

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda

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

333 Guadalupe Street

Austin, Texas

Thursday, June 13, 2019

10:00 a.m. – Conclusion

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

2. **Approval of the February 21, 2019 Board Meeting Minutes (Action)** Debra Dockery

3. **Executive Director Report (Information)** Julie Hildebrand
 - A. Summary of Executive Accomplishments
 - B. Operating Budget/Scholarship:
Presentation on 2nd Quarter Fiscal Year 2019
Expenditures/Revenues**Report on Conferences and Meetings (Information)** Julie Hildebrand
 - C. NCARB Regional Summit/MBE Workshop – Mar 8-11
 - D. CLARB Board Meeting – Mar 8
 - E. 2019 Texas ASLA Annual Conference – Apr 24-25
 - F. NCARB Model Law Task Force – 17 May**Report on Upcoming Conferences and Meetings (Information)**
 - G. 2019 NCARB Annual Business Meeting – Jun 20-22
 - H. NCARB Licensing Advisors Summit – Aug 1-3
 - I. METROCON19 – 8 Aug
 - J. 2019 CLARB Annual Meeting – Sep 26-28

4. **Enforcement Cases (Action)** Lance Brenton
Review and possibly adopt Executive Director's recommendation in the following enforcement cases:
 - A. Registrant/Non-Registrant Cases:**
Chang, Robert T. (#284-18A) and (#187-18A)
Garcia, Mario T. (#296-18N)
Hillert, Jonathan R. (#144-15N)
 - B. CE Cases:**
Adams, Paul E. (#217-19A)
Bekat, Ismail B. (#202-19A)
Ferguson, Marcella H. (#229-19A)
Griggs, Jimmy G. (#205-19A)
Norris, Jean D. (#194-19I)
Pobanz, Pamela R. (#005-18I)

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Board Meeting Agenda

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333 Guadalupe Street

Austin, Texas

Thursday, June 13, 2019

10:00 a.m. – Conclusion

Ross, Janet K. (#215-19I)
Rye, Jacqueline R. (#206-19A)
Snyder, Erich D. (#208-19A)
Trimble, Craig Neil (#222-19A)

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

- | | | |
|-----|---|----------------------------------|
| 5. | Proposed FY20 Operating Budget Discussion (<i>Information</i>) | Julie Hildebrand |
| 6. | Legislative Committee Update (<i>Information</i>)
Bills Relating to Agency Operations | Bob Wetmore/
Julie Hildebrand |
| 7. | Executive Director Annual Performance Evaluation Discussion
(<i>Information</i>) | Debra Dockery |
| 8. | Upcoming Board Meetings (<i>Information</i>)
Tuesday, August 13, 2019
Tuesday, November 19, 2019 | Debra Dockery |
| 9. | Chair's Closing Remarks | Debra Dockery |
| 10. | Adjournment | Debra Dockery |

NOTE:

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

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

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

FREQUENTLY USED ACRONYMS

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of February 21, 2019 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

AGENDA ITEMS

DESCRIPTIONS

1A.

Call to Order

Ms. Dockery called the meeting to order at 9:00 a.m.

1B.

Roll Call

Ms. Walker called the roll.

Present Board Members

Debra Dockery	Chair, Architect Member
Jennifer Walker	Secretary-Treasurer, Architect Member
Charles (Chuck) Anastos	Architect Member
Chase Bearden	Public Member
Robert (Bob) Wetmore	Architect Member
Rosa G. Salazar	Registered Interior Designer
Joyce J. Smith	Public Member
Fernando Trevino	Public Member

1C.

Excused and Unexcused Absences

Michael (Chad) Davis Vice-Chair, Landscape Architect Member

A MOTION WAS MADE AND SECONDED (Bearden/Anastos) TO APPROVE THE EXCUSED ABSENCE OF CHAD DAVIS. THE MOTION PASSED UNANIMOUSLY.

1D.

Determination of a Quorum

A quorum was present.

1E.

Recognition of Guests

Ms. Dockery acknowledged the following members of TBAE staff: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Glenn Garry, Communications Manager; Glenda Best, Operations Manager; Christine Brister, Human Resources; Kenneth Liles, Finance Manager; Jack Stamps, Managing Investigator; Steve Ramirez, Investigator; Dale Dornfeld, IT Manager; Mike Alvarado, Registration Manager; Jackie Blackmore, License and Permit Specialist; Rose Garza, Registration Assistant; and Katherine Crain, Legal Assistant.

Additionally, the following guests were recognized: Thomas Banks, Executive Director for CIDQ; Donna Vining, Executive Director for Texas Association for Interior Design; David Lancaster, Texas Society of Architects; and Becky Walker, Texas Society of Architects.

1F. Chair's Opening Remarks	Ms. Dockery thanked the Board and welcomed the audience. Ms. Dockery remarked upon the recent events in which exam candidates in New York had been found to have violated NCARB's rules relating to the administration of the Architect Registration Examination. Ms. Dockery stressed the importance of the examination, and that it is vital that examinees prove competency by actually gaining the knowledge necessary to pass the exam. Ms. Dockery lauded NCARB for providing notice to the public of the consequences of exam misconduct, and she encouraged TBAE staff to do the same.
1G. Public Comments	None.
2. Approval of November 15, 2018 Board Meeting Minutes	A MOTION WAS MADE AND SECONDED (Walker/Wetmore) TO APPROVE THE NOVEMBER 15, 2018 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY. (Chuck Anastos and Fernando Trevino abstained from voting as they were not present at the last meeting.)
3. Executive Director's Report	Ms. Dockery invited Ms. Hildebrand to deliver the Executive Director's report.
A. Summary of Executive Accomplishments	<p>Ms. Hildebrand provided a report and explanation of Executive accomplishments as summarized on page 15 of the Board materials.</p> <p>Ms. Hildebrand directed the Board to page 16 and provided a report on registration department accomplishments. Ms. Hildebrand noted that exam applications are down from this time last year, but reciprocity is up, with an overall growth in total registrations.</p> <p>Ms. Dockery requested that future versions of this report include figures for in-state and out-of-state registrants.</p> <p>Ms. Smith asked whether these were all active registrants and Ms. Hildebrand stated that the emeritus and inactive registrants were not listed on the summary.</p> <p>Ms. Hildebrand directed the Board to page 17 and provided a summary of enforcement division accomplishments, for which numbers were comparable to last year.</p>
B. Operating Budget/Scholarship Fund: Presentation on	Ms. Hildebrand directed the Board to page 18 of the Board materials and provided a report and explanation of the first quarter of the FY 2019 budget. Ms. Hildebrand also discussed the numbers for the scholarship fund, as summarized on page 19 of the Board materials.

1st Quarter Fiscal Year
2019
Expenditures/Revenues

Report on Conferences and Meetings

Ms. Hildebrand then provided an update to the Board on conferences and meetings.

A.
NCARB Model Law Task Force – *Nov 29*

Ms. Hildebrand shared a summary of her work with the NCARB Model Law Task Force. She discussed the committee’s review of the model statutes. She stated that a review of the model rules was forthcoming.

B.
Governor’s Appointee Training – New Board Members – *Dec 18*

Ms. Hildebrand discussed the training for the new Board members both in the TBAE office and that which was provided through the Governor’s office. Rosa Salazar and Joyce Smith commented on the OAG training and stated that it was very helpful and informative.

C.
CLARB MBE Committee Meeting – *Feb 4*

Ms. Hildebrand reported on her attendance at the CLARB MBE Committee Meeting, which she chaired. She stated that they discussed the annual meeting; applications and procedures; and empowering other boards to be able to respond to and assist legislators.

Report on Upcoming Conferences and Meetings

Next, Ms. Hildebrand discussed upcoming conferences and meetings.

A.
NCARB Regional Summit/MBE Workshop – *Mar 9-11*

Ms. Hildebrand indicated that Debra Dockery, Joyce Smith and Lance Brenton would attend the NCARB Regional Summit.

B.
2019 Texas ASLA Annual Conference – *Apr 24-25*

Ms. Hildebrand stated that Chad Davis, TBAE staff and herself would attend the Texas ASLA meeting in April.

C.
NCARB Model Law Task Force – *May 24*

Ms. Hildebrand said that she would attend the NCARB Model Law Task Force meeting in May.

4. Enforcement Cases Review and possibly adopt ED’s recommendation in the following enforcement cases:

Review and possibly adopt Executive Director’s recommendation in the following enforcement cases:

**4A.
Registrant/
Non-Registrant Cases**

Cameron, John J. (#004-19A) – Mr. Brenton provided a summary of this matter as described on page 20 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Anastos) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$5,000 AS SET FORTH IN THE REVISED REPORT AND NOTICE OF VIOLATION DATED DECEMBER 20, 2018. THE MOTION PASSED UNANIMOUSLY.

Griffin, J. Scott (#121-18N)

Mr. Brenton provided a summary of this matter as described on page 21 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Smith) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$3,000 AS SET FORTH IN THE REVISED REPORT AND NOTICE OF VIOLATION DATED AUGUST 29, 2018. THE MOTION PASSED UNANIMOUSLY.

Herron, Doug (033-18N)

Mr. Brenton provided a summary of this matter as described on page 22 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$1,500 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JANUARY 14, 2019. THE MOTION PASSED UNANIMOUSLY.

Hinkle, Darren H. (#280-18A)

Mr. Brenton provided a summary of this matter as described on page 23 of the Board materials.

A MOTION WAS MADE AND SECONDED (Anastos/Wetmore) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$1,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED OCTOBER 31, 2018. THE MOTION PASSED UNANIMOUSLY.

Pittman, Julian (#089-19A)

Mr. Brenton provided a summary of this matter as described on page 24 of the Board materials.

A MOTION WAS MADE AND SECONDED (Bearden/Walker) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$1,000 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED NOVEMBER 27, 2018.

**4C.
CE Cases**

The Board considered and voted upon the continuing education cases as a group.

A MOTION WAS MADE AND SECONDED (Anastos/Walker) TO ENTER ORDERS WHICH ADOPT THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTIES AS SET FORTH IN THE REPORTS AND NOTICES OF VIOLATION FOR EACH OF THE FOLLOWING CONTINUING EDUCATION CASES:

- Churchill, Stephen T. (#226-171)**
- Dang, Liem (#096-19A)**
- Greer, Todd A. (#199-19A)**
- Grossman, Kenneth M. (#010-19A)**
- Haas, Stanley A. (#085-19A)**
- Herman, Timothy M. (#193-19A)**
- Lambert, Amy (#100-19A)**
- Maclaine, Merissa A. (#086-19I)**
- Vasquez, Samuel, Jr. (#084-19A)**
- Wainscott, Mark A. (#009-19A)**
- Walker, Peter E. (#196-19L)**
- Yeatts, Gordon N. (#094-19A)**

THE MOTION PASSED UNANIMOUSLY.

**5.
Legislative Committee
Update**

Ms. Hildebrand updated the Board on developments in the legislative session. Ms. Hildebrand said that she has discussed the session with Bob Wetmore, the chair of the legislative committee, and they have developed a procedure for updating the Board on important legislation. For notable bills that relate generally to state government, Ms. Hildebrand will email Mr. Wetmore and copy the Chair. Alternatively, for bills that affect the professions, she will email all Board members.

Ms. Hildebrand stated that most of the bills tracked by the agency were general bills that would apply to all agencies, on issues such as employment law, information technology, information security, administrative procedures, and personal financial statements filed by governmental officers. Ms. Hildebrand also discussed bills relating to agency accounting practices and SDSI agencies. Ms. Hildebrand noted a number of bills relating to the use of criminal history information in licensing decisions. She and Mr. Brenton provided analysis and comparison of pending bills relating to this topic.

Ms. Hildebrand also provided a summary of HB1894 which relates to the Board's authority to impose an administrative penalty for a violation of Occupations Code Chapter 1053.

Finally, Ms. Hildebrand discussed SB 922, which adds RIDs to the definition of professional services in the PSPA. Mr. Brenton gave an explanation to the Board about the PSPA process and discussed how the act treats architecture, engineering, and land surveying differently than other listed professional services.

The Board took a break at 10:17 a.m. and reconvened at 10:32 a.m.

**6.
Board Election**

Ms. Dockery stated that she would take nominations for Vice Chair. Ms. Walker nominated Bob Wetmore as Vice Chair. No other nominations were considered.

Ms. Dockery stated that she would take nominations for Secretary/Treasurer. Mr. Anastos nominated Joyce Smith as Secretary/Treasurer.

The Board voted to accept the nominations of Bob Wetmore as Vice Chair and Joyce Smith as Secretary/Treasurer. The Board voted all in favor and the motion passed unanimously.

**7.
Interior Design
Qualification (CIDQ)
Exam Eligibility
Requirements**

Ms. Dockery stated that Thomas Banks from CIDQ was here to make a presentation to the Board.

Mr. Banks thanked the Board for giving him the opportunity to make a presentation. Mr. Banks provided information to the Board about CIDQ and the certification process, as summarized in the Board materials beginning on page 38.

**8.
NCARB Continuing
Education Guidelines**

Ms. Dockery discussed the NCARB guidelines for continuing education, which have been sent out for comment. She invited the Board to address any matters of concern. Ms. Hildebrand noted that staff had reviewed the document and did not have any comments. The Board did not have any comment on the guidelines.

**9.
Freedom by Design
Service Projects**

Ms. Dockery notified the Board of an opportunity for volunteer work with the Freedom by Design program, as discussed on pages 92 -101 of the Board materials. Mr. Garry provided additional information about the program. The Board members were encouraged to consider participation in the program, and to contact Mr. Garry for more information.

**10.
Upcoming Board
Meetings**

Ms. Dockery identified the following dates for the 2019 Board meetings:

June 13, 2019
August 13, 2019
November 19, 2019

Ms. Dockery asked the Board for input about starting the remainder of the 2019 Board meetings at 10:00 a.m. rather than 9:00 a.m. It was suggested that this would allow Board members who drive to the meetings to avoid an overnight stay. The Board briefly discussed the idea and decided to begin the remainder of the meetings at 10:00 a.m.

11.
Chair's Closing Remarks The Chair had no final remarks.

12.
Adjournment A MOTION WAS MADE AND SECONDED (Anastos/Smith) TO ADJOURN THE MEETING AT 11:20 A.M. THE MOTION PASSED UNANIMOUSLY.

APPROVED BY THE BOARD:

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

Summary of Executive Accomplishments: June Board Meeting

February/March

- CLARB/ASLA Web Licensure Summit
- CLARB Region 3 Virtual Meeting
- CLARB Board of Directors Meeting
- NCARB Regional Meeting
- House Licensing and Administrative Procedures Committee Hearing
- Azure Government Innovation Tour - IT

April

- Senate Business and Commerce Committee Hearings (2)
- Presentation at UT – San Antonio and AIA – San Antonio – Registration
- NCARB Pre-Board of Directors Meeting Call
- Foresight First Certification Webcast #1
- CLARB Mid-Year Review Webcast
- Department of Information Resources Information Security Forum
- Texas ASLA Annual Conference and Panel Discussion with Chad Davis and Brent Luck
- Presentation at Grow! (RIDs) – Enforcement

May

- Senate Business and Commerce Committee Hearing
- Foresight First Certification Webcast #2
- NCARB Model Law Task Force Meeting
- NCARB Legislative Session Review Webinar

June

- CLARB CEO Search Committee Meeting
- CLARB Board of Directors Meeting
- Suse Expert Days – IS
- Foresight First Certification Webcast #3
- NCARB Pre-Board of Directors Meeting Call
- Texas Government Data Forum - IS

July

- Foresight First Certification Webcast #3

August

- CLARB Region 3 Virtual Meeting
- NCARB Model Law Task Force Meeting

September

- CLARB Annual Business Meeting – September 26 – 28 – St. Louis, MO

- The 2020 NCARB Annual Business meeting will be held in Austin

Summary of Enforcement Accomplishments FY19

	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
Cases Received and Opened	4	76	4	96	10	10	7	6				
Cases Closed by Investigations – Total	4	57	10	63	7	13	1	1				
Cases Closed by Investigations – TDLR	3	57	9	63	6	10	1	0				
Cases Closed by Investigations – Other*	1	0	1	0	1	3	0	1				
Cases Referred to Legal	8	5	11	8	17	9	5	6				
Average Number of Days to Investigate	51	54	75	78	85	86	78	61				
Notices of Violation by Legal	1	6	3	6	7	5	4	3				
Voluntary Surrenders by Legal	0	0	0	0	0	0	0	0				
Disciplinary Action Entered by the Board	0	0	10	0	0	17	0	0				
Warnings from Executive Director	7	4	6	2	6	9	3	0				
Complaints Filed at SOAH	0	0	0	0	0	0	1	1				
Informal Settlement Conferences Held	0	0	0	0	0	0	0	0				

* No evidence to prove violation

* Not a violation

* Criminal history provisional registration

Registration: April, 2019

Applicants		New Registrants		Registrants (active)		The Rest	
1062 Fiscal Year to Date	+618 Year-over-Year	907 FYTD	+101 YOY	19044 As of month ended	+946 YOY	A survey of the Registration Division's additional accomplishments and activities	
By-examination applications received FYTD, by profession: Architect: 328 RID: 306 <u>LA: 68</u> Subtotal: 702		By-examination registrations issued FYTD, by profession: Architect: 193 RID: 349 <u>LA: 34</u> Subtotal: 576		Architects Resident: 8543 <u>Nonresident: 4793</u> Subtotal: 13336		2710 exam results received FYTD 2524 Arch 0 RID 186 LA	
Reciprocal applications received FYTD, by profession: Architect: 304 RID: 21 <u>LA: 35</u> Subtotal: 360		Reciprocal registrations issued FYTD, by profession: Architect: 293 RID: 5 <u>LA: 33</u> Subtotal: 331		RIDs Resident: 3785 <u>Nonresident: 242</u> Subtotal: 4027		1030 Continuing Education audits conducted FYTD	29 referred to Investigations FYTD
<h2>About this report</h2> <p>FYTD: Fiscal Year to Date. Compares current data to that of the beginning of the current fiscal year.</p> <p>YOY: Year-over-Year. Compares current data to that of 12 months prior.</p>				Landscape Architects Resident: 1220 <u>Nonresident: 461</u> Subtotal: 1681		12 scholarship applications approved FYTD	
				All registrants Resident: 13548 <u>Nonresident: 5496</u> Subtotal: 19044		86 Certificates of Standing issued FYTD	

**Texas Board of Architectural Examiners
Fiscal Year 2019 Budget
Scholarship Fund**

	FY 2019 Budget	FY 2019 Actual Sept. 1, 2018-- February 28, 2019
Operating Fund Beginning Fund Balance:	-	-
Adjusted Beginning Balance	-	-
Scholarship Fund Beginning Balance	\$ 59,827.98	
Total Beginning Scholarship Fund Balance	\$ 59,827.98	\$ 59,827.98
Revenues:		
Scholarship Fees	-	\$ 6,812.96
Total Revenues	-	\$ 6,812.96
Expenditures:		
Operating Expenditures-Scholarship Payments		\$ 9,577.42
Total Expenditures		\$ 9,577.42
Excess/(Deficiency) of Rev. over Exp.	\$ 59,827.98	\$ 57,063.52
Fund Balance	\$ 59,827.98	\$ 57,063.52

Number of Scholarships Awarded

19

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

Figure 1

**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: 284-18A and 187-17A
Respondent: Robert T. Chang
Architectural Registration No.: 11466
Location of Respondent: Dallas, TX
Nature of Violation: Practice Violation by Registrant
Instrument: Agreed Order

Action Recommended by Executive Director:

- The proposed Agreed Order would impose the following terms on the Respondent's architectural registration:
 - Probated suspension of architectural registration for a period of two (2) years;
 - Submission of a quarterly report which identifies all projects for which the Respondent has provided architectural services in the previous three months; and
 - Payment of administrative penalty in the amount of \$10,000.
- The Executive Director recommends the Board adopt and enter the attached Agreed Order, including the findings of fact, conclusions of law, and recommended disciplinary action.

TBAE CASE NOS. 187-18A and 284-18A

IN THE MATTER OF
ROBERT TAIWEN CHANG

§
§
§
§
§
§
§

BEFORE THE TEXAS BOARD

OF

TEXAS ARCHITECT
REGISTRATION NUMBER 11466

ARCHITECTURAL EXAMINERS

AGREED ORDER

On this day, the Texas Board of Architectural Examiners (hereafter “the Board”) considered the matter of ROBERT TAIWEN CHANG, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Texas Occupations Code §1051.752(1)&(6). Respondent waived noticed and hearing and agreed to the entry of this Order approved by Julie Hildebrand, Executive Director, on June 13, 2019. Upon recommendation of its Executive Director, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

1. Prior to the institution of agency proceedings, notice of the matters specified below in the Findings of Fact was served on Respondent, and Respondent was given an opportunity to show compliance with all requirements of law for the retention of the registration.
2. Respondent waived notice and hearing and agreed to the entry of this Order.
3. Respondent is registered as an architect in the State of Texas, in current status.
4. On or about June 23, 2016, the Plano, Texas Building Inspections Department received an application for building permit and associated architectural drawings for a project identified as the *Parker/Preston Professional Building*. The architectural drawings that were submitted with

this application had been designed and issued by a non-registrant. Respondent did not participate in the design or drawing process for this project at any time prior to the date the drawings were submitted to the Plano Building Inspections Department on June 23, 2016.

5. On or about September 16, 2016, Respondent affixed his architectural seal, signature and sealing date to architectural drawings for the *Parker Preston Professional Building* project. Subsequently, these architectural drawings were submitted to the Plano Building Inspections Department for permitting and approval. The drawings that were sealed by Respondent were largely identical to those that had been previously submitted for permitting on June 23, 2016, prior to Respondent's involvement in the project. According to Respondent, the drawings had been provided to him by the non-registrant in August of 2016 and Respondent was not involved in the design or drawing process for the project.
6. On or about January 11, 2018, Respondent issued a set of architectural drawings for the project *Cedar Ridge Assisted Living Facility* located in Plano, Texas. The plans depicted significant design deficiencies and violations of code requirements, including, but not limited to, the following:
 - Building components that failed to meet non-combustible or fire resistance requirements of Type II construction, as required;
 - Stairs used for egress that housed equipment and failed to meet fire resistive rating requirements;
 - Dead-end corridors that exceeded the maximum length permitted by code and licensing standards;
 - Doors in the means of egress from places of assembly that swing against the direction of egress travel;

- Egress corridors used in part as a return air system for the HVAC;
- Failure to depict exit signs and other markings of egress and required emergency lighting;
- Means of egress that terminated in a courtyard that would be enclosed following construction of a planned Phase II construction;
- Resident-use corridors that did not meet width requirements; and
- The absence of required smoke compartments consisting of smoke barriers for each floor used as a health care occupancy.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over Respondent's conduct and may, after notice and hearing, impose an administrative penalty and/or revoke, suspend, or refuse to renew a certificate of registration for violations of the Architects' Practice Act and Board rules. See Tex. Occ. Code §§1051.401, 1051.451, 1051.501(b); 1051.751 and 22 Tex. Admin. Code (Board Rule) §1.141.
2. An architect is subject to discipline under Texas Occupations Code §1051.752(1),(4)&(5) for a violation of Texas Occupations Code Chapter 1051 or a board rule adopted thereunder; gross incompetency in the practice of architecture; and recklessness in the practice of architecture, respectively.
3. Under Board Rule §1.104(a), an architect may not affix or authorize the affixation of his/her seal to any document unless the document was prepared by the architect or under the architect's supervision and control.
4. The evidence shows that the Respondent did not participate in the drawing or design process for the *Parker/Preston Professional Building* and did not exercise supervision and control over the creation of the drawings. By affixing his architectural seal to drawings for the

Parker/Preston Professional Building, Respondent violated Texas Occupations Code §1051.752(1) and Board Rule §1.104(a).

5. Under Board Rule §1.142, an architect may be subject to discipline for gross incompetency for engaging in conduct that provides evidence of an inability or lack of skill or knowledge necessary to discharge the duty and responsibility required of an Architect or conduct that provides evidence of an extreme lack of knowledge of, or an inability or unwillingness to apply, the principles or skills generally expected of a reasonably prudent architect under the same or similar circumstances and conditions.
6. Under Board Rule §1.143, an architect may be subject to discipline for recklessness in the practice of architecture by engaging in action which demonstrates a conscious disregard for compliance with a statute, regulation, code, ordinance, or recognized standard applicable to the design or construction of a particular project when such disregard jeopardizes any person's health, safety, or welfare.
7. The design deficiencies depicted in the architectural plans issued by Respondent for the project *Cedar Ridge Assisted Living Facility Center* were of such seriousness and number to demonstrate that Respondent lacked the knowledge of building code and licensing requirements applicable to the proposed building or lacked the skills to depict these requirements in the drawings; and/or consciously disregarded compliance with statutes, regulations, codes, ordinances, or recognized standards applicable to the design of the project, and that these actions jeopardized the public's health safety, and welfare in jeopardy. Therefore, Respondent is subject to discipline for a violation of Texas Occupations Code §1051.752(4) and /or (5) and Board Rules §1.142 and/or §1.143.

8. In determining the appropriate disciplinary action in this matter, the Board has given consideration to the statutory criteria set forth in Texas Occupations Code §1051.452(b) and Board Rules §§1.165, 1.177 and 1.232.

ORDER

I. SANCTION

IT IS AGREED and ORDERED, subject to the ratification of the Texas Board of Architectural Examiners, that the architectural registration of Respondent is hereby suspended, with the period of suspension stayed. Respondent is hereby placed on probated suspension in accordance with the terms of this Order, for a minimum period of two (2) years commencing upon the effective date of this Order.

II. CONDITIONS OF PROBATION

During the period of probated suspension, RESPONDENT SHALL be entitled to all the rights, benefits and privileges attributable to full registration along with all legal duties and responsibilities of architectural registration, subject to the following conditions:

RESPONDENT SHALL comply in all respects with the Architects' Practice Act, Texas Occupations Code Chapter 1051, the Rules and Regulations Relating to the Practice of Architecture, 22 Tex. Admin. Code Chapter 1, and this Order.

RESPONDENT SHALL, on a quarterly basis beginning August 1, 2019 and continuing every three months thereafter until the end of the probationary period, provide to the Board a report that identifies all projects for which the Respondent has, in the previous three months: issued architectural plans and specifications and/or construction documents; submitted to a building office or other governmental entity for regulatory approval; or provided architectural services of any kind. For purposes of this requirement, "identify" shall mean: the name and location of the

project; the identity and contact information for the client, the building official and/or any other governmental entity responsible for regulatory approval of the project; the date of issuance of plans, if any; and a description of the nature of the services provided by Respondent. Upon receipt of this quarterly report, agency staff may perform an audit of these projects, at its discretion.

RESPONDENT SHALL pay to the Board an administrative penalty in the amount of Ten Thousand Dollars (\$10,000.00) in four equal payments of \$2,500, which are to be received on or before the following dates, without demand: August 1, 2019; November 1, 2019; February 1, 2020; and May 1, 2020.

III. COMPLIANCE

If, during the period of probation, an additional allegation, accusation, or complaint is reported or filed against the Respondent's registration, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

If, during the period of probation, it is found that Respondent failed to comply with any of the terms and conditions of this Order, the entire amount of the administrative penalty shall become due immediately, the probationary period revoked, and the suspension of Respondent's registration enforced for the duration of the remaining two-year period from the entry of this Order. This is separate and apart from any disciplinary action the Respondent may be subject to arising from violations of Texas Occupations Code §1051.752.

Upon full compliance with the terms of this Order, the term of probation shall be lifted, and all encumbrances will be removed from Respondent's registration to practice architecture in the State of Texas.

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

DATED: MARCH 22, 2019.



ROBERT TAIWEN CHANG, Respondent
Texas Architectural Registration No. 11466

Approved as to form and substance:

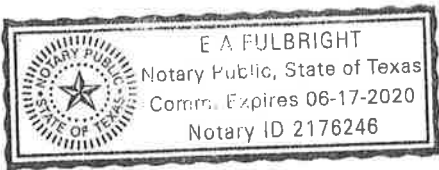


HOLLYE C. FISK
ATTORNEY FOR RESPONDENT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

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

Sworn to and subscribed before me by Robert Taiwen Chang on the 22nd day of March, 2019.



E. A. Fulbright
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Architectural Examiners hereby ratifies and adopts the Agreed Order that was signed on the _____ day of _____, 2019, by ROBERT TAIWEN CHANG, Respondent, and said Order is final.

Effective this the _____ day of _____, 2019.

DEBRA DOCKERY, FAIA
Chair
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

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

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

Case Number: 296-18N
Respondent: Mario T. Garcia
Location of Respondent: San Antonio, Texas
Date of Complaint Received: April 23, 2018
Instrument: Revised Report and Notice of Violation

Findings:

- Mario T. Garcia (hereafter “Respondent”) is the owner of the business *Mario T. Garcia Building Design* in San Antonio, Texas.
- Neither Respondent nor the business is registered to engage in the practice of architecture.
- On or about March 5, 2018, Respondent engaged in the prohibited use of an architectural seal, in that Respondent issued construction documents for a project identified as “American Knuckle Auto Shop” on Wurzbach Road in San Antonio, Texas, that were stamped with the purported architectural seal of William H. Lambeth, architect registration number 20344. The seal included Mr. Lambeth’s name and registration number. However, Mr. Lambeth voluntarily surrendered his architectural registration on August 19, 2016, had no knowledge of the project or Respondent, and did not consent to the use of his seal by Respondent.

Applicable Statutory Provisions and Rules:

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. Tex. Occ. Code §1051.701(a)
- No person or entity may use any form of the word ‘architect’ or ‘architecture’ in its name or to describe the services which it provides unless registered with the Board. Board Rule 1.123.
- A person may not use or attempt to use an architect’s seal, a similar seal, or a replica of the seal unless the use is by or through an architect. Tex. Occ. Code §1051.702(b).
- By using an architect’s seal without the knowledge or consent of the architect and by affixing the seal to the architectural plans on the project, “American Knuckle Auto Shop,” Respondent violated Tex. Occ. Code §1051.701 and 22 Tex. Admin. Code §1.104(c)(2).

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$5,000** as set forth in the Revised Report and Notice of Violation dated October 31, 2018.

**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: 144-15N
Respondent: Jonathan R. Hillert
Location of Respondent: Melrose Park, IL
Date of Complaint Received: July 27, 2015
Instrument: Report and Notice of Violation

Findings:

- Jonathan R. Hillert (hereafter “Respondent”) is a principal in the firm, *L&T Development, LLC*.
- Neither Respondent nor the business is registered to engage in the practice of architecture in Texas.
- *L&T Development, LLC* has never had a full-time architect on its staff nor does it have any business agreements or affiliations with an architect for the provision of architectural services in projects in which it engages in building design.
- In advertising available to the general public, Respondent, individually and by and through his company, *L&T Development LLC* used the title “Architect” on seven different websites, including the following:

www.jonathanhillert.weebly.com
www.linkedin.com/in/jonathanhillert
www.jonathanhillert.wordpress.com/about/
www.about.me/jonathanhillert
www.forl1r.me/jonathanhillert/resume
www.tackk.com/jonathanhillert
www.pinterst.com/jonathanhillert/

Applicable Statutory Provisions and Rules:

- A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect. Tex. Occ. Code §1051.701(a).
- No person or entity may use any form of the word ‘architect’ or ‘architecture’ in its name or to describe the services which it provides unless registered with the Board. Board Rule 1.123.
- By referring to himself as an architect on seven different websites, Respondent unlawfully offered architectural services in violation of Board Rule 1.123.
- By offering architectural services on behalf of *L&T Development, LLC*, on multiple websites, Respondent unlawfully represented the firm as an architectural firm and unlawfully offered architectural services in violation of the Architect’s Practice Act.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$3,500** as set forth in the Report and Notice of Violation dated August 29, 2016.

**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:	217-19A
Respondent:	Paul Eugene Adams
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Paul Eugene Adams (hereafter “Respondent”) is registered as an architect in Texas with registration number 13907.
- On November 17, 2018, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On February 20, 2019, Respondent replied that he could not locate his continuing education certificates.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated March 27, 2019.

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

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

Case Number:	202-19A
Respondent:	Ismail Burak Bekat
Location of Respondent:	Tucson, AZ
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Ismail Burak Bekat (hereafter “Respondent”) is registered as an architect in Texas with registration number 24808.
- On October 15, 2018, Respondent was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On January 10, 2019, Respondent replied that he could not locate his continuing education certificates.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 1.69. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated January 31, 2019.

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

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

Case Number: 229-19A
Respondent: Marcella H. Ferguson
Location of Respondent: San Antonio, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Revised Report and Notice of Violation

Findings:

- Marcella H. Ferguson (hereafter “Respondent”) is a registered architect in Texas with registration number 14308.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:

- By indicating at the time of her online renewal that she was in compliance with the Board’s mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board’s standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Revised Report and Notice of Violation dated May 7, 2019.

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

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

Case Number:	205-19A
Respondent:	Jimmy Glenn Griggs
Location of Respondent:	Atoka, TN
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Jimmy Glenn Griggs (hereafter "Respondent") is a registered architect in Texas with registration number 12875.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board's standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated February 27, 2019.

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

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

Case Number: 194-19I
Respondent: Jean Donnell Norris
Location of Respondent: El Paso, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Jean Donnell Norris (hereafter "Respondent") is a registered interior designer in Texas with registration number 8776.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated January 11, 2019.

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

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

Case Number:	005-18I
Respondent:	Pamela Riley Pobanz
Location of Respondent:	Richardson, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Pamela Riley Pobanz (hereafter “Respondent”) is registered as an interior designer in Texas with registration number 10902.
- On May 15, 2017, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2016 through December 31, 2016.
- On August 20, 2017, Respondent replied that she could not provide certificates for completed continuing education hours.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2016 through December 31, 2016, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated November 7, 2017.

**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:	215-19I
Respondent:	Janet K. Ross
Location of Respondent:	Pearland, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Janet K. Ross (hereafter "Respondent") is registered as an interior designer in Texas with registration number 5444.
- On January 16, 2019, Respondent was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of January 1, 2017 through December 31, 2017.
- On February 14, 2019, Respondent replied that she could not locate her continuing education certificates.
- Subsequently, she completed supplemental CEPH pursuant to Board Rule 5.79(g)(2).

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of January 1, 2017 through December 31, 2017, Respondent violated Board Rule 5.79. The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated February 27, 2019.

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

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

Case Number:	206-19A
Respondent:	Jacqueline Renee Rye
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Jacqueline Renee Rye (hereafter “Respondent”) is registered as an architect in Texas with registration number 26055.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete her continuing education requirements for the audit period of January 1, 2017 through December 31, 2017 but completed them prior to the renewal of her architectural registration.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated February 26, 2019.

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

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

Case Number:	208-19A
Respondent:	Erich Deeg Snyder
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Erich Deeg Snyder (hereafter "Respondent") is a registered architect in Texas with registration number 24460.
- Based upon the results of a random continuing education audit, it was determined that Respondent falsely reported continuing education compliance to the Board for the audit period of January 1, 2017 through December 31, 2017.
- Subsequently, he completed supplemental CEPH pursuant to Board Rule 1.69(g)(2).

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board Rule 1.69. The Board's standard assessment for providing false information is **\$700**.

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$700** as set forth in the Report and Notice of Violation dated February 26, 2019.

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

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

Case Number:	222-19A
Respondent:	Craig Neil Trimble
Location of Respondent:	Arlington, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Craig Neil Trimble (hereafter "Respondent") is registered as an architect in Texas with registration number 8414.
- Based upon the results of a random continuing education audit, it was determined that Respondent failed to complete his continuing education requirements for the audit period of January 1, 2018 through December 31, 2018, but completed them prior to the renewal of his architectural registration.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- Enter an Order which adopts the findings of fact, conclusions of law, and recommended administrative penalty of **\$500** as set forth in the Report and Notice of Violation dated April 17, 2019.

**Texas Board of Architectural Examiners
Proposed Fiscal Year 2020 Budget**

	FY 2019 Approved Budget	FY 2019 Projected through 8/31/19	FY 2020 Proposed Budget
Revenues:			
Licenses & Fees	2,752,000	\$ 2,867,997	\$ 2,834,486
Business Registration Fees	124,000	\$ 135,072	\$ 127,000
Late Fee Payments	134,000	\$ 149,299	\$ 138,000
Other	4,000	\$ 6,575	\$ 5,000
Interest	22,000	\$ 42,978	\$ 40,000
Potential Draw on Fund Balance	13,220		
Total Revenues	3,049,220	\$ 3,201,921	\$ 3,144,486
Expenditures:			
Salaries and Wages	1,629,381	\$ 1,629,381	\$ 1,678,263
Payroll Related Costs	567,839	\$ 567,839	\$ 578,723
Professional Fees & Services	25,000	\$ 25,000	\$ 30,000
Travel			
Board Travel	24,000	\$ 19,114	\$ 24,000
Staff Travel	19,000	\$ 18,456	\$ 20,000
Office Supplies	7,000	\$ 7,728	\$ 8,000
Postage	8,000	\$ 11,991	\$ 12,000
Communication and Utilities	15,000	\$ 16,540	\$ 17,000
Repairs and Maintenance	1,000	\$ 1,000	\$ 1,000
SWCAP Payment with Office Rental	113,000	\$ 116,000	\$ 116,000
Equipment Leases--Copiers	9,000	\$ 7,262	\$ 8,000
Printing	5,000	\$ 6,169	\$ 6,500
Operating Expenditures	26,000	\$ 28,000	\$ 28,000
Registration Fees--Employee Training	9,000	\$ 9,000	\$ 10,000
Membership Dues	21,000	\$ 20,116	\$ 21,000
Payment to GR	510,000	\$ 510,000	\$ 510,000
Information Technology	60,000	\$ 60,000	\$ 55,000
Information Security	-	\$ -	\$ 21,000
Total Expenditures	3,049,220	\$ 3,053,596	\$ 3,144,486
Excess/ (Deficiency) of Rev over Exp.	-	148,325	-

Bill Number	Description	Agency Action	Due Date
Hobby Bldg.			
HB 1349	authorizing the sale of the Hobby Building by the Texas Facilities commission on behalf of the state	Relocate	Unknown
RIDs			
HB 1894	repeal of the criminal penalty for a violation of the interior designers licensing law	None	NA
HB 2868	procurement of interior design services by a governmental entity	None	NA
Architects			
HB 852	information a municipality may consider in determining the amount of certain building permit and inspection fees	None	NA
Others			
HB 1523	transfer of the regulation of land surveyors to the Texas Board of Professional Engineers and Land Surveyors	None	NA
HB 1311	continuation and functions of the Texas Board of Professional Geoscientists	None	NA
HR			
HB 41	paid leave for a state employee who is a search and rescue volunteer	Update P&Ps	09/01/19
HB 1074	prohibition against age discrimination in certain employment training programs	Update P&Ps	09/01/19
SB 370	employment protections for jury service	Update P&Ps	09/01/19
Contracts			
HB793	certain government contracts with companies that boycott Israel	None	NA

Common Sunset Bill Themes:

- Board Member Training
- Complaint Confidentiality
- Public Comment at Board Meetings

Executive Director Performance Evaluation Timeline & Process

July 2, 2019	At the direction of the Board Chair, the Operations Manager emails evaluation tools to the Board to provide their perspectives based on the current Executive Director evaluation cycle, requesting a two-week turnaround. Included in the email are: <ol style="list-style-type: none"> 1. Evaluation Timeline (<i>August 13, Board Meeting Deadline</i>) 2. Performance Evaluation Form (<i>Board Approved</i>) 3. Executive Director Job Description (<i>Board Approved</i>) 4. Executive Director Self-Assessment (<i>Board Approved</i>) 5. EA-009 – Executive Director Evaluation Policy (<i>Agency Policy</i>) 6. 2019 Executive Director Measurable Performance Goals (<i>Board Approved</i>)
July 26, 2019	Board members will complete the Performance Evaluation form and return the completed forms to the Operations Manager by close of business on July 26.
July 29, 2019	Operations Manager follows up with non-respondents.
August 1, 2019	Operations Manager tabulates the individual evaluations, summarizes them and prepares an aggregate of the total scores for each evaluation category and prepares the final scoring matrix.
August 2, 2019	<ol style="list-style-type: none"> 1. Operations Manager distributes a confidential hard-copy packet of the completed scoring matrix to each Board member. 2. The Board Chair receives the complete evaluation packet and completes a review of the Board members evaluations and the Executive Director's self-evaluation; agrees on key points to be covered in the review meeting. The Board chair may solicit input from relevant stakeholders, results of surveys (e.g., Survey of Employee Engagement, and Customer Service Survey.)
August 13, 2019	<p>The Board first meets in executive session to discuss the evaluation and Executive Director's future attainable goals and objectives. The Board may take this opportunity to draw-out, reinforce or elaborate on any priorities, expectations, and performance objectives to consider for the next performance evaluation cycle.</p> <p>The Board may reflect on a proposal to proceed and adjust the Executive Director's compensation.</p>
August 13, 2019	<p>The Board continues in executive session to:</p> <ol style="list-style-type: none"> 1. discuss between them a Board decision to adjust the Executive Director salary and award a merit-based compensation for the current rating period; 2. discuss Board statements on any objectives it wants met in the future; 3. share the Board's Evaluation results with the Executive Director orally and in writing; and 4. the Board Chair and the Executive Director sign the Performance Evaluation Report and the all-inclusive Board evaluation packet then becomes an official record and made a part of the Executive Director's personnel file.
August 13, 2019	The Chair approves the specific and measurable performance goals for next year with input from the full Board. Goals discussed with the Executive Director.
August 13, 2019	The Operations Manager will submit a memorandum from the TBAE Board Chair to the Commissioner Glenn Hager, Comptroller of Public Accounts, regarding the Board compensation recommendation, effective September 1, 2019.



EXECUTIVE DIRECTOR PERFORMANCE EVALUATION

RATED PERIOD: FROM: **SEPTEMBER 1, 2018** TO: **AUGUST 31, 2019**

NAME OF BOARD MEMBER:

INSTRUCTIONS: Each member of the Board shall rate the Executive Director on each evaluation item. The numerical ratings must be supported by comments giving rationale and as much objective evidence as possible. The Board Presiding Officer shall tally the scores and determine a composite Board numerical average for each item. The Executive Director and each Board member shall be given a copy of the Board's composite evaluation. The results shall be discussed in executive session.

The following criteria shall be the basis for determining numerical ratings:

- 5 – Always
 - 4 – Often
 - 3 – Sometimes
 - 2 – Seldom
 - 1 – Never
- Don't Know or Not Applicable will not be scored.

PLACE APPROPRIATE NUMBER IN BLANK AND WRITE COMMENTS FOR EACH TOPIC:

		<u>OVERALL RATING</u>	_____
1.	GOALS AND OBJECTIVES		
	a. Demonstrates an understanding of the Board's Mission and Philosophy		_____
	b. Understands the priorities for the Board		_____
	c. Expresses vision and enables others to translate vision into action		_____
	d. Develops goals and objectives for the agency		_____
	e. Maintains long and short-range strategic planning processes		_____
	f. Demonstrates a knowledge of external issues impacting the agency		_____

COMMENTS: _____

OVERALL RATING _____

2. EFFECTIVENESS

- a. Organizes workload and personnel for maximum efficiency _____
- b. Anticipates future needs and acts to meet them in an orderly way _____
- c. Identifies better, faster or more efficient and less expensive ways to operate _____
- d. Anticipates problems and develops contingency plans _____

COMMENTS: _____

OVERALL RATING _____

3. PROBLEM SOLVING

- a. Searches for and recognizes appropriate solutions to problems _____
- b. Perceives the essentials of a problem _____
- c. Considers many options before making a decision _____
- d. Considers the long-term implications of current decisions _____

COMMENTS: _____

OVERALL RATING _____

4. COMMUNICATION

- a. Establishes and maintains an effective system of communication with stakeholders _____
- b. Speaks effectively in public and private, expressing ideas logically and correctly _____
- c. Fosters open communication and listens to understand others' perspective _____
- d. Maintains confidentiality and appropriately communicates sensitive information _____
- e. Prepares and submits timely and accurate state-required reports _____

COMMENTS: _____

OVERALL RATING _____

5. PERSONNEL

- a. Recruits and assigns best available personnel in terms of competence _____
- b. Develops and executes sound personnel policies and practices _____
- c. Develops recommendation for salary schedules within budgetary limits _____
- d. Conducts an effective staff evaluation and counseling program _____

COMMENTS: _____

OVERALL RATING _____

6. DELEGATION

- a. Appropriately assigns tasks to subordinates _____
- b. Accepts responsibility for own actions and those of subordinates _____
- c. Fosters and values a diverse environment _____
- d. Hires and retains appropriate staff and conducts workforce and succession planning _____

COMMENTS: _____

OVERALL RATING _____

7. BUSINESS AND FINANCE

- a. Provides for appropriate involvement of Board in budget development _____
- b. Evaluates financial needs and recommends adequate financing of agency operations _____
- c. Ensures that funds are expended in accordance with the budget _____
- d. Maintains adequate accounting procedures and records _____
- e. Maintains accurate and proper accountability of agency's office, facilities, equipment and supplies _____
- f. Provides accurate and timely financial information to the Board _____

COMMENTS: _____

OVERALL RATING _____

8. RELATIONSHIP WITH THE BOARD

- a. Prepares agenda and other materials in cooperation with the Chair _____
- b. Attends and participates appropriately in all meetings of the Board _____
- c. Orients newly appointed Board Members and provides training for all Board Members on an on-going basis _____
- d. Keeps Board informed on trends, issues, needs, and operation of the agency _____
- e. Appropriately refers matters to the Board for input or action _____
- f. Makes informed and accurate recommendations on matters requiring Board action _____
- g. Interprets and executes Board policies and direction _____

COMMENTS: _____

OVERALL RATING _____

RELATIONSHIP WITH THE COMMUNITY

- a. Develops cooperative relationships with professional registrants and organizations _____
- b. Develops cooperative relationships with legislators and other agency officials _____
- c. Works effectively with the public and media _____
- d. Resolves conflict in a way helpful to the agency _____
- e. Participates actively in national regulatory board associations _____

COMMENTS: _____

OVERALL RATING _____

10. PERSONAL ATTRIBUTES AND DEVELOPMENT

- a. Leads by example with the Board's values _____
- b. Uses applicable professional standards and establishes procedures _____
- c. Identifies ethical dilemmas and takes action _____
- d. Follows through on commitments _____
- e. Displays honesty and is forthright with others _____
- f. Treats others with respect _____
- g. Exhibits the managerial courage to make difficult and hard decisions _____
- h. Receives feedback non-defensively _____
- i. Maintains health and energy necessary to perform duties _____
- j. Maintains neat appearance and is well groomed _____
- k. Pursues professional development by study, course work, conference attendance, and professional activities _____
- l. Supports and encourages development of staff through in-service education and other professional development programs _____

COMMENTS: _____

List one to three strongest areas of the Executive Director's performance during the past year?

1. _____

2. _____

3. _____

List one to three areas most in need of improvement during the coming period?

1. _____

2. _____

3. _____

List one to three areas that should be the Executive Director's specific performance goals for the next year.

1. _____

2. _____

3. _____

Signature: _____
Board Member

Date: _____

TBAE EVENT CALENDAR 2019

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- CLARB Board Meeting Reston, VA
- 24 Christmas Eve (Closed)
- 25 Christmas Day (Closed)
- 26 Day after Christmas (Closed)
- 27 Agency Holiday (Skeleton)
- 30 Agency Holiday (Skeleton)
- 31 Agency Holiday (Skeleton)