect~~] fails to remit a completed
8 registration renewal form and the prescribed fee on or before the specified
9 expiration date of the Emeritus Architect's [~~emeritus architect's~~] registration, the
10 Board shall impose a late payment penalty that must be paid before the Emeritus
11 Architect's [~~emeritus architect's~~] registration may be renewed.
- 12 (f) In order to change his/her registration to active status, an Emeritus Architect
13 [~~emeritus architect~~] must:
- 14 (1) apply on a form prescribed by the Board;
 - 15 (2) either submit proof that he/she has completed all continuing education
16 requirements for each year the registration has been emeritus or, in lieu of
17 completing the outstanding continuing education requirements, successfully
18 complete all sections of the current Architect Registration Examination
19 during the five years immediately preceding the return to active status; and
 - 20 (3) pay a fee as prescribed by the Board.
- 21 (g) Applications to return to active status may be rejected for any of the reasons for
22 which an initial application for registration may be rejected or for which a
23 registration may be revoked.
- 24 (h) The Board may require an Applicant to include [~~that an application to return to~~
25 ~~active status include~~] verification of compliance [~~that the Applicant has complied~~]

Proposed Rules for Adoption

1 with the laws governing the Practice of Architecture [~~practice of architecture~~] with
2 her or his application to return to active status.

RULE §1.142 Competence

3 (a) An Architect shall undertake to perform a professional service only when the
4 Architect, together with those whom the Architect shall engage as consultants, is
5 qualified by education and/or experience in the specific technical areas involved.
6 During the delivery of a professional service, an Architect shall act with reasonable
7 care and competence and shall apply the technical knowledge and skill which is
8 ordinarily applied by reasonably prudent architects practicing under similar
9 circumstances and conditions.

10 (b) An Architect shall not affix his/her signature or seal to any architectural plan or
11 document dealing with subject matter in which he/she is not qualified by education
12 and/or experience to form a reasonable judgment.

13 (c) "Gross Incompetency" shall be grounds for disciplinary action by the Board.
14 An Architect may be found guilty of "Gross Incompetency" under any of the
15 following circumstances:

16 (1) the Architect has engaged in conduct that provided evidence of an
17 inability or lack of skill or knowledge necessary to discharge the duty and
18 responsibility required of an Architect;

19 (2) the Architect engaged in conduct which provided evidence of an extreme
20 lack of knowledge of, or an inability or unwillingness to apply, the
21 principles or skills generally expected of a reasonably prudent architect
22 under the same or similar circumstances and conditions;

23 (3) the Architect has been adjudicated mentally incompetent by a court; or

24 (4) pursuant to section 1.150(b)(relating to substance abuse).

Proposed Rules for Adoption

RULE §3.142 Competence

1 (a) A Landscape Architect shall undertake to perform a professional service only
2 when the Landscape Architect, together with those whom the Landscape Architect
3 shall engage as consultants, is qualified by education and/or experience in the
4 specific technical areas involved. During the delivery of a professional service, a
5 Landscape Architect shall act with reasonable care and competence and shall apply
6 the technical knowledge and skill which is ordinarily applied by reasonably
7 prudent landscape architects practicing under similar circumstances and conditions.

8 (b) A Landscape Architect shall not affix his/her signature or seal to any landscape
9 architectural plan or document dealing with subject matter in which he/she is not
10 qualified by education and/or experience to form a reasonable judgment.

11 (c) "Gross Incompetency" shall be grounds for disciplinary action by the Board. A
12 Landscape Architect may be found guilty of "Gross Incompetency" under any of
13 the following circumstances:

14 (1) the Landscape Architect has engaged in conduct that provided evidence
15 of an inability or lack of skill or knowledge necessary to discharge the duty
16 and responsibility required of a Landscape Architect;

17 (2) the Landscape Architect engaged in conduct which provided evidence of
18 an extreme lack of knowledge of, or an inability or unwillingness to apply,
19 the principles or skills generally expected of a reasonably prudent landscape
20 architect under the same or similar circumstances and conditions;

21 (3) the Landscape Architect has been adjudicated mentally incompetent by a
22 court; or

23 (4) pursuant to section 3.150(b)(relating to substance abuse).

RULE §5.152 Competence

24 (a) A Registered Interior Designer shall undertake to perform a professional
25 service only when the Registered Interior Designer, together with those whom the

Proposed Rules for Adoption

1 Registered Interior Designer shall engage as consultants, is qualified by education
2 and/or experience in the specific technical areas involved. During the delivery of a
3 professional service, a Registered Interior Designer shall act with reasonable care
4 and competence and shall apply the technical knowledge and skill which is
5 ordinarily applied by reasonably prudent Registered Interior Designers practicing
6 under similar circumstances and conditions.

7 (b) A Registered Interior Designer shall not affix his/her signature or seal to any
8 Interior Design plan or document dealing with subject matter in which he/she is not
9 qualified by education and/or experience to form a reasonable judgment.

10 (c) "Gross Incompetency" shall be grounds for disciplinary action by the Board. A
11 Registered Interior Designer may be found to be grossly incompetent under any of
12 the following circumstances:

13 (1) the Registered Interior Designer has engaged in conduct that provided
14 evidence of an inability or lack of skill or knowledge necessary to discharge
15 the duty and responsibility required of a Registered Interior Designer;

16 (2) the Registered Interior Designer engaged in conduct which provided
17 evidence of an extreme lack of knowledge of, or an inability or
18 unwillingness to apply, the principles or skills generally expected of a
19 reasonably prudent Registered Interior Designer under the same or similar
20 circumstances and conditions ;

21 (3) the Registered Interior Designer has been adjudicated mentally
22 incompetent by a court; or

23 (4) pursuant to §5.159(b) of this title (relating to substance abuse [~~Substance~~
24 ~~Abuse~~]).

Proposed Rules for Adoption

RULE §1.144 Dishonest Practice

1 [Subsection (a) omitted]

2 (b) An Architect may not advertise in a manner which is false, misleading, or
3 deceptive. ~~[Each advertisement that offers the service of an Architect in Texas and
4 is found in a telephone directory, e-mail directory, web site, or newspaper must
5 clearly display that Architect's Texas architectural registration number. If an
6 advertisement is for a business that employs more than one Architect, only the
7 Texas architectural registration number for one Architect employed by the firm or
8 associated with the firm pursuant to section 1.122 is required to be displayed.]~~

RULE §3.144 Dishonest Practice

9 [Subsection (a) omitted]

10 (b) A Landscape Architect may not advertise in a manner which is false,
11 misleading, or deceptive. ~~[Each advertisement that offers the service of a
12 Landscape Architect in Texas and is found in a telephone directory, e-mail
13 directory, web site, or newspaper must clearly display that Landscape Architect's
14 Texas landscape architectural registration number. If an advertisement is for a
15 business that employs more than one Landscape Architect, only the Texas
16 landscape architectural registration number for one Landscape Architect employed
17 by the firm or associated with the firm pursuant to §3.122 is required to be
18 displayed.]~~

RULE §5.154 Dishonest Practice

19 [Subsection (a) omitted]

20 (b) A Registered Interior Designer may not advertise in a manner which is false,
21 misleading, or deceptive. ~~[Each advertisement that offers the services of a~~

Proposed Rules for Adoption

1 ~~Registered Interior Designer in Texas and is found in a telephone directory, e-mail~~
2 ~~directory, web site, or newspaper must clearly display that Registered Interior~~
3 ~~Designer's Texas Interior Design registration number. If an advertisement is for a~~
4 ~~business that employs more than one Registered Interior Designer, only the Texas~~
5 ~~Interior Design registration number for one Registered Interior Designer employed~~
6 ~~by the firm or associated with the firm pursuant to §5.132 of this title (relating to~~
7 ~~Association is required to be displayed.)~~

RULE §1.152 Malicious Injury to Professional Reputation

8 An Architect may not maliciously injure or attempt to injure the professional
9 reputation of another. However, an Architect may disclose a dishonest practice,
10 recklessness, incompetence, or illegal conduct to the proper authorities or provide a
11 frank but private appraisal of the services or work of a person or a business entity
12 upon request by a client or a prospective employer.

RULE §3.152 Malicious Injury to Professional Reputation

13 A Landscape Architect may not maliciously injure or attempt to injure the
14 professional reputation of another. However, a Landscape Architect may disclose a
15 dishonest practice, recklessness, incompetence, or illegal conduct to the proper
16 authorities or provide a frank but private appraisal of the services or work of a
17 person or a business entity upon request by a client or a prospective employer.

Proposed Rules for Adoption

RULE §5.161 Malicious Injury to Professional Reputation

1 A Registered Interior Designer may not maliciously injure or attempt to injure the
2 professional reputation of another. However, a Registered Interior Designer may
3 disclose a dishonest practice, recklessness, incompetence, or illegal conduct to the
4 proper authorities or provide a frank but private appraisal of the services or work
5 of a person or a business entity upon request by a client or a prospective employer

RULE §1.177 Administrative Penalty Schedule

6 If the Board determines that an administrative penalty is the appropriate sanction
7 for a violation of any of the statutory provisions or rules enforced by the Board, the
8 following guidelines shall be applied to guide the Board's assessment of an
9 appropriate administrative penalty:

10 [Subsection (1) omitted]

11 (2) After determining whether the violation is minor, moderate, or major, the
12 Board shall impose an administrative penalty as follows:

13 [Sub-subsections (A)-(F) omitted]

14 (G) An Architect, Candidate, or Applicant who fails, without good
15 cause, to provide information to the Board under provision of §1.171
16 of this subchapter (relating to Responding to Request for Information)
17 is presumed to be interfering with and preventing the Board from
18 fulfilling its responsibilities. For these reasons a violation of §1.171 of
19 this subchapter shall be considered a moderate violation if a complete
20 response is not received within 30 days after receipt of the Board's
21 written inquiry. Any further delay constitutes a major violation. Each

Proposed Rules for Adoption

1 15 day delay thereafter shall be considered a separate violation of
2 these rules.

RULE §3.177 Administrative Penalty Schedule

3 If the Board determines that an administrative penalty is the appropriate sanction
4 for a violation of any of the statutory provisions or rules enforced by the Board, the
5 following guidelines shall be applied to guide the Board's assessment of an
6 appropriate administrative penalty:

7 [Subsection (1) omitted]

8 (2) After determining whether the violation is minor, moderate, or major, the
9 Board shall impose an administrative penalty as follows:

10 [Sub-subsections (A)-(F) omitted]

11 (G) A Landscape Architect, Candidate, or Applicant who fails,
12 without good cause, to provide information to the Board under
13 provision of §3.171 of this subchapter (relating to Responding to
14 Request for Information) is presumed to be interfering with and
15 preventing the Board from fulfilling its responsibilities. For these
16 reasons a violation of §3.171 of this subchapter shall be considered a
17 moderate violation if a complete response is not received within 30
18 days after receipt of the Board's written inquiry. Any further delay
19 constitutes a major violation. Each 15 day delay thereafter shall be
20 considered a separate violation of these rules.

RULE §5.187 Administrative Penalty Schedule

21 If the Board determines that an administrative penalty is the appropriate sanction
22 for a violation of any of the statutory provisions or rules enforced by the Board, the
23 following guidelines shall be applied to guide the Board's assessment of an
24 appropriate administrative penalty:

25 [Subsection (1) omitted]

Proposed Rules for Adoption

(2) After determining whether the violation is minor, moderate, or major, the Board shall impose an administrative penalty as follows:

[Sub-subsections (A)-(F) omitted]

(F) A Registered Interior Designer, a Candidate, or an Applicant who fails, without good cause, to provide information to the Board under §5.181 of this subchapter (relating to Responding to Request for Information) is presumed to be interfering with and preventing the Board from fulfilling its responsibilities. For these reasons a violation of §5.181 of this subchapter shall be considered a moderate violation if a complete response is not received within 30 days after the violation. Any further delay constitutes a major violation. Each 15 day delay thereafter shall be considered a separate violation of these rules.

RULE §7.10 General Fees

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

(b) The following fees shall apply to services provided by the Board in addition to any fee established elsewhere by the rules and regulations of the Board or by Texas law:

Fee Description	Architects	Landscape Architects	Interior Designers
Exam Application	\$100	\$100	\$100
Examination	****	***	**
Registration by Examination - Resident	\$155	*\$355	*\$355
Registration by Examination - Nonresident	\$180	*\$380	*\$380
Reciprocal Application	\$150	\$150	\$150
Reciprocal Registration	*\$400	*\$400	*\$400
Active Renewal - Resident	*\$305	*\$305	*\$305
Active Renewal - Nonresident	*\$400	*\$400	*\$400
Active Renewal 1-90 days late - Resident	*\$457.50	*\$457.50	*\$457.50

Proposed Rules for Adoption

Active Renewal greater than 90 days late - Resident	*\$610	*\$610	*\$610
Active Renewal 1-90 days late Nonresident	*\$600	*\$600	*\$600
Active Renewal greater than 90 days late - Nonresident	*\$800	*\$800	*\$800
Emeritus Renewal - Resident	\$10	\$10	\$10
Emeritus Renewal - Nonresident	\$10	\$10	\$10
Emeritus Renewal 1-90 days late - Resident	\$15	\$15	\$15
Emeritus Renewal greater than 90days late - Resident	\$20	\$20	\$20
Emeritus Renewal 1-90 days late - Nonresident	\$15	\$15	\$15
Emeritus Renewal greater than 90 days late - Nonresident	\$20	\$20	\$20
Annual Business Registration	*****\$30	*****\$30	*****\$30
Business Registration Renewal 1-90 days late	*****\$45	*****\$45	*****\$45
Business Registration Renewal Greater than 90 days late	*****\$60	*****\$60	*****\$60
Inactive Renewal - Resident	\$25	\$25	\$25
Inactive Renewal - Nonresident	\$125	\$125	\$125
Inactive Renewal 1-90 days late - Resident	\$37.50	\$37.50	\$37.50
Inactive Renewal greater than 90 days late - Resident	\$50	\$50	\$50
Inactive Renewal 1-90 days late - Nonresident	\$187.50	\$187.50	\$187.50
Inactive Renewal greater than	\$250	\$250	\$250

Proposed Rules for Adoption

90 days late - Nonresident			
Reciprocal Reinstatement	\$610	\$610	\$610
Change in Status - Resident	\$65	\$65	\$65
Change in Status - Nonresident	\$95	\$95	\$95
Reinstatement - Resident	\$685	\$685	\$685
Reinstatement - Nonresident	\$775	\$775	\$775
Certificate of Standing - Resident	\$30	\$30	\$30
Certificate of Standing - Nonresident	\$40	\$40	\$40
Replacement or Duplicate Wall Certificate - Resident	\$40	\$40	\$40
Replacement of Duplicate Wall Certificate - Nonresident	\$90	\$90	\$90
Duplicate Pocket Card	\$5	\$5	\$5
Reopen Fee for closed candidate files	\$25	\$25	\$25
Examination – Administrative Fee	-	\$40	-
Examination - Record Maintenance	\$25	\$25	\$25
Returned Check Fee	\$25	\$25	\$25
Application by Prior Examination	-	-	\$100

1 *These fees include a \$200 professional fee required by the State of Texas and
2 deposited with the State Comptroller of Public Accounts into the General Revenue
3 Fund. The fee for initial architectural registration by examination does not include
4 the \$200 professional fee. Under the statute, the professional fee is imposed only
5 upon each renewal of architectural registration.

6 **Examination fees are set by the Board examination provider, the National
7 Council for Interior Design Qualification (“NCIDQ”). Contact the Board or the

Proposed Rules for Adoption

1 examination provider for the amount of the fee, and the date and location where
2 each section of the examination is to be given.

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

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

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

16 (e) If a check is submitted to the Board to pay a fee and the bank upon which the
17 check is drawn refuses to pay the check due to insufficient funds, errors in routing
18 [~~touring~~], or bank account number, the fee shall be considered unpaid and any
19 applicable late fees or other penalties accrue. The Board shall impose a processing
20 fee for any check that is returned unpaid by the bank upon which the check is
21 drawn.

22 (f) A Registrant who is in Good Standing or was in Good Standing at the time the
23 Registrant entered into military service shall be exempt from the payment of any
24 fee during any period of active duty service in the U.S. military. The exemption

Proposed Rules for Adoption

- 1 under this subsection shall continue through the remainder of the fiscal year during
- 2 which the Registrant's active duty status expires.

Proposed Rules for Adoption

Statutory Authority

§2001.039, Gov't Code. AGENCY REVIEW OF EXISTING RULES.

(a) A state agency shall review and consider for readoption each of its rules in accordance with this section.

(b) A state agency shall review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date. The adoption of an amendment to an existing rule does not affect the dates on which the rule must be reviewed except that the effective date of an amendment is considered to be the effective date of the rule if the agency formally conducts a review of the rule in accordance with this section as part of the process of adopting the amendment.

(c) The state agency shall readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section.

(d) The procedures of this subchapter relating to the original adoption of a rule apply to the review of a rule and to the resulting repeal, readoption, or readoption with amendments of the rule, except as provided by this subsection. Publishing the Texas Administrative Code citation to a rule under review satisfies the requirements of this subchapter relating to publishing the text of the rule unless the agency readopts the rule with amendments as a result of the review.

(e) A state agency's review of a rule must include an assessment of whether the reasons for initially adopting the rule continue to exist.

§1051.202, Occ. Code. GENERAL RULEMAKING AUTHORITY. The board shall adopt reasonable rules and bylaws and prescribe forms as necessary to administer or enforce this subtitle, including rules regulating the practices of architecture, landscape architecture, and interior design

Rule 1.191
Summary of Prospective Amendment

Current Rule

Rule 1.191 describes various types of acceptable experience a candidate must obtain to fulfill the architectural Intern Development Training Requirement as a prerequisite to architectural registration. The rule generally tracks the requirements specified by the National Council of Architectural Registration Boards (“NCARB”) which administers the Intern Development Program for all jurisdictions. The rule caps the experience that may be gained through academic internships at 930 training hours.

NCARB Modification to the Intern Development Program

In its November 2012 *IDP e-news* newsletter, NCARB reported that its Board of Directors voted to remove the limit on the number of academic internship training hours a candidate may earn. (A copy of the newsletter is attached as background material. The change is reported under the heading “Academic Internships.”) NCARB determined academic internships have adequate structure and quality control to count as experience in the same manner as work experience under supervision and control of a registered architect or other design professional.

Prospective Amendment

The amendment would remove the cap on the maximum training hours that may be credited to a candidate working in an academic internship. The amendment brings the agency’s experience rules into conformance with NCARB standards.

[Prospective Amendments for Proposal

1.191 DESCRIPTION OF EXPERIENCE REQUIRED FOR REGISTRATION BY EXAMINATION

(a) Pursuant to Section 1.21 of Subchapter B, an Applicant must successfully demonstrate completion of the Intern Development Training Requirement by earning credit for at least 5,600 Training Hours as described in this subchapter.

(b) An Applicant must earn credit for at least 260 Core Minimum Training Hours in the area of pre-design in accordance with the following chart:

Category 1: Pre-Design	Minimum Training Hours Required
Programming	80
Site and Building Analysis	80
Project Cost and Feasibility	40
Planning and Zoning Regulations	60
Core Minimum Hours	260

(c) An Applicant must earn credit for at least 2,600 Core Minimum Training Hours in the area of design in accordance with the following chart:

Category 2: Design	Minimum Training Hours Required
Schematic Design	320
Engineering Systems	360
Construction Cost	120
Codes and Regulations	120
Design Development	320
Construction Documents	1,200
Material Selection and Specification	160
Core Minimum Hours	2,600

(d) An Applicant must earn credit for at least 720 Core Minimum Training Hours in the area of project management in accordance with the following chart:

Category 3: Project Management	Minimum Training
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[Prospective Amendments for Proposal

	Hours Required
Bidding and Contract Negotiation	120
Construction Administration	240
Construction Phase: Observation	120
General Project Management	240
Core Minimum Hours	720

(e) An Applicant must earn credit for at least 160 Core Minimum Training Hours in the area of practice management in accordance with the following chart:

Category 4: Practice Management	Minimum Training Hours Required
Business Operations	80
Leadership and Service	80
Core Minimum Hours	160

(f) An Applicant must earn credit for at least 1,860 elective Training Hours. Credit for elective Training Hours may be earned in any of the categories described in subsections (b) – (e) of this section and/or in other approved activities described in subsection (g) of this section.

(g) An Applicant shall receive credit for Training Hours in accordance with the following chart:

Experience Setting	Maximum Training Hours Awarded
Experience Setting A: Practice of Architecture Training under the Supervision and Control of an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements who works in an organization lawfully engaged in the Practice of Architecture.	No limit Every Applicant must earn at least 1,860 Training Hours in Experience Setting A.
Academic Internships Must meet durational requirements and internship must be completed training in Experience Setting A or Experience Setting O.	Maximum of 930 hours which count toward Minimum Training Hours in Experience Setting A or Experience Setting O.
Training Setting O: Other Work Settings Supervision and Control of an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements who is employed in an organization not engaged in the Practice of Architecture. Supervision and Control of an IDP supervisor who is not licensed in the United States or Canada but who is engaged in	1,860 Training Hours

[Prospective Amendments for Proposal

<p>the Practice of Architecture outside of the United States or Canada.</p> <p>Supervision and Control by a landscape architect or licensed professional engineer (practicing as a structural, civil, mechanical, fire protection, or electrical engineer in the field of building construction.)</p>	
<p>Training Setting S: Supplemental Experience</p> <p>Supplemental Experience for Core Hours Core hours earned through supplemental experience are applied to specific IDP experience areas.</p> <p>Design or Construction Related Employment Design or construction related activities under the direct supervision of a person experienced in the activity (e.g. analysis of existing buildings; planning; programming; design of interior space; review of technical submissions; engaging in building construction activities.)</p> <p>Leadership and Service Qualifying experience is pro bono, in support of an organized activity or in support of a specific organization. There must be an individual who can certify to NCARB that you have performed services in support of the organization.</p> <p>Additional Opportunities for Core Hours A maximum of 40 core hours in each of the IDP experience areas may be earned by completing any combination of these experience opportunities: 1. NCARB’s Emerging Professional’s Companion (EPC): Activities 2. NCARB’s Professional Conduct Monograph 3. Construction Specifications Institute (CSI) Certificate Program: Certified Construction Specifier (CCS) & Certified Construction Contract Administrator (CCCA) 4. Community-Based Design Center/Collaborative 5. Design Competitions 6. Site Visit with Mentor</p> <p>Supplemental Experience for Elective Hours Elective hours earned through supplemental experience are not applied to any specific IDP experience area.</p> <p>Teaching or Research Teaching or research in a NAAB- or CACB-accredited program under the direct supervision of a person experienced in the activity.</p> <p>Additional Opportunities for Elective Hours 1.The Emerging Professional’s Companion (EPC): Exercises 2.Green Building Certification Institute (GBCI) Leadership in Energy and Environmental Design Accredited Professional (LEED AP) Certification 3. Advanced Degrees</p>	<p>930 Training Hours (Maximum)</p> <p>80 Training Hours (Minimum) 320 Training Hours (Maximum)</p> <p>600 Training Hours (Maximum)</p> <p>1,860 Elective Hours</p>

[Prospective Amendments for Proposal

<ul style="list-style-type: none">4. American Institute of Architects (AIA) Continuing Education3. Construction Specifications Institute (CSI) Certificate Program: Construction Documents Technologist (CDT)4. Community-Based Design Center/Collaborative5. Design Competitions6. Site Visit with Mentor	
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INSERT NCARB E-NEWS – PAGE 1

INSERT NCARB E-NEWS – PAGE 2

Rule 7.10 Summary of Prospective Amendments

Current Status of Rule

Rule 7.10 relates to the fees charged by the Board and includes a schedule of fees for specified services or actions by the Board. During the recent Rules Review Process, the Board proposed amendments to Rule 7.10 to eliminate an obsolete fee and to correct a technical error. The Proposed amendments were published on the *Texas Register* on November 23, 2012. There were no public comments made regarding the proposed amendments.

During the Rules Review and while the proposed amendments were published for public comment, the agency was also investigating processes to update the operations of its business registration process. The agency is developing an online renewal process through Texas.gov, the official Web site of Texas which is provided by a third party in partnership with the state.

Through this process, businesses will pay an administrative fee (2.25% plus \$.25) to the third party provider. The third party provider has a contract with the credit card companies and relays payment to them on each transaction. Through the process of investigating and deciding upon this method of on online registration, it was decided that rule 7.10 should be amended to include the administrative fee.

The Sunset Commission Report which published in advance of the legislative session included recommendations to alter some registration fees. The recommendations have been adopted by the Commission and statutory amendments in accordance with the recommendations will be included in the agency's Sunset bill. Specifically, the amendments would require the agency to assess the \$200 professional services fee upon the initial registration of architects. The amendments would also base the 50% and 100% late registration renewal penalty only upon that portion of the renewal fee which is collected by the agency, not the \$200 which is relayed to the Comptroller for deposit in state funds.

Excerpts of the Sunset Staff Report is included as a background document for the recommended rule amendments.

Staff Recommendations

- Withdraw and do not adopt the proposed amendments to Rule 7.10;
- Re-propose those amendments;
- Propose an amendment to provide notice of the administrative charge for business registration and renewal;
- Propose amendments to list the \$200 Professional Services Fee separately from the registration renewal fees which are assessed by the agency; and
- Propose amendments to impose late renewal penalties only upon the renewal fees assessed by the agency.

Note: Pursuant to Section 2001.006, Government Code, an agency may adopt a rule to implement legislation which has not yet taken effect. If the Board proposes rule amendments in anticipation of the passage of the amendments approved by the Sunset Commission, it may adopt them after the session has adjourned but before the legislation takes effect. The rule amendments may not take effect before the legislation does. A copy of Section 2001.006 is included as a background document for the recommended rule amendments.

RULE §7.10 General Fees

- 1 (a) FAILURE TO TIMELY PAY A REGISTRATION RENEWAL WILL RESULT IN THE
 2 AUTOMATIC CANCELLATION OF REGISTRATION BY OPERATION OF LAW.
 3 (b) The following fees shall apply to services provided by the Board in addition to any fee
 4 established elsewhere by the rules and regulations of the Board or by Texas law:

Fee Description	Architects	Landscape Architects	Interior Designers
Exam Application	\$100	\$100	\$100
Examination	****	***	**
<u>Professional Service Fee</u>	<u>*200</u>	<u>*200</u>	<u>*200</u>
Registration by Examination - Resident	\$155	<u>\$155</u> [*\$355]	<u>\$155</u> [*\$355]
Registration by Examination - Nonresident	\$180	*\$380	*\$380
Reciprocal Application	\$150	\$150	\$150
Reciprocal Registration	<u>\$200</u> [*\$400]	<u>\$200</u> [*\$400]	<u>\$200</u> [*\$400]
Active Renewal - Resident	<u>\$105</u> [*\$305]	<u>\$105</u> [*\$305]	<u>\$105</u> [*\$305]
Active Renewal - Nonresident	<u>\$200</u> [*\$400]	<u>\$200</u> [*\$400]	<u>\$200</u> [*\$400]
Active Renewal 1-90 days late - Resident	<u>\$157.50</u> [*\$457.50]	<u>\$157.50</u> [*\$457.50]	<u>\$157.50</u> [*\$457.50]
Active Renewal greater than 90 days late -Resident	<u>\$210</u> [*\$610]	<u>\$210</u> [*\$610]	<u>\$210</u> [*\$610]
Active Renewal 1-90 days late Nonresident	<u>\$300</u> [*\$600]	<u>\$300</u> [*\$600]	<u>\$300</u> [*\$600]
Active Renewal greater than 90 days late - Nonresident	<u>\$400</u> [*\$800]	<u>\$400</u> [*\$800]	<u>\$400</u> [*\$800]
Emeritus Renewal - Resident	\$10	\$10	\$10
Emeritus Renewal - Nonresident	\$10	\$10	\$10
Emeritus Renewal 1-90 days late - Resident	\$15	\$15	\$15
Emeritus Renewal greater than 90days late - Resident	\$20	\$20	\$20
Emeritus Renewal 1-90 days	\$15	\$15	\$15

late - Nonresident			
Emeritus Renewal greater than 90 days late - Nonresident	\$20	\$20	\$20
Annual Business Registration	*****\$30	*****\$30	*****\$30
Business Registration Renewal 1-90 days late	*****\$45	*****\$45	*****\$45
Business Registration Renewal Greater than 90 days late	*****\$60	*****\$60	*****\$60
Inactive Renewal - Resident	\$25	\$25	\$25
Inactive Renewal - Nonresident	\$125	\$125	\$125
Inactive Renewal 1-90 days late - Resident	\$37.50	\$37.50	\$37.50
Inactive Renewal greater than 90 days late - Resident	\$50	\$50	\$50
Inactive Renewal 1-90 days late - Nonresident	\$187.50	\$187.50	\$187.50
Inactive Renewal greater than 90 days late - Nonresident	\$250	\$250	\$250
Reciprocal Reinstatement	\$610	\$610	\$610
Change in Status - Resident	\$65	\$65	\$65
Change in Status - Nonresident	\$95	\$95	\$95
Reinstatement - Resident	\$685	\$685	\$685
Reinstatement - Nonresident	\$775	\$775	\$775
Certificate of Standing - Resident	\$30	\$30	\$30
Certificate of Standing - Nonresident	\$40	\$40	\$40
Replacement or Duplicate Wall Certificate - Resident	\$40	\$40	\$40
Replacement of Duplicate Wall Certificate - Nonresident	\$90	\$90	\$90
Duplicate Pocket Card	\$5	\$5	\$5
Reopen Fee for closed candidate files	\$25	\$25	\$25
[Examination—Administrative Fee]	-	[\$40]	-
Examination - Record Maintenance	\$25	\$25	\$25

Returned Check Fee	\$25	\$25	\$25
Application by Prior Examination	-	-	\$100

1 *This fee is imposed by statute for registration by exam, registration by reciprocity, and for
2 active renewal. [These fees include a \$200 professional fee required by the State of Texas and
3 deposited with] The Board is required to collect the fee and transfer it to the State Comptroller of
4 Public Accounts who deposits \$150 of each fee into the General Revenue Fund and the
5 remaining \$50 of each fee into the Foundation School Fund. [The fee for initial architectural
6 registration by examination does not include the \$200 professional fee. Under the statute, the
7 professional fee is imposed only upon each renewal of architectural registration.]

8 **Examination fees are set by the Board examination provider, the National Council for Interior
9 Design Qualification (“NCIDQ”). Contact the Board or the examination provider for the amount
10 of the fee, and the date and location where each section of the examination is to be given.

11 ***Examination fees are set by the Board’s examination provider, the Council of Landscape
12 Architectural Registration Boards (“CLARB”). Contact the Board or the examination provider
13 for the amount of the fee, and the date and location where each section of the examination is to
14 be given.

15 ****Examination fees are set by the Board’s examination provider, the National Council of
16 Architectural Registration Boards (“NCARB”). Contact the Board or the examination provider
17 for the amount of the fee, and the date and location where each section of the examination will
18 be given.

19 *****This online service is provided by Texas.gov, the official Web site of the State of Texas. In
20 addition to the fees shown in each column, business registrants must pay an additional 2.25%
21 plus \$.25 to cover the ongoing operations and enhancements of Texas.gov which is provided by
22 a third party in partnership with the state. Notwithstanding the amounts shown in each column, a
23 multidisciplinary firm which renders or offers two or more of the regulated professions of
24 architecture, landscape architecture, and interior design is required to pay only a single fee in the
25 same manner as a firm which offers or renders services within a single profession.

26 (e) If a check is submitted to the Board to pay a fee and the bank upon which the check is drawn
27 refuses to pay the check due to insufficient funds, errors in routing [~~touring~~], or bank account
28 number, the fee shall be considered unpaid and any applicable late fees or other penalties accrue.
29 The Board shall impose a processing fee for any check that is returned unpaid by the bank upon
30 which the check is drawn.

31 (f) A Registrant who is in Good Standing or was in Good Standing at the time the Registrant
32 entered into military service shall be exempt from the payment of any fee during any period of

- 1 active duty service in the U.S. military. The exemption under this subsection shall continue
- 2 through the remainder of the fiscal year during which the Registrant's active duty status expires.

Background Document for Prospective Amendment to Rule 7.10 General Fees Excerpts from Sunset Advisory Commission Staff Report

Findings

Licensing provisions of the Board's statute do not follow model licensing practices and could potentially affect the fair treatment of licensees and consumer protection.

- **Professional fees.** The Board's statute requires the collection of a \$200 professional fee from architects, landscape architects, and registered interior designers, which is remitted to the General Revenue Fund.² However, statutory direction to the Board varies in how the fee should be collected for the three professions. For landscape architects and registered interior designers, the fee applies to initial registration and renewal, whereas for architects, it applies only to renewal. In accordance with statute, the Board does not charge architects the professional fee upon initial registration, as it does for the other two professions, resulting in an inconsistent and unfair application of the fee across the three professions the Board regulates. Standard practice is for agencies to impose licensing fees and, where applicable, professional fees, at the time of initial licensing and upon renewal. Clarifying in law that the Board should assess the \$200 professional fee at initial registration and renewal for all three professions would help ensure all applicants for licensure are treated fairly and consistently.

Late renewal of registration. Penalties for late renewal of registration should provide an incentive to licensees to renew on time, but should not be overly punitive. The Board's statute requires the agency to charge licensees renewing up to 90 days late a penalty of one and a half times the normally required renewal fee and to charge licensees renewing more than 90 days late a penalty of twice the normally required renewal fee.³ This provision does not specify that the agency's renewal fee, for the purposes of calculating late payment penalties, should not include the separate \$200 professional fee. Although the professional fee is paid at the time of renewal, it goes straight to General Revenue, and does not support the agency's operations. Including the professional fee in the calculation of the late renewal penalty unfairly increases the penalty for late renewal. A common approach in other agencies' statutes is to separate the late penalty intended to encourage timely renewal from any additional professional fee due at renewal. Clarifying how the Board should calculate its late renewal penalty would help ensure a fair renewal process without affecting incentives for timely renewal.

Recommendations

Change in Statute

2.1 Clarify statute to require the Board to assess the \$200 professional fee at initial registration and renewal for all three regulated professions.

Under this recommendation, statute would be updated to apply the \$200 professional fee for architects at the time of license issuance and not just on renewal. This change would match how statute already applies to landscape architects and registered interior designers, and would reflect the standard practice for many other professions regulated by the State.

2.3 Clarify statute to require the Board to use only its own renewal fee when calculating penalties for late renewal.

Under this recommendation, statute would be updated to require the Board to no longer include the \$200 statutory professional fee when calculating penalties for late renewal. Instead, the Board would use only its own renewal fee when calculating late renewal penalty amounts.

Section 2001.006. ACTIONS PREPARATORY TO IMPLEMENTATION OF STATUTE OR RULE. (a) In this section:

(1) "State agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code, and includes those entities excluded from the general definition of "state agency" under Section 2001.003(7).

(2) Legislation is considered to have "become law" if it has been passed by the legislature and:

(A) the governor has approved it;

(B) the governor has filed it with the secretary of state, having neither approved nor disapproved it;

(C) the time for gubernatorial action has expired under Section 14, Article IV, Texas Constitution, the governor having neither approved nor disapproved it; or

(D) the governor has disapproved it and the legislature has overridden the governor's disapproval in accordance with Section 14, Article IV, Texas Constitution.

(b) In preparation for the implementation of legislation that has become law but has not taken effect, a state agency may adopt a rule or take other administrative action that the agency determines is necessary or appropriate and that the agency would have been authorized to take had the legislation been in effect at the time of the action.

(c) In preparation for the implementation of a rule that has been finally adopted by a state agency but has not taken effect, a state agency may take administrative action that the agency determines is necessary or appropriate and that the agency would have been authorized to take had the rule been in effect at the time of the action.

(d) A rule adopted under Subsection (b) may not take effect earlier than the legislation being implemented takes effect. Administrative action taken under Subsection (b) or (c) may not result in implementation or enforcement of the applicable legislation or rule before the legislation or rule takes effect.

**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:	004-13A
Respondent:	Edward A. Bernard
Location of Respondent:	Roswell, GA
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- Edward A. Bernard (hereafter "Respondent") is registered as an architect in Texas with registration number 21319.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period January 2, 2011 through December 31, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$250.00**.

**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:	078-13A
Respondent:	Robert S. Brooks
Location of Respondent:	Amarillo, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robert S. Brooks (hereafter "Respondent") is registered as an architect in Texas with registration number 10836.
- On November 1, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- On November 26, 2012, the Board received correspondence and a CEPH log for the audit period. In his letter, he indicated that he had made a mistake in his calculation of hours, but had subsequently taken additional hours to correct the mistake.

Applicable Statutory Provisions and Rules:

- By falsely reporting that he had completed the required continuing education in order to renew his registration Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

The Executive Director recommends a total administrative penalty of **\$700.00**.

**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:	080-13A
Respondent:	Dimitri C. Englert
Location of Respondent:	Portland, Oregon
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Dimitri C. Englert (hereafter "Respondent") is registered as an architect in Texas with registration number 18977.
- On October 15, 2011, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of October 1, 2011 through September 30, 2012.
- On November 19, 2012, Respondent submitted a letter to the Board stating that he had moved and was unable to locate all of his continuing education documentation. However, he believed that he was in compliance with the mandatory continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of October 1, 2011 through September 30, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$500.00**.

**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:	044-13I
Respondent:	Julia Evans
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Julia Evans (hereafter "Respondent") is registered as an interior designer in Texas with registration number 957.
- On February 14, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements and she needed to submit her CEPH Log and supporting documentation for the audit period of February 1, 2011 through January 31, 2012.
- On March 15, 2012, the Board received a CEPH Log and supporting documentation with continuing education certificates.
- On March 20, 2012, the Board's Continuing Education Coordinator wrote her again stating that she lacked five of the eight hours of continuing education credits and he was requesting that she respond to his letter.
- Respondent failed to respond to the March 20, 2012 letter.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required number of continuing education hours during the audit period, Respondent violated 22 TEX. ADMIN. CODE § 5.79(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to reply to a Board letter dated March 20, 2012 within 30 days, she violated 22 TEX. ADMIN. CODE § 5.181. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

The Executive Director recommends a total administrative penalty of **\$750.00**.

**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:	050-13I
Respondent:	Allison H. Garza
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Allison H. Garza (hereafter "Respondent") is registered as an interior designer in Texas with registration number 6963.
- On September 17, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- On September 27, 2012, the Board received a letter and some supporting documentation. In her letter, she stated that some of her certificates were stored electronically on her computer and that all of her data had been lost.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of September 1, 2011 through August 31, 2012, Respondent violated Board rule 5.79(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$500.00**.

**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:	241-12A
Respondent:	Joseph E. Gonzales
Location of Respondent:	San Antonio, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Joseph E. Gonzales (hereafter "Respondent") is registered as an architect in Texas with registration number 14319.
- 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 November 1, 2010 through October 31, 2011.
- In addition to completing the required continuing education hours outside of 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 **\$700.00**.
- 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 **\$500.00**.
- 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 **\$250.00** totaling **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$1,700.00**.

**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:	002-13A
Respondent:	Wally Huerta
Location of Respondent:	Houston, TX
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- Wally Huerta (hereafter "Respondent") is registered as an architect in Texas with registration number 4456.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period January 1, 2011 through December 31, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to a written request for information within 30 days Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$250.00**.

**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:	047-13I
Respondent:	Laura LaBard
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Laura LaBard (hereafter "Respondent") is registered as an interior designer in Texas with registration number 9830.
- On September 17, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- On September 24, 2012, Respondent responded by stating that she had been unemployed and dealing with some medical issues for the past year which warranted no imposition of an administrative penalty for her failure to timely complete continuing education responsibilities.

Applicable Statutory Provisions and Rules:

- By falsely reporting that she had completed the required continuing education in order to renew her registration Respondent violated Board rule 5.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

The Executive Director recommends a total administrative penalty of **\$700.00**.

**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:	069-13I
Respondent:	Fulgencio C. LeVrier
Location of Respondent:	Denton, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Fulgencio C. LeVrier (hereafter "Respondent") is a registered interior designer in Texas with registration number 7168.
- On October 8, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of March 1, 2009 through February 28, 2010.
- In his response to the Board's letter, Respondent stated that he was unable to provide the necessary supportive documentation because he neglected to obtain the necessary documentation from the vendors.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of March 1, 2009 through February 28, 2010, Respondent violated Board rule 5.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$500.00**.

**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:	068-13A
Respondent:	Kenneth H. Loose
Location of Respondent:	Arlington, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Kenneth H. Loose (hereafter "Respondent") is registered as an architect in Texas with registration number 11604.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of April 1, 2011 through March 31, 2012.
- In his response, Respondent stated that he had not intentionally failed to timely complete his CE obligations. He had simply miscalculated the amount of hours needed with the audit period.

Applicable Statutory Provisions and Rules:

- 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 **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$500.00**.

**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:	042-13A
Respondent:	James R. McCathren
Location of Respondent:	Abilene, TX
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- James R. McCathren (hereafter "Respondent") is registered as an architect in Texas with registration number 9766.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period February 1, 2011 through January 31, 2012.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to a written request for information within 30 days 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 **\$250.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$250.00**.

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

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

Case Number:	251-12I
Respondent:	Lori McCuaig
Location of Respondent:	El Paso, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Lori McCuaig (hereafter "Respondent") is registered as an interior designer in Texas with registration number 9063.
- On July 17, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of July 1, 2011 through June 30, 2012.
- On July 31, 2012, Respondent responded to the Board's Continuing Education Coordinator with a CEPH Log and supporting documentation for her continuing education requirements. In her response she stated that she did not intentionally falsely certify her continuing education requirements. She did, however, miscalculate the time frame for completing the requirements.
- Respondent was compliant with all CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By falsely reporting that she had completed the required continuing education in order to renew her registration Respondent violated Board rule 5.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

The Executive Director recommends a total administrative penalty of **\$700.00**.

**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:	062-13A
Respondent:	Richard Metersky
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Richard Metersky (hereafter "Respondent") is registered as an architect in Texas with registration number 15184.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of his CE responsibilities in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- 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 **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$1,200.00**.

**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:	083-13A
Respondent:	Dwight D. Miller
Location of Respondent:	Oklahoma City, OK
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Dwight D. Miller (hereafter "Respondent") is registered as an architect in Texas with registration number 16467.
- On September 17, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- On November 16, 2012, Respondent responded and stated that he was having difficulty locating his continuing education requirements. However, he believed that he was in compliance with the mandatory continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of September 1, 2011 through August 31, 2012, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$500.00**.

**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:	079-13A
Respondent:	Timothy K. Parker
Location of Respondent:	Amarillo, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Timothy K. Parker (hereafter "Respondent") is registered as an architect in Texas with registration number 20367.
- On August 16, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- On November 20, 2012, the Board received a CEPH log and supporting documentation for the audit period. In his response, he indicated that he had made a mistake in his calculation of hours, but had subsequently taken additional hours to correct the mistake.

Applicable Statutory Provisions and Rules:

- By falsely reporting that he had completed the required continuing education in order to renew his registration Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

The Executive Director recommends a total administrative penalty of **\$700.00**.

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

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

Case Number:	240-12L
Respondent:	Joe C. Sarabia
Location of Respondent:	Arlington, TX
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- Joe C. Sarabia (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 1820.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period November 1, 2010 through December 31, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written requests for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to two written requests for information within 30 days, Respondent violated Board rule 3.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** for a total of **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$500.00**.

**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:	038-13L
Respondent:	Martha Schwartz
Location of Respondent:	Cambridge, MA
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Martha Schwartz (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2349.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to timely complete her continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of her CE responsibilities in order to renew her landscape architectural registration.
- During the course of staff's investigation Respondent failed to respond to two written requests for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of her online renewal that she was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 3.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 3.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 3.171 which requires that a landscape architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** totaling **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$1,700.00**.

**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:	250-12A
Respondent:	Richard Senelly
Location of Respondent:	Trophy Club, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Richard Senelly (hereafter "Respondent") is registered as an architect in Texas with registration number 18800.
- Based upon the results of an enhanced audit, it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of July 1, 2008 through June 30, 2009.

Applicable Statutory Provisions and Rules:

- 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 **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$500.00**.

**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:	064-13A
Respondent:	Robert J. Sopourn
Location of Respondent:	Coral Springs, FL
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robert J. Sopourn (hereafter "Respondent") is registered as an architect in Texas with registration number 22289.
- On September 17, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of March 1, 2011 through February 29, 2012.
- On October 11, 2012, the Board received correspondence and a CEPH log for the audit period. In his response, he indicated that he had failed to complete one course, but had subsequently taken the course to correct the mistake.

Applicable Statutory Provisions and Rules:

- By falsely reporting that he had completed the required continuing education in order to renew his registration Respondent violated Board rule 1.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

The Executive Director recommends a total administrative penalty of **\$700.00**.

**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:	048-13A
Respondent:	Robert G. Traub
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robert G. Traub (hereafter "Respondent") is registered as an architect in Texas with registration number 14403.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

- 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 **\$500.00**.
- By failing to respond to a written request 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 **\$250.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$750.00**.

**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:	059-13A
Respondent:	Peter R. Veale
Location of Respondent:	Cairo, Egypt
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Peter R. Veale (hereafter "Respondent") is registered as an architect in Texas with registration number 14966.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to timely complete his continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of his CE responsibilities in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- 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 **\$500.00**.

Action Recommended by Executive Director:

The Executive Director recommends an administrative penalty of **\$1,200.00**.

The Texas Board of
Architectural Examiners



Be It Known That
Linda Diane Steinbrueck

Has distinguished herself through her dedicated and conscientious service as a member of this Board from April of 2001 through January of 2013, having been appointed by Governor Rick Perry; and

Whereas, Ms. Steinbrueck, a Registered Landscape Architect, Ms. Steinbrueck has served on the Texas Board of Architectural Examiners since her appointment by Governor Rick Perry in 2001. She practices in Central Texas as President of a landscape architectural and site planning firm, and is a graduate from Kansas State University. and

Whereas, Ms. Steinbrueck in 2001 was appointed for a six-year term to the Texas Board of Architectural Examiners by Governor Rick Perry. Ms. Steinbrueck served as a member of the Rules Committee and the Joint Advisory Committee and served as Chair of the Rules Committee and

Whereas, Ms. Steinbrueck in 2008 was reappointed to serve an additional six -year term by Governor Rick Perry, and

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 31st Day of January, 2013, does publicly acknowledge its appreciation of outstanding board service and have voted unanimously for this

Resolution of Commendation

to Linda Diane Steinbrueck and have caused a copy of this Resolution to be included within the Minutes of this Board.

Alfred Vidaurri, Jr., AIA, AICP
Chair

Chase Bearden
Vice-Chair

Sonya B. Odell, FASID, RID,
AAHID
Secretary/Treasurer

The Texas Board of
Architectural Examiners



Be It Known That
Charles "Chuck" Anastos

Has distinguished himself through his dedicated and conscience service as a member of this Board from May of 2008 through January of 2012, having been appointed by Governor Rick Perry; and during his term having served as Vice-Chairman; as a member of the Architect/Engineer Task Force; as a member and Chairman of the Engineer Review Committee; as a member of the Architect/Engineer Negotiation Team; as a member of the Executive Committee, the Rules Committee and the Joint Advisory Committee; and

Whereas, Mr. Anastos received a Bachelor of Architecture- Design Option from Texas Tech University; and

Whereas, Mr. Anastos has enriched the profession of architecture through his years as president of Chuck Anastos Associates, LLC; and

Whereas, Mr. Anastos has served the public and further distinguished himself by serving as a member of the American Institute of Architects; Texas Society of Architects; and as president, vice president and secretary /treasurer of the American Institute of Architects Corpus Christi Chapter; and as a member and certificate holder of the National Council of Architectural Registration Boards; and

Whereas, Mr. Anastos serves his community as past Board of Governing Trustees of the Art Museum of South Texas, past board member of the Executive Committee of the Corpus Christi Arts Foundation; past member and chairman of the Corpus Christi Arts and Cultural Commission; past member and chairman of the Corpus Christi Municipal Arts Commission; and past member of the Board of Supporting Trustees of the Corpus Christi Arts Foundation, and

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 31st Day of January, 2013, does publicly acknowledge its appreciation of outstanding board service and have voted unanimously for this

Resolution of Commendation

to Charles "Chuck" Anastos, and have caused a copy of this Resolution to be included within the Minutes of this Board.

Alfred Vidaurri, Jr., AIA, AICP
Chair

Chase Bearden
Vice-Chair

Sonya B. Odell, FASID, RID,
AAHID
Secretary/Treasurer

The Texas Board of
Architectural Examiners



Be It Known That
Brandon Pinson

Has distinguished himself through his dedicated and conscientious service as a member of this Board from April of 2008 through January of 2013, having been appointed by Governor Rick Perry; and

Whereas, Mr. Pinson earned a Bachelor of Business Administration in Accounting from Angelo State University and a Doctor of Jurisprudence from Texas Tech University School of Law, and

Whereas, Mr. Pinson, a native Texan born in Lubbock and raised in Brownfield, is the principal of the Pinson Law Firm in Midland, Texas, and

Whereas, Mr. Pinson earned the rank of Eagle Scout and was elected Student Body Vice-President and President at Angelo State University, and

Whereas, Mr. Pinson has served in many civic organizations, including Big Brothers Big Sisters of Midland; Midland County Young Lawyers Association; Midland County Bar Association; Angelo State University Alumni Association; and the First Baptist Church of Midland Foundation, and

Whereas, Mr. Pinson has served Texas as Chair of the Texas Board of Architectural Examiners' Rules Committee, and

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 31st Day of January, 2013, does publicly acknowledge its appreciation of outstanding board service and have voted unanimously for this

Resolution of Commendation

to Brandon Pinson and have caused a copy of this Resolution
to be included within the Minutes of this Board.

Alfred Vidaurri, Jr., AIA, AICP
Chair

Chase Bearden
Vice-Chair

Sonya B. Odell, FASID, RID,
AAHID
Secretary/Treasurer

The Texas Board of
Architectural Examiners



Be It Known That
Beatriz Loera Lewellen

Has distinguished herself through 34 years of dedicated and conscientious service to the State of Texas beginning June of 1971 through January of 2013, having ended her service as the Receptionist with the Texas Board of Architectural Examiners; and

Whereas, Ms. Lewellen received a Certificate of Stenography from the Nixon Clay Business College; and

Whereas, Ms. Lewellen has enriched the administrative support profession as a Stenographer for the Texas Rehabilitation Commission; and

Whereas, Ms. Lewellen has further distinguished herself by serving the state as a Typist for the Texas Department of Transportation; and

Whereas, Ms. Lewellen served as a Stenographer for the Disability Determination Division, Texas Rehabilitation Commission; and

Whereas, Ms. Lewellen served as the Receptionist for the Travis County Agricultural Extension Service; and

Whereas, Ms. Lewellen has culminated her 18 years of dedicated state service as the Receptionist for the Texas Board of Architectural Examiners.

Now, Therefore, Be it Resolved, that the Texas Board of Architectural Examiners in Formal Meeting assembled this 31st Day of January, 2013, does publicly acknowledge its appreciation of outstanding state service and have voted unanimously for this

Resolution of Commendation

To Beatriz Loera Lewellen, and have caused a copy of this Resolution to be included within the Minutes of this Board.

Alfred Vidaurri, Jr., AIA, AICP
Chair

Chase Bearden
Vice-Chair

Sonya B. Odell, FASID, RID,
AAHID
Secretary/Treasurer