

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda  
The William P. Hobby Jr. Bldg., Tower III, Room 102  
333 Guadalupe Street  
Austin, Texas  
Thursday & Friday, June 16 – 17, 2011  
9:00 a.m.

1. **Preliminary Matters**
  - A. Call to order Alfred Vidaurri
  - B. Roll call Chase Bearden
  - C. Excused and unexcused absences
  - D. Determination of a quorum Alfred Vidaurri
  - E. Recognition of guests
  - F. Chair's opening remarks
  - G. Public comments
  
2. **Introduction of New Board Members** (*Information*) Alfred Vidaurri  
Debra J. Dockery, San Antonio – Architect Board Member  
Sonya B. Odell, Dallas – Interior Designer Board Member  
Paula Ann Miller, The Woodlands – Public Member
  
3. **Approval of the January 24, 2011, Board Meeting Minutes** Alfred Vidaurri  
(*Action*)
  
4. **Executive Director Report - Agency Update** (*Information*) Cathy Hendricks/  
Scott Gibson
  - A. Budget Review
  - B. Agency Review of Certain Accounting Processes**Report on Conferences and Meetings** (*Information*)
  - C. CLARB 2011 Spring Meeting (*February 25-26, 2011*)
  - D. NCARB Mid-Atlantic Conference (*March 10-12, 2011*)**Legislative Report/Update** (*Information*)
  - A. House Bill 2284 – Relating to the Practice of Architecture and Engineering
  - B. Senate Bill 652 – Relating to Governmental Entities subject to the Sunset review process
  
5. **Prospective rule revisions to implement HB 2284 upon taking effect** Scott Gibson  
(*Action*)
  - A. Amend Rule §7.10 to include an application fee to recover the costs of review and processing applications filed by engineers to engage in architecture under the bill
  - B. Repeal Rule §1.12 relating to the joint advisory committee on architecture and engineering
  - C. Amend or repeal Rule §1.210 relating to the meaning of the term “architectural plans and specifications” under certain circumstances

6. **Report of Rules Committee** (*Action item cancelled*)

Brandon Pinson

7. **Enforcement Cases** (*Action*)

Michael Shirk

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

**A. Registrants:**

Bogges, David (#027-11A – TDLR)

Cowan, Stanley R. (#018-10L)

Walker, David Lee (#107-09A)

**B. Continuing Education:**

Engel, Douglas (#048-11A)

Epperson, Donald (#060-11A)

Kennedy, Michael (#081-11A)

Key, Delores (#111-08I)

Kuan, Niann Chyi Kevin (#058-11A)

Lawrence, Mell (#083-11A)

McCracken, William Laurin (#053-11A)

Rabke, Perry (#084-11A)

Zickler, Anissa S. (#045-11A)

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

8. **National Council of Architectural Registration Boards (NCARB)**  
**Resolutions to be acted upon at the 2011 Annual Meeting and Conference,**  
**May 2011 – Direction to TBAE delegates** (*Action*)

Alfred Vidaurri

A. **Resolution 2011-01** – *Legislative Guidelines, Model Law and Model Regulations* Amendments – Changes to Continuing Education Requirements

B. **Resolution 2011-02** – *Model Regulations* Amendment – Changes to the IDP Training Requirements for Initial Registration Standards

C. **Resolution 2011-03** – *Handbook for Interns and Architects* Amendment – Modifications to BEA Requirements

D. **Resolution 2011-04** – *Handbook for Interns and Architects* Amendment – Requirements for Certification of Foreign Architects

E. **Resolution 2011-05** – *Handbook for Interns and Architects* Amendment – Correction of ARE 4.0 Exam Equivalents

F. **Resolution 2011-06** – *Handbook for Interns and Architects* Amendment – Reinstatement of Revoked Certificate

G. **Resolution 2011-07** – *Handbook for Interns and Architects* Amendment – Definition of “In Process”

H. **Resolution 2011-08** – *Bylaws* Amendment – Membership Dues

I. **Resolution 2011-09** – *Bylaws* Amendment – Audit Committee

J. **Resolution 2011-10** – *Bylaws* Amendment – Treasurer's Responsibilities

K. **Resolution 2011-11** – *Bylaws* Amendment – Committee Descriptions

L. **Resolution 2011-12** – *Bylaws* Amendment – Reinstatement of Membership

M. **Resolution 2011-13** – *Bylaws* Amendment – Omnibus Incidental Bylaw Changes

9. **Legal counsel briefing on recent developments regarding litigation** Ted Ross
- A. TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director
  - B. Richardson, Rogers and Winton v. TBAE

***The Board may meet in closed session to confer with legal counsel regarding pending litigation and offers of settlement pursuant to TEX. GOV'T CODE ANN. §551.071(1)***

10. **Chair's Closing Remarks** Alfred Vidaurri
11. **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.*
- *An electronic version of the Board meeting notebook can be accessed from our website at <http://www.tbae.state.tx.us/documents/JUN2011BOARDNOTEBOOK.pdf>*

**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**

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



The Texas Board of Architectural Examiners (TBAE) has learned from Governor Rick Perry of three newly appointed Board Members. The new Members will replace outgoing appointees Rosemary Gammon of Plano, Peggy "Lew" Vassberg of Lyford, and James Walker, II of Houston. The Board and staff offer their deepest thanks to the outgoing Members for their dedication and service to the people of Texas.

Debra J. Dockery, AIA of San Antonio is the Board's new Architect Member, replacing Mr. Walker. First registered as a Texas architect in 1987, Ms. Dockery is principal and president of her own award-winning architectural firm, established in 1989. Ms. Dockery holds a Masters of Architecture degree from Texas A&M University.

Paula Ann Miller of The Woodlands is the new Public Member of the Board, replacing Ms. Gammon. Mrs. Miller serves as president of P.A. Miller Consulting, Inc., a firm providing expert testimony in litigation, and holds two advanced degrees in business.

Sonya Odell FASID, RID, AAHID of Dallas replaces Ms. Vassberg as the Board's new Registered Interior Designer (RID) Member. A Coach Advisor at consulting firm Wayne O'Neill and Associates, she has been an RID since 1993. Mrs. Odell passed the National Council for Interior Design Qualifications examination and is a certificate holder of that organization.

"On behalf of the staff of the Texas Board of Architectural Examiners," said TBAE Executive Director Cathy L. Hendricks, RID, "I'd like to welcome our three new Members, and we look forward to protecting the interests of the people of Texas together."

# TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## Minutes of January 24, 2011 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower I, Conference Room 225

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 9:04 a.m.

#### B. Roll Call

Secretary/Treasurer, James S. Walker II, called the roll. A quorum was present.

#### Present

Alfred Vidaurri, Jr.	Chair
Lew Vassberg	Vice-Chair
James S. Walker II	Secretary/Treasurer
Charles H. (Chuck) Anastos	Member
Chase Bearden	Member
Bert Mijares, Jr.	Member
Brandon Pinson	Member
Diane Steinbrueck	Member

#### Late

Rosemary Gammon	Member
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#### TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Penny Black	Accounting Staff
Jackie Blackmore	Registration Staff
Christine Brister	Staff Services & Human Resources Officer
Katherine Crain	Legal Assistant
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Director of Registration
Julio Martinez	Network Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

#### E. Recognition of Guests

Guests were as follows: Anne McGinnis, Texas Landscape Architect and Texas Chapter of American Society of Landscape Architects, Ted Ross, Counsel to the Board from the Attorney General's Office, Donna Vining, Texas Association for Interior Design.

#### F. Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He noted that this is the first meeting of the New Year. The year

ushers in lots of new events and actions: the Legislature convenes this year, he felt optimistic there would be a resolution to the architect/engineer overlap issue, there will be new members on the Board this year, and indications are that the economy will continue to recover over the year. The start of a New Year is a good time to recommit to housekeeping resolutions for the Board: arrive on time, do not interrupt a member who has the floor, and always remember everything said in a meeting is recorded even if it is under your breath. Please remember to obtain the floor before speaking and follow the rules of procedure for orderly and efficient meetings.

#### **G. Public Comment**

The Chair recognized one person who registered for public comment. Jeri Morey, an architect from Corpus Christi, Texas, addressed two issues from comments in the draft minutes. First, the draft minutes include a statement that under the BIM model, architects play a different role than in the past and cannot be held accountable for errors and omissions in projects because under the BIM process, designs are developed collaboratively with clients, other design professionals, and contractors. Ms. Morey disagreed with that statement and noted architects should remain responsible for safety on all parts of a project. If there is an agreement by which one architect assumes responsibility for work performed in collaboration with another, the agreement should be shared with the Board. Otherwise, both architects should be held equally accountable. The second issue had to do with the discussion of reporting architectural liability to the Board, as it appeared in the draft minutes. Ms. Morey stated she had reviewed several reported decisions from the appellate courts. In those cases, architects frequently appear to be surprised by the opinions issued by architectural experts. Ms. Morey proposed that the Board should obtain copies of the certificates of merits issued by experts in litigation against architects. Based upon a review of those expert opinions, the Board could establish a standard of care for architects. Once the standard is established, architects will no longer be surprised by standards applied to them by experts.

#### **2. Presentation of Retirement Certificate of Recognition for Lucy Sweeney**

The Chair read a proclamation for Lucy Sweeney into the record. Ms. Sweeney worked at TBAE from January 29, 1997 through November 2010.

#### **3. Approval of the October 24-25, 2010, Board Meeting Minutes**

The Board had been given two sets of minutes for October 2010. The General Counsel explained the difference between the original draft minutes and the replacement minutes which include an entire written statement which had been read at the meeting. A MOTION WAS MADE AND SECONDED (Anastos/Steinbrueck) TO APPROVE THE OCTOBER 24-25, 2010 BOARD MEETING MINUTES AS REVISED. THE MOTION PASSED UNANIMOUSLY.

Rosemary Gammon arrived at 10:10 a.m.

#### **4. Legal counsel briefing regarding pending litigation**

**A.** TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director.

**B.** Richardson, Rogers and Winton v. TBAE

**The Board went into to closed session for a briefing on the pending litigation with Assistant Attorney General, Ted Ross at 9:25 a.m. and adjourned at 10:48 a.m.**

**The Board returned to open session and took a break from 10:56 a.m. until 11:06 a.m. when it reconvened.**

**5. Executive Director Report**

- A. Budget**
  - Reserve Fund Balance Policy
  - Budget Analysis through December 31, 2010

The Chair recognized the Executive Director to discuss the agency budget. The Executive Director introduced Penny Black, the agency's new Accounting Manager. The Executive Director pointed out to the Board the implementation of the Reserve Fund Balance policy adopted by the Board at the last meeting. The fund is to be kept at the Safekeeping Trust. The Executive Director made a proposal to revise the budget to restore funding for IT expenditures. A MOTION WAS MADE (Anastos/Gammon) TO APPROVE THE REVISED BUDGET WITH THE \$91,000.00 EXCEPTIONAL ITEMS INCLUDED AND MOVE THE ENDING FUND BALANCE INTO THE SIX MONTH RESERVE FUND. Further discussion ensued amongst Board members regarding the motion. AN AMENDMENT WAS MADE (Anastos/Gammon) AND SECONDED TO ADJUST THE RESERVE IN THE BUDGET TO \$1.5. THE MOTION PASSED BY A VOTE OF 7-1 (WALKER OPPOSED).

**The Board recessed at noon for lunch. The Chair called the meeting to order at 1:05 p.m. Mr. Bearden did not return.**

**5. Executive Director Report**

- B. Enforcement**
- C. Registration**

The Executive Director presented information regarding enforcement efforts and case load numbers. The Executive Director also reported upon the agency's communications strategy and outreach, noting a substantial increase from 2009 to 2010. She also reported upon a plan she has to hold a continuing education program in spring 2012 for 6 hours of continuing education credit. The Executive Director also reported upon the number of examination candidates, the number of registrants and the ratio of in-state to out-of-state registrants. In addition, the Board had a further discussion regarding registration trends across the years within the agency. The Chair opined that staff should prepare charts which display the percentages of active, inactive, and emeritus registrants.

**6. Report on Conferences and Meetings**

- A. NCARB MBE Conference, New Orleans, Louisiana (November 4-6, 2010)**

The Chair reported to the Board on the meeting and stated that he, the Executive Director and Chuck Anastos attended the meeting. It was reported that NCARB is in the process of a very thorough strategic planning process and are conducting a search for a new Executive Vice President. It was also reported that NCARB is making efforts to standardize the amount of continuing education required for architects and the process for reporting continuing education. The Chair reported legal counsel for NCARB as well as representatives from other



jurisdictions did not express concern over NCARB's recent changes reducing the amount of scrutiny over the work of interns by supervising architects.

**B. NCIDQ Annual Council of Delegates Meeting & NCIDQ Virtual Annual Webinar (November 11-13, 2010)**

The Executive Director reported that she and staff members, Mary Helmcamp and Jackie Blackmore attended the webinar from the office. The Chair and Board member Chuck Anastos connected from their offices. The Executive Director reported that the webinar went well and was very cost-effective compared to holding a meeting. The Executive Director reported upon challenges NCIDQ is facing in implementing a continuing education log for interior designers, implementation of a broadly experienced interior designer program, the publication of a new book on interior design by two professors from the University of Minnesota, and fewer people are sitting for the NCIDQ examination. Mr. Anastos reported that it was an interesting format and he discerned an apparent disagreement between AIA and NCIDQ over interior design licensure.

**C. Design Futures Council – Leadership Summit on Design Innovation & Technology, La Jolla, CA (January 12-14, 2010)**

The Executive Director reported to the Board on the meeting and gave details regarding the expansion of technology, emphasis on customer service, innovative design, issues regarding future leadership in the architectural profession arising from architects leaving the profession, and Building Information Modeling (BIM).

**The Board recessed at 1:58 p.m. and reconvened at 2:16 p.m.**

**7. General Counsel Report**

**Proposed Rules for Adoption**

- A.** Rules §1.21, §3.21, §5.31 to eliminate “grandfather” provisions in order to apply the same prerequisites for registration to each applicant regardless of when the applicant began his or her education or experience. A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO ADOPT PROPOSED AMENDMENTS TO RULES §1.21, §3.21, AND §5.31. THE MOTION PASSED UNANIMOUSLY.
- B.** Rules §5.31 and §5.202 to allow candidates the option of completing an interior design experience program administered by the National Council for Interior Design Qualification (NCIDQ) for registration in lieu of fulfilling the experience requirements currently in the rule. The rule maintains the current requirements and creates the option of completing the NCIDQ program. A MOTION WAS MADE AND SECONDED (Pinson/Vassberg) TO ADOPT PROPOSED AMENDMENTS TO RULES §5.31 AND §5.202. THE MOTION PASSED UNANIMOUSLY.
- C.** Rules §1.5, §1.191, §1.192 to modify the architectural intern development program (IDP) to conform to national standards and to increase the number of hours necessary to successfully complete the program. The Board debated provisions relating to the modification of the level of oversight of interns under the NCARB changes. A MOTION WAS MADE AND SECONDED (Mijares/Walker) TO ADOPT PROPOSED AMENDMENTS TO RULES §1.5, §1.191, AND §1.192

FOR ADOPTION. THE MOTION PASSED BY A VOTE OF 4-3 (Pinson, Anastos and Gammon voted against adoption. Bearden did not vote.)

- D. Rule §7.5 to implement modifications to Robert's Rules of Order as used in Board meetings. A MOTION WAS MADE AND SECONDED (Pinson/Steinbrueck) TO ADOPT PROPOSED AMENDMENTS TO RULE §7.5. THE MOTION PASSED UNANIMOUSLY.

## 8. Enforcement Cases

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

The Chair recognized TBAE Managing Litigator Michael Shirk to present the enforcement cases. Mr. Shirk directed the Board members to the enforcement cases which involved proposed Agreed Orders and/or Settlements with the Respondents.

#### A. Non-Registrants:

**Anyanwu, Don (#044-10E)** A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE PROPOSAL FOR DECISION AND THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$20,000.00 ALONG WITH A CEASE AND DESIST ORDER. THE MOTION PASSED UNANIMOUSLY.

**Guerra, Hector and Guerra, Protasio (#245-08N; #246-08N)** A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$6,000.00. THE MOTION PASSED UNANIMOUSLY.

**Farias, Jose (#045-10N)** A MOTION WAS MADE AND SECONDED (Walker/Steinbrueck) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$10,000.00. THE MOTION PASSED UNANIMOUSLY.

#### B. Registrants:

**Dillard, Robert G. (#010-10A)** A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$350.00. THE MOTION PASSED UNANIMOUSLY.

**Porter, Marley (#176-08A)** A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$4,500.00. THE MOTION PASSED UNANIMOUSLY.

#### C. Continuing Education:

**Michael Dean (#016-11A); and Williams Holmes (#043-11A)** A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$1,200.00 UPON EACH RESPONDENT. THE MOTION PASSED UNANIMOUSLY.

**Michael McIntyre (#154-10L)** A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$1,700.00. THE MOTION PASSED UNANIMOUSLY.

**Gordon Meehl (#042-11A)** A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO APPROVE THE PROPOSED AGREED SETTLEMENT IMPOSING AN ADMINISTRATIVE PENALTY IN THE AMOUNT OF \$500.00. THE MOTION PASSED UNANIMOUSLY.

**The Board recessed at 3:40. The Chair called the meeting to order at 3:54 p.m.**

**9. Request from Texas Floodplain Management Association for ruling on architects' authority to issue a FEMA Elevation Certificate**

The Chair gave an explanation to the Board regarding the FEMA package. The Board was requested to issue a ruling on the legal authority of an architect to certify a portion of a FEMA floodplain elevation certificate. He stated that the party would like a response prior to April 2011. A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO TABLE THIS ITEM. THE MOTION PASSED UNANIMOUSLY. Without objection, the Chair directed staff to seek input from the Texas Society of Architects regarding the custom of architects regarding design services in areas most likely to address this issue.

**10. TBAE and TBPE Mediation Services Update by the Center for Public Policy Dispute Resolution (CPPDR) at the University of Texas at Austin**

The Chair gave an update to the Board on the mediation between representatives of the two agencies and the professional societies for both professions. The meetings were held on October 12, 2010 and November 29, 2010. They finished the second day of mediation with a conception agreement regarding three major areas: (1) qualifications and an audit process to grandfather engineers who were engaged in

building design prior to the effective date of the architectural practice act in 1990; (2) cross-licensure or path for a closed class of architects and engineers enrolled in an educational program on or before 2013 to meet requirements to sit for the exam and become licensed in the other profession; and (3) a matrix to streamline and unify thresholds in the architecture and engineering laws based upon building classifications in the International Building Code to establish thresholds for the engagement of an architect based upon occupancy. A draft matrix was presented at the last mediated meeting but it was agreed to establish a separate group to develop the occupancy threshold matrix. He explained that legislation to “fix” the statutes must be filed no later than March 11, 2011 which does not give the matrix working group much time to complete its charge. It was emphasized that the matrix is critical to architects and the bill would not move forward with the support of the architects without the matrix.

**11. Approval of Resolution Honoring:**

Lew Vassberg (May 2005 until January 2011)  
James S. Walker (May 2005 until January 2011)  
Rosemary Gammon (May 2005 until January 2011)

The Chair read the resolutions honoring the three Board members and the time they served on the Board. The Chair informed the outgoing members that he has enjoyed being their chair and it will be a challenge to fill their shoes.

**12. Chair’s Closing Remarks**

The Chair reminded Board members to mindful of any changes to travel plans well in advance in order to avoid additional costs to the agency. The Chair thanked the audience for attending.

At the request of staff, the Chair asked the Board whether the Board’s will is for minutes to be more detailed or more concise. The general consensus of the Board is that the minutes be concise.

**11. Adjournment**

A MOTION WAS MADE AND SECONDED (Pinson/Gammon) TO ADJOURN THE MEETING AT 5:11 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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ALFRED VIDAURRI, JR., AIA, NCARB, AICP, LEED APBD+C  
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINER

<b>Total Beginning Reserve Fund Balance</b>
<b>Revenues:</b>
Licenses & Fees
Enforcement Penalties
Penalties - Late Fee Payments
Other
Interest
<i>Draw on Reserve Fund</i>
<b>Total Revenues</b>
<b>Expenditures:</b>
Salaries and Wages (24 FTE's)
Payroll Related costs
Professional fees & Services
Travel
Board Travel
Staff Travel
Office Supplies
Postage
Communication and Utilities
Repairs and Maintenance
Office Rental and Equipment Leases
Printing and Reproduction
Operating Expenditures
Conference Registration Fees
Membership Dues
Fees for Receiving Electronic Payments
Staff Training
SWCAP Payment
Payment to GR
Exceptional Items
<b>Total Expenditures</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>
<b><i>Potential Draws on Reserve Fund:</i></b>
<b><i>Reserve for Disaster Recovery</i></b>
<b><i>Reserve - 6 months of Operations</i></b>
<b>Ending Reserve Fund Balance</b>

<b>FY2011 Budget</b>
<b>1,664,332.63</b>
2,512,268.77
102,393.00
239,391.67
2,000.00
14,000.00
192,985.18
<b>3,063,038.62</b>
1,435,004.98
380,808.50
67,290.00
40,008.11
27,808.89
48,434.00
25,797.40
23,420.00
7,050.00
82,675.00
15,676.00
60,222.40
11,115.25
70,690.00
98,000.00
12,000.00
55,339.00
510,000.00
91,699.09
<b>3,063,038.62</b>
<b>-</b>
<b>164,332.63</b>
<b>1,500,000.00</b>
<b>0.00</b>

<b>FY 2011 Rev. and Exp. Sept 1, 2010--- April 30, 2011</b>
<b>1,664,332.63</b>
1,606,776.30
38,241.96
155,590.00
1,458.49
8,773.84
192,985.18
<b>2,003,825.77</b>
865,061.24
205,219.79
23,194.68
8,936.11
24,107.66
13,539.41
13,308.42
12,057.75
373.90
24,970.38
6,762.21
34,412.78
4,061.96
13,600.00
60,892.54
4,061.96
38,332.75
-
-
<b>1,352,893.53</b>
<b>650,932.24</b>
<b>\$ -</b>
<b>-</b>
<b>2,315,264.87</b>

<b>FY 2011 Remaining Budget as of April 30, 2011</b>
<b>-</b>
905,492.47
64,151.04
83,801.67
541.51
5,226.16
-
<b>1,059,212.85</b>
569,943.74
175,588.71
44,095.32
-
31,072.00
3,701.23
34,894.59
12,488.98
11,362.25
6,676.10
57,704.62
8,913.79
25,809.62
7,053.30
57,090.00
37,107.46
7,938.05
17,006.25
510,000.00
91,699.09
<b>1,710,145.09</b>
<b>-</b>
<b>164,332.63</b>
<b>1,500,000.00</b>
<b>-</b>

	FY 2009 Actual	FY 2010 Actual	FY 2011 Budget	FY 2011 Rev. and Exp. Sep 1, 2010---Apr 30, 2011	FY 2011 Remaining Budget as of April 30, 2011
<b>Total Beginning Reserve Fund Balance</b>	<b>1,518,884.00</b>	<b>1,635,878.00</b>	<b>1,664,332.63</b>	<b>1,664,332.63</b>	<b>-</b>
<b>Revenues:</b>					
Licenses & Fees	2,563,278.00	2,537,912.00	2,512,268.77	1,606,776.30	905,492.47
Enforcement Penalties	95,003.00	102,393.00	102,393.00	38,241.96	64,151.04
Penalties - Late Fee Payments	257,437.00	249,338.00	239,391.67	155,590.00	83,801.67
Other	2,716.00	2,506.00	2,000.00	1,458.49	541.51
Interest	21,828.00	15,998.00	14,000.00	8,773.84	5,226.16
<b>Draw on Reserve Fund</b>			192,985.18	192,985.18	-
<b>Total Revenues</b>	<b>2,940,262.00</b>	<b>2,908,147.00</b>	<b>3,063,038.62</b>	<b>2,003,825.77</b>	<b>1,059,212.85</b>
<b>Expenditures:</b>					
Salaries and Wages (24 FTE's)	1,399,675.00	1,359,193.28	1,435,004.98	865,061.24	569,943.74
Payroll Related costs	351,006.00	357,965.45	380,808.50	205,219.79	175,588.71
Professional fees & Services	136,945.00	52,045.60	67,290.00	23,194.68	44,095.32
Travel	41,267.00				-
Board Travel		34,799.93	40,008.11	8,936.11	31,072.00
Staff Travel		27,808.89	27,808.89	24,107.66	3,701.23
Office Supplies	43,969.00	48,841.76	48,434.00	13,539.41	34,894.59
Postage	25,785.00	24,055.67	25,797.40	13,308.42	12,488.98
Communication and Utilities	24,252.00	17,541.06	23,420.00	12,057.75	11,362.25
Repairs and Maintenance	4,351.00	6,847.13	7,050.00	373.90	6,676.10
Office Rental and Equipment Leases	9,715.00	27,408.40	82,675.00	24,970.38	57,704.62
Printing and Reproduction	19,087.00	14,253.11	15,676.00	6,762.21	8,913.79
Operating Expenditures	35,409.00	52,085.80	60,222.40	34,412.78	25,809.62
Conference Registration Fees	8,635.00	8,407.50	11,115.25	4,061.96	7,053.30
Membership Dues	19,095.00	18,400.00	70,690.00	13,600.00	57,090.00
Fees for Receiving Electronic Payments	104,679.00	97,482.62	98,000.00	60,892.54	37,107.46
Staff Training	8,119.00	27,243.08	12,000.00	4,061.96	7,938.05
SWCAP Payment	55,339.00	52,563.00	55,339.00	38,332.75	17,006.25
Payment to GR	510,000.00	510,000.00	510,000.00	-	510,000.00
Exceptional Items	25,940.00	6,464.00	91,699.09	-	91,699.09
<b>Total Expenditures</b>	<b>2,823,268.00</b>	<b>2,743,406.28</b>	<b>3,063,038.62</b>	<b>1,352,893.53</b>	<b>1,710,145.09</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>			<b>-</b>	<b>650,932.24</b>	<b>-</b>
<b>Potential Draws on Reserve Fund:</b>					
<b>Disaster Recovery</b>			<b>164,332.63</b>	<b>-</b>	<b>164,332.63</b>
<b>Funding for 6 months of Operations</b>			<b>1,500,000.00</b>	<b>-</b>	<b>1,500,000.00</b>
<b>Ending Reserve Fund Balance</b>	<b>1,635,878.00</b>	<b>1,800,618.72</b>	<b>0.00</b>	<b>2,315,264.87</b>	<b>-</b>

	<b>FY2011 Budget</b>	<b>FY 2011 Rev. and Exp. Sept 1, 2010--- April 30, 2011</b>	<b>FY 2011 Remaining Budget as of April 30, 2011</b>
<b>Total Beginning Reserve Fund Balance</b>	<b>219,970.00</b>	<b>219,970.00</b>	<b>205,181.00</b>
<b>Revenues:</b>			
Draw on Reserve Fund	14,789.00	14,789.00	-
<b>Total Revenues</b>	<b>14,789.00</b>	<b>14,789.00</b>	<b>-</b>
<b>Expenditures:</b>			
Operating Expenditures	14,789.00	14,789.00	-
<b>Total Expenditures</b>	<b>14,789.00</b>	<b>14,789.00</b>	<b>-</b>
<b>Excess/(Deficiency) of Rev over Exp.</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Ending Reserve Fund Balance</b>	<b>205,181.00</b>	<b>205,181.00</b>	<b>-</b>

Number of Scholarships Awarded

29

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

Prospective Fee – Administrative finding of engineering experience for placement on list

Figure: 22 TAC §7.10(b)

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
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 90 days 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
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



Prospective Fee – Administrative finding of engineering experience for placement on list

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

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

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

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

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

\*\*\*\*\*Applies to engineers seeking an administrative finding of experience pursuant to House Bill 2284 as passed by the 82<sup>nd</sup> Legislature. This administrative fee as applied to engineers takes effect September 1, 2011 and expires December 31, 2011.

AN ACT

1 relating to the practice of architecture and engineering.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Subchapter A, Chapter 1001, Occupations Code, is  
4 amended by adding Section 1001.0031 to read as follows:

5 Sec. 1001.0031. PRACTICES OF ENGINEERING AND ARCHITECTURE.

6 (a) Except as provided by Subsection (d) or (e), the practice of  
7 engineering does not include, and engineers may not engage in or  
8 offer to engage in, the practice of architecture as defined by  
9 Sections 1051.001(7)(A), (B), and (C), as that definition existed  
10 on April 1, 2011, and by Section 1051.0016(a).

11 (b) An engineer may not prepare or provide a complete,  
12 comprehensive set of building plans for a building designed for  
13 human use or occupancy unless:

14 (1) the plans and specifications as described by  
15 Section 1051.001(7)(A) or (B) are prepared by, or under the  
16 supervision of, an architect;

17 (2) the building is part of a project described by  
18 Section 1051.601(b) or a building described by Section  
19 1051.606(a)(4); or

20 (3) the engineer has received administrative approval  
21 by the Texas Board of Architectural Examiners to practice  
22 architecture under Section 1051.607.

1        (c) An engineer is responsible for the engineering plans  
2 and specifications of a building unless the work is exempt under  
3 Section 1001.053 or 1001.056. In this section, the term  
4 "engineering plans and specifications" means:

5            (1) plans for a structural, mechanical, electrical,  
6 electronic, fire suppression, or geotechnical system in a  
7 building;

8            (2) specifications of structural elements and  
9 connections of a building;

10           (3) foundation design;

11           (4) hydrologic management calculations and design of  
12 surface water control and detention necessary for compliance with  
13 ordinances and regulations;

14           (5) design of building drain and waste system  
15 plumbing, fresh water plumbing, graywater systems, and mechanical  
16 aspects of moving water in and out of a structure, other than  
17 simple roof drainage;

18           (6) evaluation of structural framing members before  
19 the addition of roof-mounted equipment or a heavier roof  
20 covering;

21           (7) design of changes in roof pitch by the addition of  
22 structural framing members;

23           (8) evaluation and repair of damaged roof structural  
24 framing;

1           (9) design of electrical and signal and control  
2 systems;

3           (10) shop drawings by manufacturers or fabricators of  
4 materials and products to be used in the building features  
5 designed by the engineer; and

6           (11) specifications listing the nature and quality of  
7 materials and products for construction of features of the  
8 building elements or systems designed by an engineer.

9           (d) The preparation of engineering plans and specifications  
10 for the following tasks is within the scope of practice of both  
11 engineering and architecture:

12           (1) site plans depicting the location and orientation  
13 of a building on the site based on:

14           (A) a determination of the relationship of the  
15 intended use with the environment, topography, vegetation,  
16 climate, and geographic aspects; and

17           (B) the legal aspects of site development,  
18 including setback requirements, zoning and other legal  
19 restrictions, and surface drainage;

20           (2) the depiction of the building systems, including  
21 structural, mechanical, electrical, and plumbing systems, in:

22           (A) plan views;

23           (B) cross-sections depicting building components  
24 from a hypothetical cut line through a building; and

1           (C) the design of details of components and  
2 assemblies, including any part of a building exposed to water  
3 infiltration or fire-spread considerations;

4           (3) life safety plans and sheets, including  
5 accessibility ramps and related code analyses; and

6           (4) roof plans and details depicting the design of  
7 roof system materials, components, drainage, slopes, and  
8 directions and location of roof accessories and equipment not  
9 involving structural engineering calculations.

10         (e) The following activities may be performed by either an  
11 engineer or an architect:

12           (1) programming for construction projects, including:

13           (A) identification of economic, legal, and  
14 natural constraints; and

15           (B) determination of the scope of functional  
16 elements;

17           (2) recommending and overseeing appropriate  
18 construction project delivery systems;

19           (3) consulting with regard to, investigating, and  
20 analyzing the design, form, materials, and construction  
21 technology used for the construction, enlargement, or alteration  
22 of a building or its environment; and

1           (4) providing expert opinion and testimony with  
2 respect to issues within the responsibility of the engineer or  
3 architect.

4           SECTION 2. Subchapter A, Chapter 1051, Occupations Code, is  
5 amended by adding Section 1051.0016 to read as follows:

6           Sec. 1051.0016. PRACTICES OF ARCHITECTURE AND ENGINEERING.

7           (a) In this chapter, "architectural plans and specifications"  
8 include:

9           (1) floor plans and details:

10           (A) depicting the design of:

11           (i) internal and external walls and floors,  
12 including simple foundations;

13           (ii) internal spaces of a building; and

14           (iii) vertical circulation systems,  
15 including accessibility ramps, stair systems, elevators, and  
16 escalators; and

17           (B) implementing programming, regulatory, and  
18 accessibility requirements for a building;

19           (2) general cross-sections and detailed wall sections  
20 depicting building components from a hypothetical cut line  
21 through a building to include the building's mechanical,  
22 electrical, plumbing, or structural systems;

23           (3) reflected ceiling plans and details depicting:

1                   (A) the design of the location, materials, and  
2 connections of the ceiling to the structure; and

3                   (B) the integration of the ceiling with  
4 electrical, mechanical, lighting, sprinkler, and other building  
5 systems;

6                   (4) finish plans or schedules depicting surface  
7 materials on the interior and exterior of the building;

8                   (5) interior and exterior elevations depicting the  
9 design of materials, locations, and relationships of components  
10 and surfaces;

11                   (6) partition, door, window, lighting, hardware, and  
12 fixture schedules;

13                   (7) manufacturer or fabricator drawings that are  
14 integrated into the construction documents; and

15                   (8) specifications describing the nature, quality, and  
16 execution of materials for construction of the elements of the  
17 building depicted in the plans prepared by the architect.

18                   (b) The preparation of architectural plans and  
19 specifications for the following tasks is within the scope of  
20 practice of both engineering and architecture:

21                   (1) site plans depicting the location and orientation  
22 of a building on the site based on:

1                   (A) a determination of the relationship of the  
2 intended use with the environment, topography, vegetation,  
3 climate, and geographic aspects; and

4                   (B) the legal aspects of site development,  
5 including setback requirements, zoning and other legal  
6 restrictions, and surface drainage;

7                   (2) the depiction of the building systems, including  
8 structural, mechanical, electrical, and plumbing systems, in:

9                   (A) plan views;

10                   (B) cross-sections depicting building components  
11 from a hypothetical cut line through a building; and

12                   (C) the design of details of components and  
13 assemblies, including any part of a building exposed to water  
14 infiltration or fire-spread considerations;

15                   (3) life safety plans and sheets, including  
16 accessibility ramps and related code analyses; and

17                   (4) roof plans and details depicting the design of  
18 roof system materials, components, drainage, slopes, and  
19 directions and location of roof accessories and equipment not  
20 involving structural engineering calculations.

21                   (c) The following activities may be performed by either an  
22 engineer or an architect:

23                   (1) programming for construction projects, including:



1                   (A) identification of economic, legal, and  
2 natural constraints; and

3                   (B) determination of the scope of functional  
4 elements;

5                   (2) recommending and overseeing appropriate  
6 construction project delivery systems;

7                   (3) consulting with regard to, investigating, and  
8 analyzing the design, form, materials, and construction  
9 technology used for the construction, enlargement, or alteration  
10 of a building or its environment; and

11                   (4) providing expert opinion and testimony with  
12 respect to issues within the responsibility of the engineer or  
13 architect.

14           SECTION 3. Subchapter F, Chapter 1051, Occupations Code, is  
15 amended by adding Section 1051.308 to read as follows:

16           Sec. 1051.308. INTERN DEVELOPMENT PROGRAM. The board shall  
17 allow a graduate student engineer enrolled in an accredited  
18 architectural professional degree program in this state to enroll  
19 concurrently in the intern development program required by board  
20 rules before an applicant may take the examination under this  
21 chapter.

22           SECTION 4. Subchapter L, Chapter 1051, Occupations Code, is  
23 amended by adding Section 1051.607 to read as follows:

1           Sec. 1051.607. LIST OF ENGINEERS PERMITTED TO ENGAGE IN  
2 PRACTICE OF ARCHITECTURE. (a) The board shall maintain a list  
3 of engineers licensed under Chapter 1001 who are authorized to  
4 engage in the practice of architecture based on an administrative  
5 finding of experience under this section. The board shall post  
6 the list on the board's Internet website.

7           (b) An engineer may not engage or offer to engage in the  
8 practice of architecture unless:

9                   (1) the engineer is listed under Subsection (a); and

10                   (2) the engineer is in good standing with the Texas  
11 Board of Professional Engineers.

12           (c) The board shall list each engineer who:

13                   (1) applies for placement on the list not later than  
14 January 1, 2012;

15                   (2) was licensed to practice engineering under Chapter  
16 1001 before January 1, 2011; and

17                   (3) provides to the board documentation of at least  
18 three projects that:

19                           (A) were prepared by the engineer;

20                           (B) were adequately and safely built before  
21 January 1, 2011; and

22                           (C) are described by Section 1051.703(a) or were  
23 not exempt under Section 1051.606(a)(4).

1       (d) Documentation that is sufficient to satisfy the  
2 requirement of Subsection (c)(3) includes plans, specifications,  
3 photographs, and other records establishing that the  
4 architectural design work was performed by the engineer. The  
5 documentation is subject to verification by the board. The board  
6 shall complete the verification not later than the 120th day  
7 after the date the board receives the documentation.

8       (e) The board shall issue written confirmation to each  
9 engineer listed under this section that, notwithstanding the  
10 requirements of Section 1051.701, the engineer may lawfully  
11 engage and offer to engage in the practice of architecture  
12 without a license under this chapter.

13       (f) If the board declines to list an engineer who applies  
14 under this section, the engineer may request a contested case  
15 hearing to be conducted under Chapter 2001, Government Code. The  
16 motion for rehearing required by Chapter 2001, Government Code,  
17 shall be filed with the State Office of Administrative Hearings.

18       The decision of the administrative law judge in the contested  
19 case is final and may be appealed in a Travis County district  
20 court.

21       (g) The board and the Texas Board of Professional Engineers  
22 shall pay equally the costs of a contested case.

1        (h) The Texas Board of Professional Engineers has exclusive  
2 regulatory oversight over an engineer listed under Subsection  
3 (a).

4        SECTION 5. Section 1051.703(b), Occupations Code, is  
5 amended to read as follows:

6        (b) This section does not prohibit an owner of a building  
7 from contracting with [~~choosing~~] an architect or engineer as the  
8 prime design professional for a building construction,  
9 alteration, or addition project. Designation as the prime design  
10 professional does not expand the scope of practice of an  
11 architect or engineer beyond the scope of practice that the  
12 architect or engineer is authorized to practice under Chapter  
13 1001 or 1051.

14        SECTION 6. (a) The Texas Board of Professional Engineers  
15 and the Texas Board of Architectural Examiners shall establish a  
16 joint task force of members of each board and license and  
17 registration holders regulated by each board to make  
18 recommendations to the boards regarding whether certain  
19 activities should be within the scope of practice of architecture  
20 or engineering, or both.

21        (b) This section expires August 31, 2013.

22        SECTION 7. An engineer who applies for listing under  
23 Section 1051.607, Occupations Code, as added by this Act, may  
24 continue to practice under the law as it existed immediately

1 before the effective date of this Act until the date the  
2 application is finally approved or denied, or if appealed after  
3 denial, a final decision is entered by an administrative law  
4 judge, and the former law is continued in effect for that  
5 purpose.

6 SECTION 8. Sections 1001.216 and 1051.212, Occupations  
7 Code, are repealed.

8 SECTION 9. This Act takes effect September 1, 2011.

1            \_\_\_\_\_  
President of the Senate

Speaker of the House

2  
3            I certify that H.B. No. 2284 was passed by the House on May  
4 5, 2011, by the following vote: Yeas 144, Nays 2, 1 present, not  
5 voting; and that the House concurred in Senate amendments to H.B.  
6 No. 2284 on May 25, 2011, by the following vote: Yeas 143, Nays  
7 0, 2 present, not voting.

8            \_\_\_\_\_  
9            Chief Clerk of the House

10           I certify that H.B. No. 2284 was passed by the Senate, with  
11 amendments, on May 24, 2011, by the following vote: Yeas 31,  
12 Nays 0.

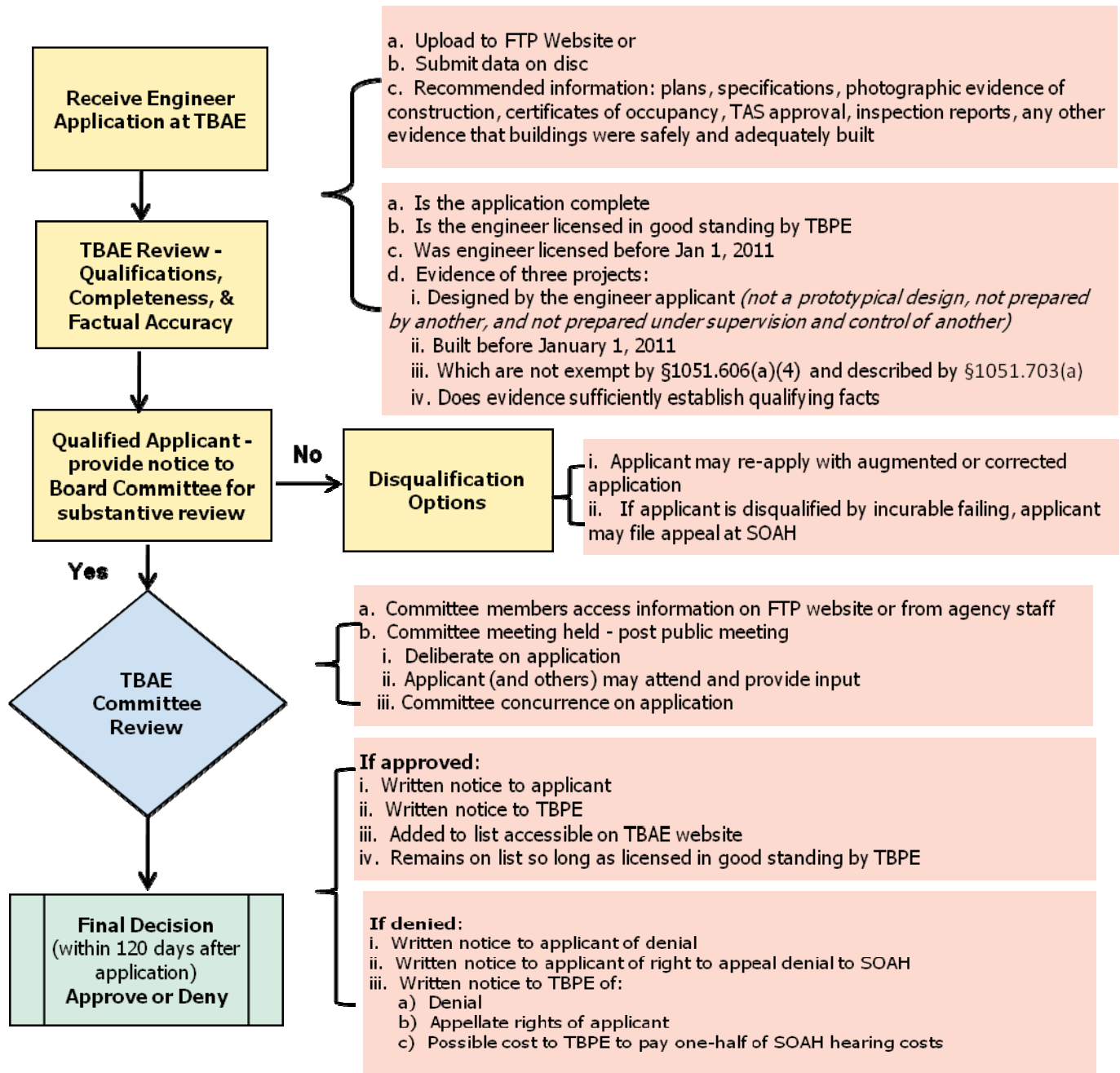
13            \_\_\_\_\_  
14            Secretary of the Senate

15 APPROVED: \_\_\_\_\_

16                            Date

17            \_\_\_\_\_  
18                            Governor

# Engineer Application Process Flowchart



Sec. 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.



**RULE §1.12**

**Joint Advisory Committee of the Texas Board of  
Architectural Examiners and the Texas Board of  
Professional Engineers**

- 1 (a) The Chairman shall appoint three members of the Board and one Architect who is not a  
2 member of the Board to serve on a joint advisory committee on the practices of engineering,  
3 architecture, and landscape architecture. The three members of the Board to be appointed by the  
4 Chairman shall include one Architect, one landscape architect, and one other member of the  
5 Board.
- 6 (b) Members of the joint advisory committee shall serve staggered six-year terms. The terms of  
7 one or two of the members appointed by the Chairman must expire each odd-numbered year.
- 8 (c) The joint advisory committee shall meet at least twice each year to address issues resulting  
9 from the overlap between activities that constitute the practices of engineering and architecture  
10 and the practices of engineering and landscape architecture.
- 11 (d) The joint advisory committee shall issue advisory opinions to the Board and the Texas Board  
12 of Professional Engineers (TBPE) on subjects including:
- 13 (1) whether certain activities constitute the practice of engineering, the practice of architecture,  
14 and/or the practice of landscape architecture;
- 15 (2) specific disciplinary proceedings initiated by the Board or by TBPE; and
- 16 (3) the need for persons working on particular projects to be registered by the Board or licensed  
17 by TBPE.
- 18 (e) The Board shall notify the joint advisory committee of the final action taken by the Board  
19 with regard to a matter addressed in an advisory opinion issued to the Board.
- 20 (f) The Board shall enter into a memorandum of understanding with TBPE regarding the joint  
21 advisory committee.
- 22 (g) The mission of the joint advisory committee shall be to assist the Board and TBPE in  
23 protecting the public rather than advancing the interests of either agency or the profession(s) it  
24 regulates.
- 25 (h) The joint advisory committee will expire on September 1, 2011, unless extended by rule.

## **RULE §1.210 Architectural Plans and Specifications**

1 a) Architectural education, training and experience as described in §1.21 and §1.191 of this title  
2 are necessary prerequisites to the preparation of architectural plans and specifications for the  
3 construction, enlargement, or alteration of a building intended for human use and occupancy.  
4 Generally, architectural plans and specifications are instructions that integrate and coordinate the  
5 design of all building systems and related site components necessary for constructing a building  
6 and its environs intended for human use and occupancy. Architectural plans and specifications  
7 detail the form, function, construction, habitability, and appearance of the building and the  
8 manner in which humans enter, exit, circulate, and use the interior space of the building and its  
9 external environs. It is the role of the Architect to coordinate with consultants in the design of a  
10 building intended for human use and occupancy in order to integrate all components and systems  
11 of the building and its environs.

12 (b) For purposes of §§1051.551, 1051.606, and 1051.703 of the Texas Occupations Code, the  
13 term "architectural plans or specifications" means a Construction Document that depicts in detail  
14 the design of the spatial relationships and the quality of materials and systems required for the  
15 construction of a building and its environs. The term includes:

16 (1) Floor plans and details depicting the design of internal and external walls, the design of the  
17 internal spaces of the building, and the design of vertical circulation systems including  
18 accessibility ramps, stair systems, elevators and escalators, which plans implement  
19 programming, regulatory, and accessibility requirements;

20 (2) General cross sections and detailed wall sections depicting building components from a  
21 hypothetical cut line through a building to include the building's mechanical, electrical,  
22 plumbing or structural systems;

23 (3) Roof plans and details depicting the design of roof system materials, components, drainage,  
24 slopes, directions, and location of roof accessories and equipment not involving structural  
25 engineering calculations;

26 (4) The design of details of components and assemblies specifically including any part of a  
27 building exposed to water infiltration or fire-spread considerations;

28 (5) Reflected ceiling plans and details depicting the design of the location, materials, and  
29 connections of the ceiling to the structure and the integration of the ceiling with electrical,  
30 mechanical, lighting, sprinkler and other building systems;

- 1 (6) Finish plans or schedules depicting surface materials on the interior and exterior of the  
2 building;
- 3 (7) Interior and exterior elevations depicting the design of materials, locations and relationships  
4 of components and surfaces;
- 5 (8) Partition, door, window, lighting, hardware and fixture schedules;
- 6 (9) Manufacturer or fabricator drawings that are integrated into and become part of the  
7 Construction Documents;
- 8 (10) Specifications describing the nature, quality, and execution of materials for construction of  
9 the elements of the building depicted in the plans prepared by the Architect; and
- 10 (11) Life safety plans and sheets with code analyses.
- 11 (c) Notwithstanding the thresholds within Chapters 1001 and 1051, Texas Occupations Code, the  
12 following plans and specifications may be prepared by a person who is registered as an Architect  
13 or licensed as a professional engineer in the State of Texas:
- 14 (1) Site plans depicting the location and orientation of the building on the site based upon a  
15 determination of the interrelationship of the intended use with the environment, topography,  
16 vegetation, climate, geographic aspects, and the legal aspects of site development, including  
17 setback requirements, zoning and other legal restrictions as well as surface drainage;
- 18 (2) The depiction of the building systems such as structural, mechanical, electrical, and  
19 plumbing systems in plan views, in cross sections depicting building components from a  
20 hypothetical cut line through a building, and in details of components and assemblies specifically  
21 including any part of a building exposed to water infiltration or fire-spread considerations;
- 22 (3) Life safety plans and sheets with code analyses; and
- 23 (4) Plans for a building that is not intended for human use or occupancy.
- 24 (d) This section does not address the services or work that may otherwise be offered or rendered  
25 by Interior Designers or Landscape Architects.

**ITEM 6.**  
**REPORT OF RULES COMMITTEE**  
*(report is not included)*

**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.

<b>Case Number:</b>	<b>027-11A</b>
<b>Respondent:</b>	<b>David Boggess</b>
<b>Location of Respondent:</b>	<b>Houston, TX</b>
<b>Location of Project:</b>	<b>Houston, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Architectural Barriers Act (TDLR)</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- David Boggess (hereafter “Respondent”) was registered as an architect in Texas with architectural registration number 8894.
- On November 9, 2010, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a commercial building in Houston, Texas to TDLR for accessibility review within twenty days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on March 30, 2010, and were submitted to TDLR on July 21, 2010.

Applicable Statutory Provisions and Rules:

- By failing to submit the plans and specifications for accessibility review no later than the twentieth day after issuance, Respondent violated § 1051.752(2) of the Architects’ Practice Act and Board rule 1.170.

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.

<b>Case Number:</b>	<b>018-10L</b>
<b>Respondent:</b>	<b>Stanley Cowan/MESA Design Associates, Inc.</b>
<b>Location of Respondent:</b>	<b>Dallas, Texas</b>
<b>Nature of Violation:</b>	<b>Illegal Practice of Landscape Architecture</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Stanley Cowan (hereafter "Respondent") is a registered landscape architect in Texas with registration number 2118. Respondent is the owner of MESA Design Associates, Inc., a landscape architectural firm (hereafter "Respondent").
- In late 2007, Respondents contracted to provide landscape architectural services to a homeowner. On eight occasions, Respondents permitted persons who were not landscape architects to provide landscape architectural services. These persons were represented as landscape architects to the homeowners.

Applicable Statutory Provisions and Rules:

- By permitting persons who were not landscape architects to provide services, Respondents violated TEXAS OCC. CODE §§ 1052.151 and 1052.252 as well as Board rules 3.144 and 3.146.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$8,000.00**.

**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.

<b>Case Number:</b>	<b>107-09A</b>
<b>Respondent:</b>	<b>David L. Walker</b>
<b>Location of Respondent:</b>	<b>Austin, Texas</b>
<b>Nature of Violation:</b>	<b>Failure to Act with Reasonable Care and Competence</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- David Walker (hereafter “Respondent”) is registered as an architect and a Registered Accessibility Specialist (hereafter “RAS”) in Texas.
- Between 2001 and 2005, Respondent served as a RAS for approximately 236 architectural projects.
- During this period Respondent failed to forward \$35,100 in project filing fees which he received from project owners to the Texas Department of Licensing and Regulation (TDLR) as required by law.
- In December 2009, the TDLR issued an Agreed Order which imposed an administrative penalty upon Respondent of \$55,000.00 and other terms with which he must comply.
- Respondent is in full compliance with the Agreed Order.
- Respondent has been registered to engage in the practice of architecture for over 30 years and has no disciplinary history. He presented numerous letters from community leaders attesting to his active involvement in civic life and his volunteering of architectural services for many nonprofit groups. The money which was not remitted to TDLR was not converted to his own use but, rather, remained in the project folders and has been turned over to TDLR. Respondent has accepted responsibility for his conduct, worked openly and forthrightly with TDLR and TBAE in addressing the issues and presents a very low likelihood of engaging in this kind of behavior in the future.

Applicable Statutory Provisions and Rules:

- By failing to remit funds to TDLR, Respondent failed to act with reasonable professional competence in the provision of professional services. TBAE rule 1.142(a).

Action Recommended by Executive Director:

- The Executive Director recommends that Respondent’s architectural registration be suspended for a period of one year during which he may not engage in the practice of architecture, but that this suspension be abated for a period of 18 months contingent upon his compliance with all terms of the Agreed Order issued by TDLR and compliance with all statutory and regulatory responsibilities which arise out of his status as a registered architect.

**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.

<b>Case Number:</b>	<b>048-11A</b>
<b>Respondent:</b>	<b>Douglas L. Engel</b>
<b>Location of Respondent:</b>	<b>Terlingua, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Douglas L. Engel (hereafter "Respondent") is registered as an architect in Texas with registration number 18571.
- Based upon the results of a random continuing education audit, it was determined that Respondent had failed to timely complete his continuing education requirements for the audit period of November 1, 2009 through October 31, 2010.
- 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.

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.

<b>Case Number:</b>	<b>060-11A</b>
<b>Respondent:</b>	<b>Donald Epperson</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Donald Epperson (hereafter "Respondent") is registered as an architect in Texas with registration number 10222.
- Based upon the results of a random continuing education audit it was determined that Respondent had failed to timely complete his continuing education requirements for the audit period of June 1, 2009 through May 31, 2010.

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.

<b>Case Number:</b>	<b>081-11A</b>
<b>Respondent:</b>	<b>Michael B. Kennedy</b>
<b>Location of Respondent:</b>	<b>Dallas, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Michael B. Kennedy (hereafter "Respondent") is registered as an architect in Texas with registration number 14621.
- Based upon the results of a random continuing education audit it was determined that Respondent had failed to timely complete his continuing education requirements for the audit period of January 1, 2007 through December 31, 2007.

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.

<b>Case Number:</b>	<b>111-081</b>
<b>Respondent:</b>	<b>Delores Key</b>
<b>Location of Respondent:</b>	<b>Dallas, Texas</b>
<b>Nature of Violation:</b>	<b>Failure to Respond to Board's Inquiry</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Delores Key (hereafter "Respondent") was registered as an interior designer in Texas with interior design registration 6851.
- On August 18, 2006, the Board's Continuing Education Coordinator requested that Respondent submit a copy of her CEPH Log and supporting documentation for the period of 12/01/2006 to 11/30/2007.
- Respondent never replied to the Board's August 18, 2008 letter.
- On February 25, 2008, Respondent voluntarily surrendered her interior design registration.
- On November 19, 2010, the Board received a request for reinstatement of her interior design registration.
- Respondent submitted materials which showed she was in compliance with her continuing education requirements for the period of 12/01/2006 to 11/30/2007 after the case was referred to the Board's legal department.
- Respondent is currently in compliance with his continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to answer the Board's inquiry, Respondent violated 22 TEX. ADMIN. CODE ANN. § 5.181. The administrative penalty assessed for failing to respond to a request for information from the Board is assessed a standard administrative penalty of **\$250.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty totaling **\$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.

<b>Case Number:</b>	<b>058-11A</b>
<b>Respondent:</b>	<b>Niann-Chyi Kuan</b>
<b>Location of Respondent:</b>	<b>Bellevue, WA</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Niann-Chyi Kuan (hereafter "Respondent") is registered as an architect in Texas with registration number 10981.
- Based upon the results of a random continuing education audit it was determined that Respondent had failed to timely complete his continuing education requirements for the audit period of December 1, 2009 through November 30, 2010.
- 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.

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.

<b>Case Number:</b>	<b>183-11A</b>
<b>Respondent:</b>	<b>Charles Mell Lawrence</b>
<b>Location of Respondent:</b>	<b>Austin, TX</b>
<b>Nature of Violation:</b>	<b>Failure to Respond to Board's Inquiry</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Charles Mell Lawrence (hereafter "Respondent") is registered as an architect in Texas with registration number 10322.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent submitted materials which showed he was in compliance with his continuing education requirements.
- Respondent is currently in compliance with his continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to respond to 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.

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.

<b>Case Number:</b>	<b>183-11A</b>
<b>Respondent:</b>	<b>Charles Mell Lawrence</b>
<b>Location of Respondent:</b>	<b>Austin, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Charles Mell Lawrence (hereafter "Respondent") is registered as an architect in Texas with registration number 10322.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent submitted materials which showed he was in compliance with his continuing education requirements.
- Respondent is currently in compliance with his continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to respond to 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.

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.

<b>Case Number:</b>	<b>053-11A</b>
<b>Respondent:</b>	<b>William Laurin McCracken</b>
<b>Location of Respondent:</b>	<b>Austin, TX</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- William Laurin McCracken (Respondent) is registered as an architect in Texas with registration number 8441.
- As the result of a random continuing education audit it was determined that he had failed to complete continuing education obligations of the program year December 1, 2009 through November 31, 2010.
- In addition to failing to maintain requisite continuing education compliance Respondent certified that he was in compliance with continuing education obligations in order to renew his architectural registration.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online registration 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.

<b>Case Number:</b>	<b>084-11A</b>
<b>Respondent:</b>	<b>Perry Dale Rabke</b>
<b>Location of Respondent:</b>	<b>San Antonio, Texas</b>
<b>Nature of Violation:</b>	<b>Failure to Respond to Board's Inquiry</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Perry Dale Rabke (hereafter "Respondent") is registered as an architect in Texas with architectural registration number 13128.
- On July 16, 2010, the Board's Continuing Education Coordinator requested that Respondent submit a copy of his CEPH Log and supporting documentation for the period of July 1, 2009 through June 30, 2010.
- Respondent did not reply to this request until a second letter had been sent 60 days later.
- Respondent submitted materials which showed he was in compliance with his continuing education requirements.
- Respondent is currently in compliance with his continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to answer the Board's inquiry, Respondent violated 22 TEX. ADMIN. CODE ANN. § 1.171. The administrative penalty assessed for failing to respond to a request for information from the Board within 30 days is assessed a standard administrative penalty of **\$250.00**.

**Action Recommended by Executive Director:**

- The Executive Director recommends an administrative penalty totaling **\$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.

<b>Case Number:</b>	<b>045-11A</b>
<b>Respondent:</b>	<b>Anissa Zickler</b>
<b>Location of Respondent:</b>	<b>New York</b>
<b>Nature of Violation:</b>	<b>Violation of Continuing Education Requirements</b>
<b>Instrument:</b>	<b>Report and Notice of Violation</b>

Findings:

- Anissa Zickler (hereafter "Respondent") is registered as an architect in Texas with registration number 14421.
- 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 August 1, 2009 through July 31, 2010.
- 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 her architectural registration.

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(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**.

NCARB

RESOLUTIONS  
TO BE  
ACTED UPON  
AT THE  
2011 ANNUAL MEETING  
AND  
CONFERENCE

MAY 2011

*Resolutions to be Acted Upon at the 2011 Annual Meeting and Conference*  
National Council of Architectural Registration Boards 1801 K Street NW, Suite 700K  
Washington, DC 20006 202/7836500 [www.ncarb.org](http://www.ncarb.org)

**RESOLUTION 2011-01**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Legislative Guidelines, Model Law and Model Regulations* Amendments – Changes to Continuing Education Requirements

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that the second paragraph of Section 4 of the *Model Law* be amended to read as follows:

“A registered architect must demonstrate professional development completion of annual continuing education activities, ~~since the architect’s last renewal or initial registration, as the case may be; t~~ The Board shall by regulation describe professional development such activities acceptable to the Board and the ~~form of~~ documentation of such activities required by the Board. The Board may decline to renew a registration if the architect’s ~~professional development~~ continuing education activities do not meet the standards set forth in the Board’s regulations.”

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to add the following in appropriate alphabetic order:

“**Continuing Education (CE)** Continuing education is post-licensure learning that enables a registered architect to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture to safeguard the public’s health, safety, and welfare.”

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition of “Professional Development Unit” as follows:

~~“**Professional Development Unit**~~ “**Continuing Education Hour (CEH)** One continuous instructional hour (50 to 60 minutes of contact) spent in either Structured Educational Activities or Individually Planned Activities intended to increase or update the architect’s knowledge and competence in Health, Safety, and Welfare Subjects. If the ~~vendor~~ provider of the Structured Educational Activities prescribes a customary time for completion of such an Activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect’s time for ~~Professional Development Unit~~ Continuing Education Hour purposes irrespective of actual time spent on the activity.”

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition “Structured Educational Activities” as follows:

**“Structured Educational Activities**

Educational activities in which ~~the teaching methodology consists primarily of the systematic presentation of~~ at least 75 percent of an activity’s content and instructional time must be devoted to Health, Safety, and Welfare Subjects related to the practice of architecture, including courses of study or other activities under the areas identified as Health, Safety and Welfare Subjects and provided by qualified individuals or organizations, including ~~monographs, courses of study taught in person or by correspondence, organized lectures, presentations or workshops and other means through which identifiable technical and professional subjects are presented in a planned manner, whether delivered by direct contact or distance learning methods.”~~

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to delete the existing definition “Individually Planned Educational Activities” as follows:

~~“**Individually Planned Educational Activities** Educational activities in which the teaching methodology primarily consists of the architect himself/herself addressing Health, Safety, and Welfare Subjects, which are not systematically presented by others, including reading or writing articles on such Subjects; studying or researching building types, designs or building systems; rendering services to the public, advancing the profession’s and the public’s understanding of the practice of architecture; and the like.”~~

**FURTHER RESOLVED**, that Section 100.006, Terms Defined Herein, of the *Model Regulations* be amended to revise the existing definition “Health, Safety, and Welfare Subjects” as follows:

**“Health, Safety, and Welfare Subjects** Technical and professional subjects, ~~which that~~ the Board deems appropriate to safeguard the public’s health, safety, and welfare. Such subjects include building design; sustainable design; environmental or land use analysis; life safety; architectural programming; site and soils analysis; accessibility; structural systems considerations; lateral forces; building codes; evaluation and selection of building systems, products or materials; construction methods; contract documentation; construction administration; and the like. and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

LEGAL: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to protect Owners and Public

BUILDING SYSTEMS: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

ENVIRONMENTAL: Energy Efficiency, Sustainability, Natural Resources,

Natural Hazards, Hazardous Materials, Weatherproofing, Insulation OCCUPANT COMFORT: Air Quality, Lighting, Acoustics, Ergonomics

MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment

PRESERVATION: Historic, Reuse, Adaptation MATERIALS and METHODS: Construction Systems, Products, Finishes, Furnishings, Equipment

PRE-DESIGN: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

DESIGN: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

CONSTRUCTION DOCUMENTS: Drawings, Specifications, Delivery Methods

CONSTRUCTION CONTRACT ADMINISTRATION: Contracts, Bidding, Contract Negotiations”

**FURTHER RESOLVED**, that Section 100.703 of the *Model Regulations* be amended as follows:

**“100.703 Renewal [Describe terms, including fee with cross reference to 100.107, citing applicable statute.]**

**[The Board may require that each registered architect demonstrate professional development continuing education by including the following provisions.]**

~~Continuing Education Professional Development Requirements. To renew registration, i~~  
~~In addition to all other requirements for registration renewal, an architect must have~~  
~~acquired complete a minimum of 12 Continuing Education Hours each calendar year~~  
~~Professional Development Units for each 12-month period since his/her last renewal or~~  
~~initial registration as the case may be or be exempt from these continuing education~~  
~~professional development requirements all as provided below. Failure to comply with~~  
~~these requirements shall may result in non-renewal of the architect’s registration.~~

**(A)** ~~Professional Development Units. Continuing Education Hours. Within any 12-~~  
~~month period during which 12 Professional Development Units must be acquired,~~  
~~at least eight Professional Development Units shall be 12 Continuing Education~~  
~~Hours must be completed in Health, Safety, and Welfare Subjects acquired in~~  
~~Structured Educational Activities, and the remaining four Professional~~  
~~Development Units shall be in Health, Safety, and Welfare Subjects but may be~~  
~~in either Structured Educational Activities or in Individual Planned Educational~~  
~~Activities. Professional Development Units need not be acquired within this~~  
~~jurisdiction, but Continuing Education Hours may be acquired at any location.~~

Excess Continuing Education Hours may not be credited to a future calendar year.

~~[Note: for jurisdictions having renewal periods of longer than one year adjust numbers accordingly.]~~

~~(B) Reporting and Recordkeeping. An architect shall complete and submit forms prescribed or accepted as required by the Board certifying to that the architect's having has acquired completed the required Professional Development Units Continuing Education Hours. Forms may be audited by the Board for verification of compliance with these requirements. ~~Evidence of compliance~~ Documentation of reported Continuing Education Hours shall be maintained by the architect for ~~two~~ six years from the date of award after submission of the form to which it relates. If the Board disallows any Professional Development Units, ~~unless Continuing Education Hours~~ the Board finds following a notice and hearing that the architect willfully disregarded these requirements, then the architect shall have ~~six months~~ 60 days from notice of such disallowance either to provide further evidence of having acquired completed the Professional Development Units Continuing Education Hours disallowed or to  cure remedy the disallowance by acquiring completing the required number of Professional Development Units Continuing Education Hours (but such Professional Development Units Continuing Education Hours shall not again be used for the next renewal calendar year). If the Board finds, after proper notice and hearing, that the architect willfully disregarded these requirements or falsified documentation of required Continuing Education Hours, the architect may be subject to disciplinary action in accordance with the Board regulations.~~

(C) Exemptions. An architect shall not be subject to these requirements if:

1. The architect has been granted emeritus or other similar honorific but inactive status by the Board; or
2. The architect otherwise meets all renewal requirements and is ~~a civilian called to active military service duty in the armed forces of the United States for a significant period of time, has a serious medical condition is ill or disabled for a significant period of time, or can demonstrate to the Board other like hardship, then upon the Board's so finding, the architect may be excused from some or all of these requirements;~~ or
3. ~~The architect otherwise meets all renewal requirements and is registered in any other jurisdiction having continuing professional development requirements which the architect has met, provided that such other jurisdiction accepts satisfaction of this jurisdiction's continuing professional development requirements as meeting its own."~~

## **SPONSORS' STATEMENT OF SUPPORT**

Chaos and confusion have dominated the debate over continuing education for architects for the past several years. Requirements, terminology, types of hours, number of hours, and renewal dates are literally all over the map as almost every jurisdiction now has some form of continuing education requirement. The resolution being presented is a result of the Committee on Professional Development, the Member Board Executives Committee, and the Committee on Procedures and Documents working together, analyzing, and discussing the current situation in order to standardize continuing education requirements.

Since all jurisdictions are charged with protecting the public's health, safety and welfare, NCARB's *Model Law* and *Model Regulations* only concern health, safety, and welfare (HSW) continuing education. Professional development, as it applies to the *Model Law* and *Model Regulations* should be more accurately termed "continuing education," the term used by most jurisdictions in their current laws and regulations.

Despite the variety of renewal requirements imposed by jurisdictions, the committees tried to remedy the difficult issue of mutual acceptance whereby a particular jurisdiction accepts another jurisdiction's requirements. They determined that the language in the *Model Regulations* should be simplified to allow an architect who has met all mandatory continuing educational requirements and is in good standing in one jurisdiction requiring a minimum of 12 continuing education hours per calendar year in HSW subjects acquired in structured educational activities to have met the mandatory continuing education requirements. Any registrant of a jurisdiction will still be subject to that jurisdiction's auditing policies with respect to continuing education requirements.

Since 34 jurisdictions currently require an average of 12 hours per year, the committees also concluded that 12 HSW continuing education hours cited in NCARB's *Model Regulations* was appropriate. However, the way adults learn in the 21st century is very different than that of the previous century. As a result, the committees offered to expand the definition of "structured educational activities" to include both direct contact and distance learning methods, which could include webinars, podcasts, etc. The committees dropped the term "individually planned educational activity" since it is difficult to evaluate the learning objectives, accomplishments, and time devoted to the individually planned educational activity.

The committees determined that the *NCARB Model Regulations* should not allow for any carry-over of continuing education hours earned during a previous calendar year. Under the proposed model regulations there is no justification for carry-over of CEHs. The committees also agreed on 60 days as a reasonable period to make up for any disallowed continuing education hours, and that a reasonable period for record retention would be six years from the date the continuing education hours were awarded.

The committees did not feel it realistic to try to define health, safety, and welfare, but instead chose to identify HSW categories and subjects found in the *NCARB Model Regulations*, AIA's provider manual, and in a variety of jurisdictional regulations. The subjects are aligned with those used for the Intern Development Program (IDP) and Architect Registration Examination<sup>®</sup> (ARE<sup>®</sup>), as directed by the Practice Analysis and should reinforce the competence of practitioners in the same areas where the competence of emerging professionals is initially required.

When approved and implemented by the Member Boards, this resolution will lead to greater standardization of continuing education requirements, improved course content and quality, and simplified record keeping processes for Member Boards, while easing the burden for practitioners licensed in multiple jurisdictions.

**RESOLUTION 2011.02**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Model Regulations* Amendment – Changes to the IDP Training Requirements for Initial Registration Standards

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that Section 100.301 (B) of the *Model Regulations* be amended to read as follows:

“(B) Other experience may be substituted for the registration requirements set forth in 100.303–304 only insofar as the Board considers it to be equivalent to or better than such requirements. The burden shall be on the applicant to show by clear and convincing evidence the equivalency or better of such other experience.”

**SPONSORS’ STATEMENT OF SUPPORT:**

By striking the reference to 100.304, where the Training Requirement is described, this Resolution retains the ability for jurisdictions to have provisions in their regulations for educational equivalencies, and deletes the provisions for training equivalencies. At present the *NCARB Model Regulations* recommend allowing a person seeking initial licensure to demonstrate equivalent experience for meeting both the Education Requirement (accredited degree or equivalent) and the Training Requirement (IDP or five years equivalent experience as a registered architect). All jurisdictions now accept IDP and there is no longer any reason for NCARB to suggest that jurisdictions have equivalents to the IDP. Since the ARE is uniformly recognized, there is no equivalency to the ARE. The IDP is easily accessible to everyone online, and encouraging individual jurisdiction variants to the IDP fosters confusion and later dissatisfaction when an individual becomes registered under a local variant and thereafter is denied NCARB certification.



## RESOLUTION 2011-03

Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Modifications to BEA Requirements

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that paragraph A. under “Education Requirement, Alternative to a Professional Degree” of Chapter 1 of the *Handbook for Interns and Architects* be amended to read as follows:

“A. Satisfaction of NCARB’s Broadly Experienced Architect program, which permits an applicant with the required years of comprehensive practice architectural experience gained while holding a registration issued by any U.S. jurisdiction in which the applicant exercised responsible control within a U.S. jurisdiction while registered in such jurisdiction to demonstrate that a combination of education and/or comprehensive practice architectural experience satisfies all of his/her education deficiencies with respect to the *NCARB Education Standard* set forth in the *Education Guidelines*. The required years are: \_

- Six years for architects who hold a pre-professional degree in architecture awarded by a U.S.-regionally accredited institution or the Canadian equivalent, or \_
- Eight years for architects who hold any other baccalaureate or higher degree, or \_
- Ten years for architects who do not hold a post-secondary baccalaureate or higher degree.”

### SPONSORS’ STATEMENT OF SUPPORT:

As a result of Broadly Experienced Architect Committee’s work to develop an alternative method to verify an applicants’ responsibility and eliminate the interview, and its ongoing review of the program’s fairness, rigor, and effectiveness, the committee identified an inconsistency in program terminology and the need for clear and consistent language. The term “comprehensive architectural experience” is vague and inconsistent with program requirements that require an applicant to be responsible for all work submitted in the dossier. This is especially critical in the transition to the new process in which authorship and responsibility will be verified through alternate methods rather than the interview. Also, “comprehensive architectural experience” is often confused with pre-registration experience and/or internship experience.

Clarifying that the BEA program requires “comprehensive practice” rather than “comprehensive architectural experience” and qualifying that the applicant must be in “responsible control” are necessary for consistency with program requirements and review criteria. Consistency of program language and clarity of program information and requirements will enhance program defensibility.

## RESOLUTION 2011-04

Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Requirements for Certification of Foreign Architects

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that paragraph “General” in Chapter 3 of the *Handbook for Interns and Architects* be amended to read as follows:

“A “Foreign Architect” is an individual who holds a current registration, ~~license or certificate~~ in good standing in a country other than the United States or Canada ~~allowing him/her~~ which allows such individual to use the title “architect” and to engage in the unlimited practice of architecture (defined as the ability to provide any architectural services on any type of building in any state, province, territory, or other political subdivision of his/her national jurisdiction) in that country. A Foreign Architect may be granted an NCARB Certificate by meeting the requirements set forth in Chapter 1, under a mutual recognition agreement ratified by the Member Boards, or under the procedures set forth in this chapter. Such Certificate shall mean that NCARB recommends registration be granted to the NCARB Certificate holder by any NCARB Member Board without further examination of credentials.”

### SPONSORS’ STATEMENT OF SUPPORT:

In reviewing program literature for consistency and in responding to inquiries from foreign architects, the Broadly Experienced Architect Committee and staff have become aware of a discrepancy between the definition of foreign architect in the *Handbook for Interns and Architects* and the definition in the *Legislative Guidelines*. The *Handbook for Interns and Architects* defines a foreign architect as “an individual who holds current registration, license, or certificate...” This has led to confusion for foreigners who may not have a license, but may hold a different type of credential or certification (such as MCIAT – Member Chartered Institute of Architectural Technologists of the UK).

In addition, the current definition in the *Handbook for Interns and Architects* does not include “...which allows him/her to use the title ‘architect’...” Including this phrase in the definition will clarify that individuals who may have met requirements in their country for a type of credential may not be allowed to use the title “architect” in their country and therefore do not meet NCARB’s definition of foreign architect. Consistency of program-related language and definitions is necessary to maintain program defensibility. This will provide a foundation upon which to satisfy program eligibility requirements and ensure that program language effectively and consistently addresses the objectives of the Broadly Experienced Foreign Architect (BEFA) program.

## RESOLUTION 2011.05

Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Correction of ARE 4.0 Exam Equivalents

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that existing footnotes 1 through 4 of the chart of Exam Equivalents in Chapter 5 of the *Handbook* be deleted and footnotes 5 and 6 be renumbered and revised to read as follows:

- ~~1~~ *If you do not hold a NAAB-accredited or CACB-accredited or certified degree you must also have passed Equivalency Examination I or Qualifying Test A.*
- ~~2~~ *If you do not hold a NAAB-accredited or CACB-accredited or certified degree you must also have passed Equivalency Examination II or Qualifying Test C.*
- ~~3~~ *If you do not hold a NAAB-accredited or CACB-accredited or certified degree you must also have passed Equivalency Examination II or Qualifying Test B.*
- ~~4~~ *If you do not hold a NAAB-accredited or CACB-accredited or certified degree you must also have passed Equivalency Examination II or Qualifying Test D.*
- 51 *If you hold a professional degree from a NAAB-accredited program, and you passed the four-part Professional Examination between December 1973 and December 1978~~1977~~, and you were registered on or before March 1, ~~1979~~1978, you need not have passed examination in Site Planning.*
- 62 *If you hold a professional degree from a NAAB-accredited program, and you passed the four-part Professional Examination between December 1973 and December ~~1978~~1977, and you were registered on or before March 1, ~~1979~~1978, you need not have passed examination in Building Planning and Building Technology.”*

### STATEMENT OF SUPPORT

These footnotes have reflected NCARB’s position on examination deficiencies for the period of 1973 – 1978 when some jurisdictions did not require the Qualifying Tests or Equivalency Exams in addition to the Professional Exam. Staff has noted that footnotes 1 through 4 are unnecessary in light of the existing language in Section 4A of Chapter 1 of the *Handbook*, which provides that an applicant may still be certified if the applicant had an examination deficiency but the “examination deficiency arose from causes other than having failed a division of an examination under applicable NCARB pass/fail standards, and the deficiency is, in NCARB’s judgment, compensated for by your demonstration of competency in the deficient area.” Further, the Committee on Procedures and Documents has accepted a recommendation from staff to correct the dates in footnotes 5 and 6.

**RESOLUTION 2011-06**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Reinstatement of Revoked Certificate

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that the paragraph “Reinstating a Certificate” of Chapter 6 of the *Handbook for Interns and Architects* be amended to read as follows:

“NCARB may reinstate a previously revoked Certificate if the cause of the revocation has been removed, corrected, or otherwise remedied. ~~An applicant for reinstatement must meet eligibility standards for certification in effect at the time of reinstatement and pay all outstanding fees.~~”

**SPONSORS’ STATEMENT OF SUPPORT:**

This change makes the *Handbook* consistent with the Council’s *Bylaws*, which have no requirement that current “eligibility standards” be met at the time of reinstatement. The current meaning of this language is not clear. “Eligibility” is typically determined by Member Boards in the context of taking the ARE. “Standards” typically refer to the Council’s requirements that a Certificate holder graduate from an accredited program in architecture or satisfy the Broadly Experienced Architect (BEA) program, satisfy the Intern Development Program (IDP) or have an equivalent five years experience as a registered architect, and pass all divisions of the Architect Registration Examination<sup>®</sup> (ARE<sup>®</sup>). The Committee on Procedures and Documents recommends that the sentence be deleted from the *Handbook*.

**RESOLUTION 2011-07**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Handbook for Interns and Architects* Amendment – Definition of “In Process”

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that the paragraph “Changes to NCARB Certification Requirements” in Chapter 4 of the *Handbook for Interns and Architects* be amended to read as follows:

“NCARB requirements for certification as set forth in this *Handbook* may only be changed by an absolute majority vote of the NCARB Member Boards. Such change becomes effective July 1, following the close of the Annual Meeting or such later date identified in the change and applies both to applications for certification in process and new applications. If applicants whose applications were in process met all certification requirements that existed prior to the change, they will be eligible for certification. Applicants that fail to complete the NCARB certification process within five years will not be considered “in process” and will be required to satisfy current certification requirements.”

**SPONSORS’ STATEMENT OF SUPPORT**

When an applicant is “in process” is not now clearly defined in the *Handbook*. The proposed amendment makes clear that an applicant must complete the certification process within a five year period after the date of application. If the applicant fails to do so, the applicant will be required to meet the current requirements for certification; not those that existed on the date of their application. The Committee on Procedures and Documents recommends this change and believes that, with advances made in the management of applications for certification, that five years is a reasonable amount of time to expect an applicant to complete the process.

**RESOLUTION 2011-08**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Membership Dues

**SUBMITTED BY:** Council Board of Directors

**RESOLVED,** that Section 1(A) of Article XI of the *Bylaws* be amended to read as follows:

“A. Membership dues: Effective July 1, 2004, annual membership dues from each Member Board will be \$3,500; and effective July 1, 2005, \$4,000; effective July 1, 2006, \$4,500; effective July 1, 2007, \$5,000; effective July 1, 2008, \$5,500, and effective July 1, 2009, \$6,000.

A. Membership dues: Effective July 1, 2013, annual membership dues from each Member Board will be \$6,500; and effective July 1, 2014, \$7,000; effective July 1, 2015, \$7,500; effective July 1, 2016, \$8,000; effective July 1, 2017, \$8,500.”

**SPONSORS’ STATEMENT OF SUPPORT:**

The last dues increase, adopted in 2002, was for \$500 per year for six years through July 1, 2009. There was no dues increase for the current fiscal year nor is one proposed until fiscal year 2014. Member Board dues are proposed to increase \$500 per year for five years beginning July 1, 2013. This will give Member Boards two years advance notice to address state appropriation processes.

Current dues of \$6,000 per year cover only a minor portion of the services provided to Member Boards. The increase in dues will support in part the costs of completing the essential technology upgrades to the examination software, the development and implementation of new records management systems necessary to facilitate the licensing process, and facilitation of the practice analysis to ensure alignment of the Council’s education, internship, and examination programs with the requirements of independent practice. All of these activities provide a strong foundation necessary for the role the architect plays in the protection of the health, safety, and welfare of the public.

**RESOLUTION 2011-09**

Supported by the Council Board of Directors (12-2)

**TITLE:** *Bylaws* Amendment – Audit Committee

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Article VII of the *Bylaws* be amended by adding a new Section 9 at the end thereof as follows:

“SECTION 9. Audit Committee. The Audit Committee, appointed in the same manner and with the same term as all other committees, shall consist of the Treasurer, who shall serve as the chair of the Committee, one additional Executive Committee Member, and from one to three additional members of the Board of Directors who are not members of the Executive Committee. The Audit Committee shall report to the Board and shall be responsible for overseeing the Council’s financial controls and auditing, including receiving the annual audit and considering the items of internal accounting control that arise from the audit, from personnel changes and from the implementation of changes in policies that affect internal financial controls. The Audit Committee shall annually select and engage an independent auditor of the Council’s financial records.”

**FURTHER RESOLVED**, that Article VII, Section 8 (Executive Committee), paragraph D of the *Bylaws* be amended to read as follows:

“D. prior to the start of the new fiscal year of the Council, prepare a budget for the next fiscal year for presentation to the Council Board of Directors; periodically review the budget, investments, financial policies ~~procedures~~, and financial positions of the Council and make recommendations concerning the same to the Council Board of Directors for appropriate action ~~and serve as the audit committee of the Council.~~”

**SPONSORS’ STATEMENT OF SUPPORT:**

Establishing an Audit Committee is consistent with best practices that are emerging for nonprofit organizations and will allow the Executive Committee to focus on financial policies and other strategic issues while a separate Audit Committee oversees the audit and internal financial controls. It is expected that service on the Audit Committee will also expose more regional directors to how the Council manages its financial affairs.

**RESOLUTION 2011-10**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Treasurer’s Responsibilities

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Article VIII, Section 10 of the *Bylaws* be amended to read as follows:

~~“SECTION 10. Treasurer. The Treasurer shall have, subject to the direction of the Board of Directors, generally oversee general charge of the financial affairs of the Council and be the primary liaison of the Council Board of Directors with the chief financial officer of the Council. The Treasurer shall report to the Council Board of Directors and Annual Meeting on financial matters of the Council. and shall keep or cause to be kept full and accurate records thereof. The Treasurer shall render to the President/Chair of the Board or the Board of Directors, whenever either may require it, a statement of the accounts of the transactions of the Treasurer and of the financial condition of the Council. The Treasurer shall render to the Council an annual statement of the financial condition of the Council. The Treasurer shall perform such duties and have such powers additional to the foregoing as the Council Board of Directors may designate.”~~

**FURTHER RESOLVED**, that Article VIII, Section 12 of the *Bylaws* be amended to read as follows:

~~“SECTION 12. Bonding. The Treasurer, and such others as the Council Board of Directors may decide, Council’s Chief Executive Officer and those in general charge of the Council’s financial matters shall be bonded in an amount of not less than \$500,000. The Chief Executive Officer may decide to have others bonded in the Council. The cost of such bond shall be paid from funds of the Council.”~~

**FURTHER RESOLVED**, that Article XI, Section 2, paragraph A of the *Bylaws* be amended to read as follows:

~~“A. Receipts. All membership dues and all fees and other revenues received from any of the activities of the Council shall be placed in the operating fund of the Council. The operating fund shall be administered by the Council’s chief financial officer. Treasurer who, with approval of the Council Board of Directors, may delegate certain responsibilities as provided in Article VIII, Section 10 of these Bylaws.”~~

**FURTHER RESOLVED**, that Article XI, Section 3 of the *Bylaws* be amended to read as follows:

~~“SECTION 3. Securities and Investments. Subject to the directions given from time to time by the Council Board of Directors, the Treasurer. In accordance with the Council Board of Directors policies and directions by the Board to the Chief Executive Officer, the Council’s chief financial officer shall have charge of the investment of all funds of the Council not held in its operating fund. The Treasurer. In accordance with such policies and such directions, such chief financial officer may sell, purchase, transfer, and convey~~



securities and exercise all rights, by proxy or by participation, of the Council with respect to such securities, or may authorize such purchases, sales, transfers, conveyances, and the exercise of any or all of said rights. ~~The Treasurer may delegate to the Chief Executive Officer, from time to time, all or any portion of the authority set forth in this paragraph.~~"

**SPONSORS' STATEMENT OF SUPPORT:**

Consistent with establishment of a chief executive officer at the last Annual Meeting, the elected treasurer should have an oversight role rather than the operating role the current *Bylaws* imply. Recent treasurers have not exercised operating responsibilities, but rather have overseen management of the Council's finances by Council staff and have been the primary Board of Directors contact with the Council's financial staff. This amendment will continue those roles and conform the *Bylaws* to actual practice.

**RESOLUTION 2011-11**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Committee Descriptions

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Article XII, Sections 5 and 6 of the *Bylaws* be deleted, that Section 5 be adopted to read as follows and that existing Section 7 be re-numbered as Section 6: “SECTION

5. Committees. The following Committees are hereby established and may from time to time make recommendations to the Council Board of Directors for consideration:

A. Education Committee: The Committee shall oversee the development, delivery, and assessment of the Council’s education policies for use by Member Boards and its relationship with the National Architectural Accrediting Board (NAAB).

B. Internship Committee: The Committee shall oversee the development, delivery, and assessment of the Intern Development Program for use by Member Boards.

C. Examination Committee: The Committee shall oversee the development, delivery, and assessment of the Architect Registration Examination (ARE) for use by Member Boards.

D. Continuing Education Committee: The Committee shall oversee the development, delivery, and assessment of the Council’s policies and programs relating to continuing education standards for use by Member Boards.

E. Procedures and Documents Committee: The Committee shall review proposed resolutions, procedures, and documents for their impact on and consistency with Council policies and programs. The Committee shall assess the usefulness of special Council publications, and modify as appropriate.

F. Professional Conduct Committee: The Committee shall oversee the development, application, assessment, and adjudication of Council policies and practices relating to the professional conduct of record holders and others using Council services.

G. Member Board Executives Committee: The Committee shall consider issues of concern to the jurisdictions and Member Board Executives. The Committee shall nominate a Member Board Executive Director to serve on the Council Board of Directors as provided in Article VII, Section 2.

H. Regional Chairs Committee: The Committee shall discharge its responsibilities as described in Article V, Section 5, and consider issues of concern to the Regional

16 Conferences. The membership of the Committee shall be the Chairs of each of the Regional Conferences and the First Vice President/President Elect who shall serve as Chair of the Committee.

I. Credentials Committee: The Committee shall examine and verify Annual Meeting delegate credentials, report to the membership on Annual Meeting attendance, and tabulate and report election results to the President. Members of the Credentials Committee shall be sitting Member Board Members and/or Member Board Executives.

J. Other: Committees, task forces, and work groups may be established from time to time by the President with the approval of the Council Board of Directors.”

**SPONSORS' STATEMENT OF SUPPORT:**

The Bylaws Task Force reviewed the Council's current committee structure and recommends the changes identified in the resolution. The Task Force also determined that the duties of the Council's committees as described in the current *Bylaws* are overly prescriptive, and in many instances, the committees have outgrown their responsibilities. The proposed changes are intended to more broadly identify the responsibilities of the committees while allowing for the establishment of other committees, task forces, and work groups as needed and approved by the Board of Directors. (For reference purposes, the existing standing committees and their responsibilities are found in the *Bylaws* included as an appendix in the *2011 NCARB Pre-Annual Meeting and Conference Report*.)

**RESOLUTION 2011-12**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Reinstatement of Membership

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that Article IV be amended by adding a new Section 3 as follows:

“SECTION 3. Reinstatement. A jurisdiction shall be reinstated as a member in the Council by a vote of two-thirds of all Member Boards following payment of all financial obligations of membership had the jurisdiction not been removed and being in compliance with all other requirements of Article IV, Sections 1 and 2.”

**SPONSORS’ STATEMENT OF SUPPORT:**

The Bylaws Task Force has noted that there is no provision for reinstating a removed jurisdiction’s membership in the Council. It recommends that the same two-thirds vote be required for reinstatement as is required for removal. It also recommends that in fairness to the member jurisdictions, the removed jurisdiction be required to pay all financial obligations it would have been required to pay had it remained a member and not been removed.

**RESOLUTION 2011-13**

Supported by the Council Board of Directors (14-0)

**TITLE:** *Bylaws* Amendment – Omnibus Incidental Bylaw Changes

**SUBMITTED BY:** Council Board of Directors

**RESOLVED**, that the amendments and deletions noted in the Appendix, Omnibus Incidental Bylaw Changes, be adopted in the form presented in the Appendix.

**SPONSORS' STATEMENT OF SUPPORT:**

The Bylaws Task Force noted several incidental changes that it believed would be beneficial. If any Member Board wishes to have a particular change considered separately by the Annual Meeting, the chair will entertain a motion to divide the question so the particular change can be separately considered and acted on.

## APPENDIX

### Omnibus Incidental Bylaw Changes

***Note that throughout the document, “Annual Meeting and Conference” has been changed to “Annual Meeting” and “State” has been changed to “Jurisdiction.” All other recommended changes are shown in underline and strikeout.***

#### ARTICLE I—NAME

The name of this organization shall be the National Council of Architectural Registration Boards.

#### ARTICLE II—DEFINITIONS

The following terms shall have the following meanings when used in these Bylaws:

- A. “Council” shall mean the National Council of Architectural Registration Boards;
- B. “Jurisdiction” shall mean any political subdivision of the United States, including any State, commonwealth, territory, dependency, and the District of Columbia, which has a law regulating the practice of architecture;
- C. ~~“State Board”~~ “Member Board” is a member of the Council and shall mean the body legally authorized by a Jurisdiction to certify that an applicant for registration as an architect is qualified;
- D. ~~“Member Board” shall mean a State Board which is a member of the Council.~~

#### ARTICLE III—PURPOSE

The purpose of the Council shall be to work together as a council of Member Boards to safeguard the health, safety, and welfare of the public and to assist Member Boards in carrying out their duties. Pursuant thereto, the Council shall develop and recommend standards to be required of an applicant for architectural registration; develop and recommend standards regulating the practice of architecture; provide a process for certifying to Member Boards the qualifications of an architect for registration; and represent the interests of Member Boards before public and private agencies, provided that the Council shall not purport to represent the interest of a specific Member Board without that Member Board’s approval.

#### ARTICLE IV—MEMBERSHIP

SECTION 1. Members. The membership of the Council shall be the legally constituted Jurisdiction Boards in good standing. Membership in the Council shall be attained through acceptance by the Council Board of Directors. Application shall be made upon forms furnished by the Council. Every Member Board shall annually provide the Council with the names and addresses of its members, a copy of its law relating to the registration and practice of architecture, a copy of its rules or regulations administering such law, and a roster of all persons registered by the Member Board, and shall pay the annual membership dues. All Member Boards in good standing shall have equal rights.

SECTION 2. Removal. If, after written notification from the Council Board of Directors, a Member Board shall (i) fail to pay its dues or other financial obligations to the Council or to its Regional Conference, or (ii) shall persistently refuse registration to architects holding the

Council Certificate for the reason that such architects are not the residents of the Member Board's jurisdiction, or (iii) shall fail to administer the Architect Registration Examination prepared by the Council to all its applicants (other than applicants of whom it does not require a written examination) for registration, then the Council Board of Directors may recommend to the Council that such Member Board be removed from membership in the Council. Upon such recommendation, such Member Board may be removed from membership in the Council by the affirmative vote of not less than two-thirds of all Member Boards.

*[See Resolution 2011-L]*

## **ARTICLE V—MEETINGS**

SECTION 1. Annual Meeting. The Council shall hold an Annual Meeting at a time and place as determined by the Council Board of Directors. Notice of all Annual Meeting shall be ~~mailed to~~ sent to the chair or equivalent presiding officer and to the Member Board Executive of each Member Board not less than 90 days prior to each such meeting.

SECTION 2. Special Meetings. Special business meetings of the Council may be called by the President/Chair of the Board, with the approval of the Council Board of Directors, or by a majority of the Member Boards. The Bylaws which govern notice for and the procedures and conduct of business of the Annual Meeting shall apply to Special Meetings.

SECTION 3. Delegates and Credentials. Each Member Board shall be entitled to be represented at meetings of the Council by one or more official delegates who shall be members of that Member Board.

A delegate attending the Annual Meeting or any Special Meeting of the Council shall be identified by a letter of credentials from the delegate's Member Board. A Member Board may be represented by as many delegates as attend, but only one vote may be cast for each Member Board by its delegates.

SECTION 4. Quorum. A quorum for the transaction of business at the Annual Meeting of the Council shall be one or more delegates representing a majority of the Member Boards.

SECTION 5. Resolutions and Other Motions. Resolutions are the substantive matters placed on the agenda for a meeting of the Council in accordance with this Section. All resolutions to be considered at any meeting of the Council, except those submitted by the Council Board of Directors, those submitted by Select Committees and those of the laudatory type, shall be submitted to the Regional Chairs Committee not later than 75 days prior to the meeting at which the resolution is to be considered. The Regional Chairs Committee shall review each resolution submitted by Regional Conferences and Member Boards for conformity with the Council Bylaws and may recommend to the author of any resolution such changes as are deemed advisable for the purpose of clarity and to avoid duplication. All resolutions shall, insofar as practicable without altering or confusing the intent of the resolution, avoid invective or argument; but the proponent of a resolution may, when submitting the resolution to the Regional Chairs Committee, include a brief summary of the argument in support of the resolution, which summary shall be published with the publication of the resolution. The ~~Regional Chairs Committee~~ Council shall ~~publish and~~ distribute all resolutions, except laudatory resolutions, to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be

considered. If the Board of Directors discloses its position to the Council, the vote of the Board of Directors shall be disclosed at the same time.

Only Member Boards, Regional Conferences, Select Committees, and the Council Board of Directors may offer resolutions to be presented at any meeting of the Council, or amendments to resolutions so presented. All other motions permitted under Robert's Rules of Order Newly Revised may be made by any delegate or Council Officer or Director.

SECTION 6. Voting. The affirmative vote of two-thirds of all Member Boards is required to pass any amendment to these Bylaws or to remove any Member Board from membership in the Council. The affirmative vote of a majority of all Member Boards is required to pass any other resolution. Except as specified in Article VIII, Section 4, with regard to the election of Officers, voting upon all other issues shall require the quantum of vote set forth in Robert's Rules of Order Newly Revised. There shall be no voting by proxy.

SECTION 7. Order of Business. An agenda outlining the order of business shall be prepared for all Council meetings. The agenda shall be prepared under the direction of the Council Board of Directors and printed and mailed sent by the Secretary to all Member Boards at least 30 days before the date set for a particular meeting.

SECTION 8. Rules of Order. The Council shall be governed by Robert's Rules of Order Newly Revised when not in conflict with the Bylaws of the Council.

SECTION 9. Advisory Votes by Letter or Electronic Ballot. The Council Board of Directors may from time to time submit any issue or question to the Member Boards for an advisory vote by letter or electronic ballot, provided the subject matter and the ballot shall have been officially submitted in writing to the Member Boards at least 60 days prior to a date therein set for final receipt of ballots. Only ballots returned in the prescribed time will be counted.

SECTION 10. Other Participants. Council Officers and Directors, Member Board Executives or Attorneys when designated by their Member Boards, persons designated by the Board of Directors, and persons designated by the Presiding Officer shall have the privilege of the floor at Council meetings and may take part in the discussions and perform all functions of the delegates except to vote, or, except as provided in Article V, Section 5, with respect to Officers and Directors, to initiate action.

SECTION 11. International Agreements. All written international and/or foreign agreements entered into by the Council shall be subject to ratification by majority vote of the members at an Annual Meeting.

## **ARTICLE VI—REGIONS AND REGIONAL CONFERENCES**

SECTION 1. Purpose. In order to establish closer communication between Member Boards and the Council, as well as between Member Boards within geographical areas, and further to assist

- A. Six geographical Regions comprising, in the aggregate, all the Jurisdictions, and
- B. Six Regional Conferences, one within each Region, comprising the Member Boards in that Region, are hereby established. Each Member Board shall be required to be a



member of its Regional Conference.

SECTION 2. Membership. The membership of the Regional Conferences is established as follows:

REGION 1—New England Conference: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

REGION 2—Middle-Atlantic Conference: Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia.

REGION 3—Southern Conference: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas, Virgin Islands.

REGION 4—Mid-Central Conference: Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin.

REGION 5—Central States Conference: Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming.

REGION 6—Western Conference: Alaska, Arizona, California, Colorado, Guam, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington.

## **ARTICLE VII —THE COUNCIL BOARD OF DIRECTORS**

SECTION 1. Membership. The Council Board of Directors shall comprise the Officers of the Council as designated in Section 1 of Article VIII, one Director elected from each Regional Conference, the immediate Past President, one Member Board Executive Director, and one Public Director elected as provided in this Article VII.

SECTION 2. Qualifications and Limitations. A candidate for election as a Regional Director shall be (i) a citizen of the United States, and (ii) a member of a Member Board within the Regional Conference, or the Chair of the Regional Conference, or the incumbent Regional Director, at the time he or she is nominated by the Regional Conference. In the case of a Member Board regulating professions in addition to the profession of architecture, and which is divided into professional sections, the candidate will qualify as a member of a Member Board only if he or she is a member of the architectural section of the Member Board. ~~Regional~~ All Directors shall serve without compensation.

A candidate for election as the Member Board Executive Director shall be (i) a citizen of the United States, (ii) either an executive director or hold a comparable position as the primary administrator responsible for overseeing the activities of a Member Board at the time of election, (iii) nominated by vote of a majority of the members of the Member Board Executives Committee, and (iv) such person so nominated shall be elected at the Annual Meeting. A Member Board Executive Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Member Board Executive Director shall be filled by vote of a majority of the

members of the Member Board Executives Committee.

A candidate for election as the Public Director shall be (i) a citizen of the United States, (ii) shall not be a person engaged in or licensed to engage in the design of any portion of buildings or structures or a person participating in the regulation of design of any portion of buildings or structures, (iii) nominated by the Council Board of Directors, and (iv) such person so nominated shall be elected at the Annual Meeting. A Public Director shall serve the same term and with the same limit on succeeding terms as apply to Regional Directors in this Article VII, Section 3, and any vacancy in the office of Public Director shall be filled by the Council Board of Directors.

SECTION 3. Terms of Office. The terms of office of Officers and Directors shall be as provided in Section 5 of Article VIII. Regional Directors shall be nominated as provided in Section 4 of this Article and persons so nominated shall be elected at the Annual Meeting of the Council to serve from the adjournment of said Annual Meeting until the adjournment of the next following Annual Meeting or until their successors are duly elected. No person shall serve more than three terms in succession as a Director.

SECTION 4. Nomination of Regional Directors. Each Regional Conference shall select its nominee for Director at a Regional Conference meeting. The nominations will be announced by the several Regional Conferences at the Annual Meeting of the Council.

SECTION 5. Vacancies. Vacancies in the offices of Officer and Directors shall be filled as provided in Section 6 of Article VIII. A vacancy in the office of a Regional Director shall be filled by an appointee designated by and from the Regional Conference originally represented. Any Regional Director who moves his or her principal residence to a place outside the region which he or she represents shall be deemed to have vacated the office of Regional Director, and any Member Board Executive Director and/or Public Director who ceases to be eligible as provided in this Article VII, Section 2, clause (ii) shall be deemed to have vacated the office of Member Board Executive Director or Public Director, respectively.

SECTION 6. Duties. The affairs of the Council shall be managed under the authority and direction of the Council Board of Directors. It shall exercise all authority, right, and power granted to it by the laws of the State of Iowa and shall perform all duties required by the said laws and by these Bylaws, and, in accordance therewith, it shall not delegate any of the authority, rights, or power or any of the duties imposed on it by these Bylaws or otherwise, unless such delegation is specifically provided for in these Bylaws.

SECTION 7. Meetings of the Board. The Council Board of Directors ~~must actually~~ may meet in any manner allowed by applicable law in regular or special meetings in order to transact business. Unless finances of the Council will not permit, the Council Board of Directors shall hold a regular meeting immediately prior to the opening of the Annual Meeting and a regular meeting immediately following the adjournment of the Annual Meeting of the Council. Special meetings may be held upon call of the President/Chair of the Board or the Executive Committee and shall be held upon written request of the majority of the Council Board of Directors. All members shall be given due notice in writing of the time and place of all meetings, although

notice of any meeting may be waived in writing by any member. A majority of the membership of Council Board of Directors shall constitute a quorum for the transaction of business. In the event that a Regional Director is unable to attend a meeting of the Council Board of Directors, the Chair of the Regional Conference the Director represents shall have the privilege of participating in the meeting in the Director's stead.

SECTION 8. Executive Committee of the Council Board of Directors. The Executive Committee of the Council Board of Directors shall comprise the President/Chair of the Board, the First Vice President/President Elect, the Second Vice President, the Treasurer, the Secretary, and the immediate Past President. The Executive Committee shall:

- A. act for the Council Board of Directors between meetings only as directed by the Board;
- B. develop short-range and long-range goals, consistent with the mission of the Council, as the basis for planning and implementation by the Board; and
- C. assist the President/Chair of the Board with the development of issues to be presented at the spring Regional Meetings.

*D. [See Resolution 2011-]*

#### **ARTICLE VIII—OFFICERS**

SECTION 1. Officers. The Officers of the Council shall be the President/Chair of the Board, the First Vice President/President Elect, the Second Vice President, the Treasurer, and the Secretary.

SECTION 2. Qualifications and Limitations. To be eligible for elective office in the Council a person shall be:

- A. a citizen of the United States; and
- B. at the time of election; serving either (i) as a member of the Council Board of Directors or (ii) as a member of a Member Board and, in the case of Member Boards regulating professions in addition to the profession of architecture and which is divided into professional sections, as a member of the architectural section of the Member Board. Elected Officers of the Council shall serve without compensation, provided, however, that nothing herein shall prohibit the Council Board of Directors from providing reasonable allowances from time to time to the President/Chair of the Board and to the First Vice President/President Elect. Any such allowances shall be included in budget reports furnished to the Member Boards.

SECTION 3. Nomination of Officers. Any person qualified as prescribed in Section 2 may be nominated for office by declaring his or her candidacy at the time election for such office begins

SECTION 4. Election of Officers. All elections of Officers shall be by ballot at the Annual Meeting , unless the Council shall agree to waive the provision. A majority vote of the Member

Boards present and voting shall elect an Officer. If more than two candidates have been nominated, ballots shall be taken until a candidate receives such a majority vote. If there has not been such a majority vote on a ballot, the candidate receiving the least number of votes shall be eliminated prior to the next ballot.

SECTION 5. Terms of Office.

- A. The Second Vice President shall serve from the adjournment of the Annual Meeting at which such person is elected, until the adjournment of the next following Annual Meeting or until a successor is duly elected.
- B. The First Vice President/President Elect shall serve as such from the adjournment of the Annual Meeting at which such person is so elected, until the adjournment of the next following Annual Meeting at which time such person shall assume the office of President/Chair of the Board and shall serve as such until the adjournment of the next following Annual Meeting .
- C. The Secretary and the Treasurer shall serve from the adjournment of the Annual Meeting at which they are elected until the adjournment of the next following Annual Meeting or until their successors are elected.
- D. No incumbent shall serve for more than one term in succession as President/Chair of the Board, First Vice President/President Elect, or Second Vice President; provided, however, that an Officer shall be eligible for reelection for the full term of office if during the period immediately prior thereto such Officer had succeeded to or been elected to the office to fill a vacancy.

SECTION 6. Vacancies. A vacancy in the office of the President/Chair of the Board shall be filled by the First Vice President/President Elect assuming the office. A vacancy in the office of the First Vice President/President Elect shall be filled by the Second Vice President assuming the office. A vacancy in the office of Second Vice President, Secretary, or Treasurer shall be filled by an appointee designated by the Council Board of Directors to hold office until the adjournment of the next Annual Meeting; but the balance of the unexpired term, if any, shall be filled at the Annual Meeting by nomination and election as provided in Sections 3 and 4.

SECTION 7. President/Chair of the Board. The President/Chair of the Board shall be the senior elected officer of the Council and shall:

- A. preside at all meetings of ~~the Council~~, the Council Board of Directors, the Executive Committee of the Council Board of Directors, and the Annual Meeting.
- B. present to the Council at the Annual Meeting a report of activities during the
- C. identify individuals to serve on all committees while serving as First Vice President/President Elect and when serving as either President/Chair of the Board or First Vice President/President Elect may appoint all members of committees to serve

during his or her own term of office as President/Chair of the Board subject to the approval of the Council Board of Directors;

D. oversee the work of all committees in discharging their responsibilities;

E. represent the Council Board of Directors and its policies to all external and internal constituents including to the Chief Executive Officer; and

F. perform such other duties and powers as the Council Board of Directors may from time to time decide.

SECTION 8. Vice President. The Vice Presidents, in order, shall, in the absence of the President/Chair of the Board, exercise the duties of and possess all the powers of the President/Chair of the Board.

SECTION 9. Secretary. The Secretary shall record or cause to be recorded ~~in books kept for that purpose~~ all votes, consents, and the proceedings of all meetings of the Council and of the Board of Directors. The Secretary shall perform such duties as the Board of Directors may designate. ~~Records books~~ of the Council meetings shall be open at all reasonable times to the inspection of any Member Board.

In the absence of the Secretary from any meeting of the Council or from any meeting of the Board of Directors, a temporary Secretary designated by the person presiding at the meeting shall perform the duties of the Secretary.

SECTION 10. Treasurer. *[See Resolution 2011-J]*

SECTION 11. Chief Executive Officer. The Chief Executive Officer shall be the senior appointed officer of the Council. Such person shall be appointed by, shall serve at the pleasure of and shall have such compensation and benefits as shall be established from time to time by the Council Board of Directors. The Chief Executive Officer shall have general charge of the management and administration of the Council's affairs, the implementation of policies established from time to time by the Council Board of Directors and such other duties and powers as the Council Board of Directors may from time to time determine, subject always to the ultimate authority of the Council Board of Directors under applicable law and these Bylaws.

SECTION 12. Bonding. *[See Resolution 2011-J]*

## **ARTICLE IX—COUNCIL SERVICES TO MEMBERS OF THE ARCHITECTURAL PROFESSION**

SECTION 1. Council Record. The Council shall, upon request of individual members of the architectural profession, secure, authenticate, and record factual data of an applicant's education, training, examination, practice, and character. Upon request of the applicant, this Record will be forwarded to any Member Board or to any foreign registration authority with whom NCARB has an agreement for mutual reciprocity upon request of the applicant.

SECTION 2. Council Certification. Certification shall be given an Architect holding a Council Record verifying that the Architect has complied with the Council standards of education,

training, examination, registration, and character. In addition to this verification, the Certification shall carry the recommendation of the Council that registration be granted the Architect without further examination of credentials. For applicants registered as Architects in countries where formal agreements with the Council exist, the standards and procedures for Certification will be in accordance with such written agreements or as otherwise established by the Council. Architects certified by the Council shall have a Certificate incorporated in their Council Record.

SECTION 3. Annual Renewal. Council Certification shall be in effect for a period of one year. Renewal of the Certification shall be predicated upon the submission of an annual fee and an annual report containing such information as the Council deems appropriate. The Certification shall lapse if the annual fee and report are not received by the Council within such grace period as the Council Board of Directors may establish. A lapsed Certification may be ~~reinstated~~ reactivated by paying delinquent renewal fees, furnishing delinquent annual reports, and paying such fee for reinstatement as the Council Board may establish.

SECTION 4. Revocation of Certification. The Council shall revoke an Architect's Certification if:

- A. a Member Board has revoked (without limitation as to time) the Architect's registration for a cause other than nonpayment of renewal fees or failure to file information with the Member Board; or
- B. facts are subsequently revealed which show that the Architect was actually ineligible for Certification at the time of Certification.

In addition, the Council may revoke an Architect's Certification if:

- C. a Member Board or a court makes a finding, not reversed on appeal, that the Architect has, in the conduct of his or her architectural practice, violated the law or has engaged in conduct involving wanton disregard for the rights of others; or
- D. the Architect has surrendered or allowed to lapse his or her registration in connection with disciplinary action pending or threatened; or
- E. a Member Board has denied the Architect registration for a cause other than the failure to comply with the educational, experience, age, citizenship, or other technical qualifications for registration in such jurisdiction; or
- F. the Architect has willfully misstated a material fact in a formal submission to the Council.

The Council may reinstate a Certification previously revoked, if the cause of the revocation has been removed, corrected, or otherwise remedied.

In order to assist the Council in carrying out its responsibilities under this Section, each Member Board shall (unless prohibited by its State Law) report to the Council each case in which the Member Board has revoked or suspended an Architect's registration for cause other than nonpayment of renewal fees or failure to file information with the Member Board, or in which the Member Board or a court makes a finding, not reversed on appeal, that the Architect

has, in the conduct of architectural practice, violated the laws.

## **ARTICLE X—~~COUNCIL SERVICES TO ITS MEMBER BOARDS~~**

SECTION 1. Architect Registration Examination. The Council shall prepare an architect registration examination for use by Member Boards. The Council Board of Directors shall issue, from time to time, rules respecting the administration and grading of examinations, which shall include, among other things, the schedule of charges for the use of the examinations, the date or dates on which examinations may be administered, safeguards to prevent improper disclosure of information respecting the examinations, and such other matters respecting the administration and grading of examinations as the Council Board deems appropriate. Every Member Board using the Architect Registration Examination shall comply strictly with the rules issued by the Council Board, unless the Council Board agrees to waive any of the rules in a particular case. If any Member Board refuses to comply with the rules applicable to its use of the examinations or, after so agreeing, fails to comply with such rules, the Council Board may withhold the examinations from such Member Board until it is satisfied that such Member Board will comply with such rules thereafter. Any Member Board which refuses registration to architects holding the Council Certification for the reason that the Member Board has requirements or procedures for grading the Architect Registration Examination which are different from the requirements or procedures established by the Council shall be denied the use of the examinations until such policy of refusing registration is revoked; but the Council Board may, with sufficient cause, waive the denial of the use of the examinations.

SECTION 2. Forms and Documents. In order to ensure uniformity in the reporting of an applicant's education experience, registration (if applicable), and other necessary supporting data for determining eligibility for examination, Council Certification, or reciprocal registration, the Council shall study and prepare forms and documents appropriate for use by both the Council and Member Boards.

SECTION 3. Research. The Council, through work of committees, shall engage in research pertinent to all matters relating to legal registration of architects.

SECTION 4. International Relations. The Council shall engage in the exploration and formulation of agreements with foreign countries to allow architects to practice in countries other than their own.

## **ARTICLE XI—FINANCES, FUNDS, ACCOUNTING, INVESTMENTS, AND RECORDS OF THE COUNCIL**

SECTION 1. Dues and Fees.

A. *[See Resolution 2011-H]*

B. Fees: The fees to be charged for ~~Council~~ services to members of the architectural profession shall be established, from time to time, by an affirmative vote of not less than two-thirds of the Council Board of Directors present and voting.

SECTION 2. Operating Fund.

A. Receipts. *[See Resolution 2011-J]*

B. General Budget: As soon as feasible following the Annual Meeting, the Council Board of Directors shall adopt a general budget which shall show the anticipated income and expenditures for the current year.

C. Authority to Expend and Disburse Money: No Officer, Director, Committee, or employee of the Council shall have the right, authority, or power to expend any money of the Council, to incur any liability for and in its behalf, or to make any commitment which will or may be deemed to bind the Council in any expense or financial liability, unless such expenditure, liability, or commitment has been properly incorporated into the budget, and the Council Board of Directors has made an appropriation to pay the same.

D. Fiscal Year: The Fiscal Year of the Council shall be from July 1 of one year to June 30 of the next succeeding year.

### SECTION 3. Securities and Investments. *[See Resolution 2011-J]*

SECTION 4. Liabilities of Officers, Directors, and Employees. No Officer, Director, or employee of the Council shall be personally liable for any decrease of the capital, surplus, income, balance, or reserve of any fund or account resulting from his or her acts performed in good faith and within the scope of his or her authority.

SECTION 5. Disclosure of Records. Upon written request made with reasonable specificity, a Member Board shall have the right to receive from the Council with reasonable promptness copies of any Council record it may reasonably request, but excluding (i) information barred from disclosure by an applicable statute; (ii) trade secrets; (iii) information disclosed to the Council in reliance upon its continued non-disclosure; (iv) information that, if released, would give an inappropriate advantage to a competitor or bidder with respect to a request for proposals issued or about to be issued by the Council; (v) personnel information, the disclosure of which would constitute an unwarranted invasion of personal privacy; (vi) attorney-client communications and attorney work-product materials; (vii) transcripts and personal information respecting Certificate applicants or holders without the permission of such applicant or holder; (viii) contents and results of examinations except to the extent disclosure is provided for in the contract between the Council and the Member Board together with data, methodologies, practices, plans, proposals, records of committee deliberations and other records relating to the content, administration, scoring or security of examinations; and (ix) information arising from investigatory cases. Any of the excluded records that the Council has already distributed publicly shall, notwithstanding the preceding sentence, be available to any Member Board. To the extent permitted by applicable law, Council records furnished to a Member Board shall not be distributed by the Member Board to outsiders. The Council may charge the Member Board only reasonable costs to comply with the request. Such charges shall be itemized by the Council in an invoice to the Member Board.

## **ARTICLE XII—COMMITTEES**

SECTION 1. Authorization and Appointment of Committees. Committees may be established to



perform services for the Council. Except as otherwise specifically provided, all Committees shall be appointed as provided in Article VIII, Section 7 of these Bylaws and shall be under the jurisdiction of the Council Board of Directors, reporting to it when directed. Except as otherwise specifically provided, the President/Chair of the Board shall select the Chair of all Committees.

The Council Board of Directors may delegate to any of the Officers the authority to supervise the work of any of the Committees. The President/Chair of the Board shall have the power to make appointments to any unfilled or vacant Committee membership.

The Council Board of Directors may at any time discontinue a Committee other than a standing Committee established in the Bylaws, or make any changes in a Committee's personnel without regard to the terms of appointment of the Committee members.

SECTION 2. Reports of Committees. Each Committee shall report in writing annually to the Council Board of Directors, at least 60 days prior to the date of the Annual Meeting , for inclusion in the Pre-Annual Meeting Report, further, shall make interim reports to the Council Board of Directors as directed. Such reports shall be filed with the President/Chair of the Board, with a copy to the Chief Executive Officer.

SECTION 3. General Procedure of Committees. Every Committee shall perform in accordance with these Bylaws and with the directions of the Council Board of Directors. With the approval of the Council Board of Directors, every Committee may call and hold meetings and meet with other organizations or their representatives.

SECTION 4. Terms of Committee Appointments. The terms of Committee appointments shall ~~expire at the adjournment at the Annual Meeting and Conference~~ be for one fiscal year except as otherwise ~~provided in these Bylaws~~ approved by the Council Board of Directors.

SECTION 5. ~~Standing~~ Committees. [*See Resolution 2011-K*]

SECTION 6. Select Committees. Whenever the Council establishes by resolution a Committee, a majority of whose members are, in accordance with such resolution, to be selected by a procedure other than those set out in Section 7 of Article VIII, such a Committee shall be deemed a Select Committee and shall have, in addition to the duties and powers set out in the resolution, the right, notwithstanding Article V, Section 5, to offer resolutions to be voted on at the Annual Meeting and Conference on subjects germane to the work of such Select Committee, provided such resolutions are included in the annual report of such Select Committee submitted to the Council Board of Directors in accordance with Section 2 of this Article XII. Such annual report of a Select Committee shall be included in the *Pre-Annual Meeting and Conference*

### **ARTICLE XIII—INDEMNIFICATION**

In addition to such further indemnification as may be authorized by the Board of Directors from time to time consistent with applicable law, to the fullest extent permitted by law, including without limitation Section 504 of the Iowa Code known as the Revised Iowa Nonprofit Council Act ("RINCA") and after the Council's Board of Directors makes the determination that the standards of Section 504.852 of RINCA (or successor provisions) have been met for the specific

proceeding at issue, any present or former director, officer, employee determined by Board of Directors to be an executive employee, or member of a Council committee, or the estate or personal representative of any such person, made a party to any action, suit or other proceeding, civil or criminal, by reason of the fact that such person is or was serving the Council as such, or serving at the Council's request in any other entity or with respect to the Council's employee benefit plan, shall be indemnified by the Council against the reasonable expenses, including without limitation amounts paid by way of judgment, fine or penalty and reasonable defense costs including attorney's fees incurred in connection with the defense of such proceeding whether or not such defense shall be successful in whole or in part, or in connection with any appeal therein, or any settlement of any such proceeding on terms approved by the Council Board of Directors. Such indemnification shall not be deemed exclusive of any other rights to which such persons may be entitled. Any other present or former employee or agent of the Council may also be indemnified with the approval of the Council Board of Directors. Expenses incurred of the character described above may, with the approval of the Council Board of Directors, be advanced to any person entitled to indemnity upon satisfaction of the requirements of Section 504.854 (or successor provisions) of RINCA. The Council shall have the power to purchase and maintain insurance on behalf of any person described above, or any other employee, volunteer or agent of the Council, against liability asserted against or incurred by such person on account of his or her status as such, whether or not the Council would have the power to indemnify or advance expenses to such persons.

#### **ARTICLE XIV—SEAL**

The Official Seal of the Council shall be used in all legal documents and on the Certification referred to in Article IX, Section 2 of these Bylaws.

#### **ARTICLE XV—AMENDMENTS**

These Bylaws may be amended at any special meeting or Annual Meeting of the Council by resolution submitted to the Member Boards not less than 30 days prior to the meeting at which the resolution is to be considered. An affirmative vote by not less than two-thirds of the Member Boards shall be required to secure adoption of any amendment to these Bylaws.