

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda
The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas
Friday, June 14, 2013
9:00 a.m.

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

Alfred Vidaurri
Sonya Odell
Alfred Vidaurri

2. **Introduction of New Board Members** (*Information*)
 - A. Charles "Chuck" Anastos – Reappointed (*Apr 11, 2013 – Jan 31, 2019*)
 - B. Michael "Chad" Davis – Appointed (*Apr 11, 2013 – Jan 31, 2019*)
 - C. William "Davey" Edwards – Appointed (*Apr 11, 2013 – Jan 31 2019*)

Alfred Vidaurri

3. **Approval of the January 31, 2013, Board Meeting Minutes** (*Action*)

Alfred Vidaurri

4. **Executive Director Report - Agency Update** (*Information*)
 - A. Budget Review
 - B. Report on comparisons between the manner in which the agency currently processes online registration renewal and the process by which a third party contractor would provide that service
 - C. Legislative Report/Update

Cathy Hendricks

- Report on Conferences and Meetings** (*Information*)
 - A. CLARB Spring Meeting, Scottsdale, AZ (*March 1-2, 2013*)
 - B. NCARB Joint Regional Meeting, Charleston, SC (*March 7-9, 2013*)

Alfred Vidaurri

5. **General Counsel Report** (*Action*)
 - A. **Proposed Rule for Adoption**

Amend Rule 1.191 relating to experience required for architectural registration by examination, repealing limit on number of hours credited for academic internships
 - B. **Prospective Rule for Proposed Adoption**
 - I. Amend Rule 7.10 relating to general fees to charge fees for business registration, initial architectural registration, subscription fees for online registration services, and to lower the penalty for late registration renewal
 - II. Amend Rules 5.31 and 5.51 to modify exam requirements for purposes of registering as a registered interior designer; striking obsolete language.

Scott Gibson

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6. Enforcement Cases (*Action*)

Scott Gibson

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

Continuing Education Cases:
Adams, Joseph H. (#122-13A)
Allen, John L. (#081-13A)
Butler, Frank A. (#119-13A)
Fischer, Susan F. (#135-13L)
Flesher, David J. (#073-13A)
Freeman, Cricket (#102-13I)
Gozali, Minarni (#107-13I)
Griffis, Jeff K. (#143-13A)
Horton, William E. (#118-13I)
Kraemer, Alisa C. (#087-13I)
Krolicki, Jeffrey R. (#131-13A)
Morgan, Adrienne (#100-13I)
Newman, Katherine E. (#129-13A)
Paul, Douglas W. (#106-13A)
Perrier, Patti H. (#111-13I)
Quinn, David R. (#146-13A)
Rainwater, Sherry (#085-13I)
Runyon, Robert (#101-13A)
Schenck, Dale H. (#123-13A)
Slaney, Scott G. (#098-13L)
Trexler, Joel (#095-13A)
Tsao, Ing-Tay (#090-13I)
West, Charles S. (#117-13A)
Whitwell, Allen (#074-13A)
Wilson, Alison B. (#144-131)

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

7. NCARB Proposed Changes to Intern Development Program (IDP) Duration Requirement (*Action*)

Alfred Vidaurri

8. Resolutions to be Acted Upon at the NCARB's 2013 Annual Meeting (*Action*)

Alfred Vidaurri

- A. **Resolution 2013-01** – *Model Law and Regulations* Amendment – Use of Electronic Seals and Signatures
- B. **Resolution 2013-02** – *Certification Guidelines* Amendment – Alternative to Education Requirement
- C. **Resolution 2013-03** – *Certification Guidelines* Amendment –

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Modifications to Broadly Experienced Architect Terminology

- D. **Resolution 2013-04** – *Certification Guidelines* – Modification to Broadly Experienced Foreign Architect Terminology
- E. **Resolution 2013-05** – *Bylaws Amendment* – Eligibility for the Public Director Position
- F. **Resolution 2013-06** – *Inter-Recognition Agreement with Canada* – Update and Conforming Changes to *Certification Guidelines*

9. Chair’s Closing Remarks

Alfred Vidaurri

10. Adjournment

Alfred Vidaurri

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*

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who may need assistance or services (such as sign language interpreter or personal assistive listening devices, or large print or Braille), are requested to Contact (512) 305-8548 at least five (5) work days prior to the meeting so appropriate arrangements can be made.

FREQUENTLY USED ACRONYMS

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of January 31, 2013 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 102

Austin, TX 78701

9:00 a.m. until completion of business

1. Preliminary Matters

A. Call to Order

Chair Alfred Vidaurri called the meeting of the Texas Board of Architectural Examiners to order at 9:05 a.m.

B. Roll Call

Secretary/Treasurer Sonya Odell called the roll.

Present

Alfred Vidaurri, Jr.	Chair
Chase Bearden	Vice-Chair
Sonya Odell	Secretary/Treasurer
Charles H. (Chuck) Anastos	Member
Bert Mijares, Jr.	Member
Brandon Pinson	Member
Diane Steinbrueck	Member
Debra Dockery	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Ken Liles	Finance Manager
Jack Stamps	Managing Investigator
Matthew Le	Programmer
Dale Dornfeld	Programmer
Katherine Crain	Legal Assistant

C. Excused and unexcused absences

Paula Ann Miller (Excused)

D. Determination of a quorum

A quorum was present.

E. Recognition of Guests

The Chair recognized the following guests: Donna Vining, Executive Director for Texas Association for Interior Design, and Jeri Morey, Architect from Corpus Christi, James Perry, Executive Vice-President/CEO of Texas Society of Architects, David Lancaster, Senior Advocate for Texas Society of Architects, Julie Evans, Registered Interior Designer, Ed Emmett, Texas.gov, and Randy Storm, Texas.gov.

F. Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He stated that he had the opportunity to participate in some senior training in organizations that perform similar to ones outlined in Jim Collins' books *Good to Great* and *Great by Choice*. High performing leaders and companies that perform at 10x the norm of industry average is a major concept of the books. Southwest Airlines is a good example of industry average that is 63x the norm. Other companies cited were Intel at 20x, Microsoft at 56x, and Progressive Insurance at 14x. A common trait of all of those companies is that they agree that they are not limited by circumstances, conditions or unfairness. They acknowledge there are things that they can control and some things they cannot control. In the end, even if we can only control a tiny sliver of a given situation, we have the freedom to control our actions and make the right decisions – to be great by choice. The Chair suggested that is what the Board may resolve to do as it begins its work of the meeting.

G. Public Comment

None.

2. Approval of Minutes (Action)

A. October 17, 2012 Board Meeting

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO APPROVE THE OCTOBER 17, 2012, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

The Chair stated that he was going to take the next section a little out of order because of the guests from Texas.gov were in the audience to give a presentation to the Board members.

3. Executive Director Report (Information)

C. Texas.gov Credit Card Transaction Processing

The Executive Director introduced the representatives of Texas.gov and gave a brief background on business registration. She stated that TBAE registrants would pay the fee online and the administrative cost would be added online. Texas.gov is here to share what they do and offer how it works.

Ed Emmett (Outreach Manager of Texas.gov) and Randy Storm (Administrator of Texas.gov) addressed the Board. Mr. Storm stated that he works with agencies to implement online registration services. Texas Online was in business from 2001 until 2009 when the name changed to Texas.gov. DIR contracted with Texas.gov to provide online transaction processing services for state agencies. He stated that their agency has done payment services online for approximately 20 years and they had developed a self-funded model. Texas.gov provides an out-of-the-box system and provides resources for customer assistance. He stated that Texas.gov is authorized to take payments online and recover the credit card fee charge of 2.25% plus 25 cents per transaction. Mr. Emmett noted that for large transactions for which 2.25% may be very large, there is flexibility to request an exception from the Texas.gov governance board. Mr. Emmett and Mr. Storm also stated Texas.gov can customize different fee structures subject to some restrictions

for a state agency. He stated that they won the DIR bid in 2009 and they have 100 employees in Texas and therefore, none of their work is outsourced. Mr. Emmett explained that their fee structure is set unless they request a change and get it approved through the legislature. He also stated Texas.gov does not charge back processing fees to the agency. They have a flat fee on electronic checks that is roughly \$3.00. He stated that they are audited by third party auditors, and are governed by a governance board and other parties outside of Texas.gov to ensure transparency and integrity. In addition, he said if an agency's rules change, you can add services on to the Master Agreement. Mr. Emmett and Mr. Storm stated Texas.gov serves large and small agencies and has lots of customer support available about three blocks away.

The Executive Director suggested that the staff come back to the Board with an analysis of how the agency is doing things now versus using Texas.gov to process renewal fees. She stated staff should prepare a cost analysis and also explained that the change in processes may require a rule amendment. She said she wanted to introduce Mr. Emmett and Mr. Storm to the Board so the Board can learn what Texas.gov has to offer the agency.

Ms. Steinbrueck asked about the 2.25% charge to be made to applicants and the options on diminishing or eliminating that charge. Mr. Storm stated the agency has options regarding the charge: It may either pass the charge on to its registrants or it may choose to cover the charge itself. Ms. Dockery noted the Board could not pass on the credit card fee. But the Board is now learning the Board may have a third party contractor do what the Board may not do directly. Mr. Storm noted Texas.gov has specific legislative approval to append a fee for its services, including credit card fees, on the renewal fees the agency charges. Ms. Dockery also noted a person may avoid the fee by paying by check. The Executive Director confirmed that is the case but those who choose to do so would diminish over time.

Ms. Steinbrueck suggested the fee appear as a charge separate from the registration fee. Mr. Emmett stated an agency must be careful in how it represents its fees because if each is considered a transaction then an additional 2.25% fee will attach to the separate fee. It is a subscription fee. Ms. Steinbrueck opined that the fact that it is a separate charge passed through to a third party contractor should be apparent to the people who pay it. The Executive Director stated that the agency would have a report to the Board members at its June meeting.

A. Budget Review:

The Executive Director explained that everything on the budget was "on target" for the quarter. She stated that the agency's revenue was above 25% and that expenses were at 25%. She said the agency was being very frugal because of the unsettled nature of pending legislation and its fiscal impact on the agency. She also noted salary expenses were expected to be lower because two people were retiring from the agency by the end of February and another employee had left the agency.

Ms. Dockery questioned the Statewide Cost Allocation Plan (SWCAP) payment and wanted to know why the agency was already at 50% and we

were not even through the first quarter of the year. Finance Manager, Ken Liles, approached the Board and explained that the agency had paid for the first half of SWCAP at the first of the year, and will only pay another \$34,000.00 by the end of the year, so the agency will be under budget by the end of the year. The Chair inquired about computer upgrades in the budget. The Executive Director noted upgrades were made on a schedule and the agency also had charges to cover the cost of efforts to utilize the cloud. Mr. Anastos questioned whether the agency's Executive Director was going to request that the agency's payment through the SDSI program be lowered due to the loss of revenue the agency will incur as a result of changes made by the Legislature. Ken Liles gave an explanation on how the SWCAP was created and changed over time and believed that there was zero probability of getting agency payments to the General Revenue fund reduced. Mr. Pinson questioned the operating expenditures and asked what was driving the 67% in just the first quarter. Mr. Liles explained that the Board carries a liability policy which costs approximately \$13,000.00 which was paid in September so the agency pays that entire cost up front. Also, the agency had a human resources audit which was front-loaded in the year and somewhat skewed agency expenditures toward the first quarter. The Executive Director also outlined expenditures and balances in the agency's scholarship fund. There were 12 scholarships awarded since September 2012.

B. Sunset Advisory Commission Decision Review

The Executive Director explained to the Board that the agency was already working on Sunset's recommendations. She said that agency staff is working on the criminal history background check procedures issue, proposed rule revisions, changes to the agency fee schedule and has started work on metrics and trend data collection recommended by the Sunset Commission. She stated that the agency is going to look at all procedures and processes and further utilize IT to streamline.

Mr. Pinson noted that the agency would be losing significant revenue because the Self-Directed Semi-Independent Sunset bill requires all administrative penalties be deposited in General Revenue and would not be available for agency operations.

The Chair requested staff produce a comprehensive fiscal impact to the agency caused by the Sunset bill. He noted that information will be necessary for the Board to set a budget for the upcoming fiscal year.

Mr. Anastos opined that the bill's examination requirement for registered interior designers who have not passed the examination will cause a drop in registrants in the first year the bill takes effect. He said he's talked to a half dozen architects and they all said they would drop their interior design registrations if the law required them to pass the NCICQ in order to renew registration. Ms. Vining stated that TAID sent a survey out on that question and received a 50/50 response from surveyed registered interior designers. Chuck Anastos stated that he believes that depending on what is finally passed, he anticipates that the agency will suffer a significant loss of registered interior designers because there are a number of professionals

currently registered that will not take the NCIDQ exam. Mr. Anastos stated he hopes the legislature realizes the reduction in the number of registered interior designers will make fees go up for the other two professions. Mr. Lancaster suggested that the agency wait for the bill to be passed before it figures out what is going to happen to the profession in the future.

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

Report on conferences and meetings (Information)

- A. TSA 73rd Annual Convention – Oct. 18-20, 2012
The Chair stated that he attended this convention along with Mr. Mijares, Ms. Dockery and staff from TBAE. Ms. Dockery complimented the Chair in his seminar presentation on HB2284. She also stated that TBAE staff did a good job at presenting the Sunset Report. Mr. Mijares congratulated TSA on its selection of a keynote speaker. Mr. Mijares stated the presentation was excellent and conveyed an amazing story. Mr. Anastos also complimented TSA and the Chair and everyone involved in holding the meeting. The Chair stated to TSA representatives in the audience that he appreciated the opportunity to have a TBAE booth at the convention.
- B. NCARB 2011 MBC/MBE Conference – Oct. 31-Nov. 4, 2012
The Chair commented on this conference and stated that there were 54 different chairs and jurisdictions that attended. The conference lasted multiple days and there was a variety of training involved in the conference. NCARB is continuing with their strategic plan and has moved into Stage II of the plan, which is implementation. NCARB is also moving on a new campaign for greater data sharing, especially on enforcement and disciplinary actions. The Chair stated that architects are more mobile than they used to be and as architects move from state to state, there is a greater need to know their backgrounds. In addition, the Chair reported that the Council has assembled interns together to create a think tank to get input from interns and refine the IDP program. The Chair reported there was a call for volunteers for committee appointments through early March. He noted that there were 220 positions for volunteers for committee work. He said that he sits on the education committee and chairs the broadly-experienced architect committee and that it has been very rewarding. Ms. Dockery stated that she sits on the ARE design vignette and that it was an “eye opener” to see how the ARE is developed. The Chair also stated that Yvonne Castillo was there representing the AIA and gave a presentation on practice issues, design build and other matters AIA is working on.
- C. NCIDQ Annual Council of Delegates Meeting – Nov. 9-10, 2012
Ms. Odell, Ms. Miller, the Executive Director and the Communications Manager attended this meeting. The Executive Director stated that they had a good keynote speaker named Cheryl Durst. Ms. Durst is the Executive VP of IIDA and gave a great speech on futuristic waves. In addition, NCIDQ is currently searching for a new Executive Director because current Executive Director Jeff Kinney is resigning and moving back to Colorado. Ms. Vining stated that she is on the search committee for the Executive Director and that no architect has applied yet. The Communications Manager noted the variety

and number of interest groups involved in NCIDQ. Ms. Odell noted that NCIDQ's voting structure is for each jurisdiction to have one vote regardless of the number of represented interior designers in that jurisdiction. Texas represents more registered interior designers than several jurisdictions but has the same vote as each of them. The Canadian provinces have a heavy contingent at NCIDQ.

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

A. Clifford Martin, P.E.

The Chair of the Committee, Chuck Anastos, gave the Board a brief summary of the Committee Report. Mr. Martin had appealed to SOAH the Board's earlier decision to deny his application. SOAH determined Mr. Martin's post-deadline substitution of two projects was timely and remanded the application to the Board to determine whether his application evinced safe and adequate design of buildings that exceed the statutory thresholds. The Committee had considered the documentation Mr. Martin had filed and determined that the submitted plans and reports do not demonstrate the safe and adequate preparation of architectural plans and specifications. One project, a redesign of a church, lacked adequate detail and included egress errors. Another project involved the replacement of a roof on a building that did not exceed the thresholds. The documentation of another project included architectural plans and specifications prepared by an architect. Mr. Martin's involvement was limited to consultation on a means to attach columns to the foundation. Mr. Martin also submitted documentation for another project which involved having a test performed on a core sample from concrete and rebar from tilt-wall panels on a warehouse/office that had burned down. The Committee Chair reported the Committee had concluded Mr. Martin's application does not demonstrate safe and adequate preparation of architectural plans and specifications for projects over the statutory thresholds. The Committee Report is to deny Mr. Martin's application for placement on the exempt engineer list.

B. Daniel O'Donnelly, P.E.

The Committee Chair reported that the Committee had reviewed the application of Daniel O'Donnelly. The Committee had determined that the documentation Mr. O'Donnelly had submitted were for federal buildings for a federal agency while Mr. O'Donnelly was a federal employee and therefore the projects are exempt and not in excess of the statutory thresholds. The Committee also determined that Mr. O'Donnelly's design work was too limited to demonstrate the full scope of the safe and adequate practice of architecture. The designs depicted the relocation of walls and partitions and the enclosure of an exterior storage area – very slight alterations to pre-existing buildings. The Committee noted the projects apparently are not subject to local building codes and Texas Accessibility Standards which makes it impossible to assess the applicant's familiarity with building design codes and standards. The Committee noted one bathroom in one of the projects was non-compliant with accessibility standards – had they applied. For these reasons, the Committee determined Mr. O'Donnelly's application should be denied.

A MOTION WAS MADE AND SECONDED (Pinson/Bearden) FOR THE BOARD TO ADOPT THE COMMITTEE'S REPORT DENYING APPROVAL OF CLIFFORD

MARTIN'S APPLICATION TO HAVE HIS NAME ADDED TO THE EXCEPTED ENGINEER LIST. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Pinson/Bearden) FOR THE BOARD TO ADOPT THE COMMITTEE'S REPORT DENYING APPROVAL OF DANIEL O'DONNELLY'S APPLICATION TO HAVE HIS NAME ADDED TO THE EXCEPTED ENGINEER LIST. THE MOTION PASSED UNANIMOUSLY.

5. General Counsel Report (Action)

A. Consideration of public comment and Adoption of Proposed Rules

I. Repeal Rules 1.63/3.63/5.73 relating to the replacement of certificates of registration for architects, landscape architects and registered interior designers

II. Amend Rule 1.67 relating to architectural emeritus status, making defined terms upper-case

III. Amend Rules 1.142/3.142/5.152 to revise the definition of the term "gross incompetence" to include reference to the circumstances of the specific conduct at issue

IV. Amend Rules 1.144/3.144/5.154 to repeal requirements that Board registrants publish registration numbers in certain advertising

V. Repeal Rules 1.152/3.152/5.161 prohibiting Board registrants from maliciously injuring the professional reputation of another

VI. Amend Rules 1.177/3.177/5.187 relating to the administrative penalty schedules to correct a technical error

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

The General Counsel explained to the Board that all of the above referenced rules were all proposed rules and they have been published; therefore, they were ready for adoption now. Furthermore, staff is recommending that the Board withdraw VII due to potential changes from the legislative session.

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO ADOPT ALL OF SECTION A I-VI, BUT NOT VII, RELATING TO THE AMENDMENTS TO RULE 7.10. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Anastos/Steinbrueck) TO WITHDRAW VII PROPOSED AMENDMENTS TO RULE 7.10 RELATING TO THE FEE SCHEDULE. THE MOTION PASSED UNANIMOUSLY.

B. Prospective Rule for Proposal and receipt of public comment

I. Amend Rule 1.191 relating to experience required for architectural registration by examination, deleting the cap on the maximum number of hours awarded for an academic internship

II. Amend Rule 7.10 relating to General Fees to impose professional fees upon initial architectural registration, reduce late renewal penalties, impose charge for online business registration and technical amendments

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO PROPOSE AMENDMENTS TO RULE 1.191 AND TO PUBLISH THE PROPOSAL IN THE TEXAS REGISTER FOR PUBLIC COMMENT. THE MOTION PASSED UNANIMOUSLY.

The Board discussed Amendment to Rule 7.10 at length. The amendments included technical amendments which had been previously proposed and about which the Board received no public comment. The amendments also included charges for business registration, processing charges for online registration and registration renewal and revisions in anticipation of statutory changes in the agency's Sunset bill currently pending in the Legislature. There were many concerns that this amendment was premature due to unanticipated changes from the Legislature. The General Counsel noted that the Board could choose to decline adoption of the proposed rule or amending the proposed rule if the Legislature did not adopt the Sunset bill in its current form. The General Counsel also stated the Administrative Procedure Act allows Boards to propose rule amendments in anticipation of legislative changes and the Board will not have adequate time to propose and adopt amendments to the fee schedule before the Sunset bill's effective date. There was no motion on the prospective proposed amendment.

The Board took a break at 11:35 a.m. and reconvened at 11:50 a.m.

6. Enforcement Cases

Review and possibly adopt the ED's recommendation in the following enforcement cases: The Executive Director's recommendations are to resolve the following cases in accordance with proposed settlement agreements reached with the Respondents. The Chair recognized the General Counsel to present the enforcement cases.

A. Continuing Education Cases

The General Counsel outlined the cases on the agenda. For continuing education cases, a standard penalty of \$700 for misstatements to the Board, \$500 for failing to complete required continuing education, and \$250 for failing to respond to an inquiry of the Board is recommended by the Executive Director to resolve the cases.

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

Bernard, Edward (#004-13A)
Brooks, Robert S. (#078-13A)
Englert, Dimitri C. (#080-13A)
Evans, Julia (#044-13I)
Huerta, Wally (#002-13A)
LaBard, Laura (#047-13I)
LeVrier, Fulgencio (#069-13I)
Loose, Kenneth H. (#068-13A)
McCathren, James (#042-13A)
Metersky, Richard (#062-13A)
Miller, Dwight D. (#083-13A)
Parker, Timothy K. (#079-13A)
Sarabia, Joe C. (#240-12L)
Schwartz, Martha (#038-13L)
Senelly, Richard (#250-12A)

Sopourn, Robert J. (#064-13A)

Traub, Robert G. (#048-13A)

Veale, Peter Read (#059-13A)

THE MOTION PASSED UNANIMOUSLY.

The following continuing education cases were heard separately because a Board member in each case did not vote to avoid a perceived or actual conflict of interest:

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENT IN THE CASE INVOLVING ALLISON HALL GARZA IN CASE NUMBER 050-13I. THE MOTION PASSED UNANIMOUSLY 6-0. (ODELL NOT VOTING.)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENT IN THE CASE INVOLVING JOSEPH E. GONZALES IN CASE NUMBER 241-12A. THE MOTION PASSED UNANIMOUSLY 6-0. (DOCKERY NOT VOTING.)

A MOTION WAS MADE AND SECONDED (Pinson/Bearden) THAT THE BOARD APPROVE THE EXECUTIVE DIRECTOR'S PROPOSED SETTLEMENT IN THE CASE INVOLVING LORI MCCUAIG IN CASE NUMBER 251-12I. THE MOTION PASSED UNANIMOUSLY 6-0. (MIJARES NOT VOTING.)

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

The General Counsel presented the background of the case to the Board members. This case arose because Mr. Whistler had entered into a previous Order of the Board and had violated that Order by advertising as an architect on his website. He stated that the proposed settlement was for Mr. Whistler to pay a \$10,000.00 administrative penalty and an additional \$15,000.00 administrative penalty if he violates the Agreed Order within five years from the date of the Order. The proposed settlement also requires respondent to affirmatively state his firm does not employ or contract with architects in all contracts and on Respondent's website. Respondent is required to file a copy of each contract with the agency to ensure compliance. The General Counsel stated that the case is currently pending before the State Office of Administrative Hearings. There was ample discussion amongst the Board members regarding his prior violation and the current proposed settlement.

A MOTION WAS MADE AND SECONDED (Mijares/Steinbrueck) TO ACCEPT THE AGREED ORDER AS RECOMMENDED BY STAFF. THE MOTION PASSED UNANIMOUSLY.

The Chair stated that the Board would address items 7, 8 and 9 after lunch. He said they would begin with Resolutions at 1:00 p.m.

The Board took a lunch break at 11:23 a.m. and reconvened at 1:03 p.m.

- 9. Approval of Resolution Honoring: (Action)
Diane Steinbrueck**

The Chair read the Resolution honoring Linda Diane Steinbrueck, registered landscape architect into the record. Appointed by Governor Rick Perry, Ms. Steinbrueck served as a Board member from April 2001 through January 2013. Ms. Steinbrueck accepted the Resolution stated that she enjoyed her tenure as a Board member and thanked the board members and staff for their dedication and service.

Chuck Anastos

The Chair read the Resolution honoring Charles (Chuck) Anastos, a registered architect, served as Vice-Chair to the Texas Board of Architectural Examiners. Appointed by Governor Rick Perry, Mr. Anastos served as a Board member from May 2008 through January 2013. Mr. Anastos accepted the Resolution and stated that he enjoyed his tenure as a Board member and thanked the board members and staff for their dedication and service.

Brandon Pinson

The Chair read the Resolution honoring Brandon Pinson, an attorney at law, served as a public member to the Texas Board of Architectural Examiners. Appointed by Governor Rick Perry, Mr. Pinson served as a Board member from April 2008 through January 2013. Mr. Pinson accepted the Resolution and stated that he enjoyed his tenure as a Board member and thanked the board members and staff for their dedication and service.

Beatriz Loera Lewellen

The Chair read the Resolution honoring Beatriz Loera Lewellen. Ms. Lewellen has worked for the State of Texas from June of 1971 through January of 2013. Ms. Lewellen has served as receptionist for the Texas Board of Architectural Examiners for the past 18 years. Ms. Lewellen accepted the Resolution and stated that she enjoyed working for the Board and considers the staff her extended family.

Gail Hile

The Chair read the Resolution honoring Gail Hile. Ms. Hile has worked for the Texas Board of Architectural Examiners for the past 18 years in many different capacities. She is retiring from the Board as the Registration Renewal Coordinator. Ms. Hile accepted the Resolution and stated that she enjoyed working for the Board especially on the website and the newsletter.

The Chair thanked each and every one of the honorees for their service. Furthermore, he stated we could not function without the staff or the Board and stated that they would all be missed.

7. **Consider and possibly act on Final Order issued by SOAH in TBAE v. John Scales, SOAH Docket Number 459-12-7143.AE.**

The Board went into a closed session for a briefing by the General Counsel on the Final Order in TBAE v. John Scales, at 1:20 p.m. and adjourned the closed session at 2:20 p.m.

The Board took a recess at 2:21 p.m. after the closed session and reconvened in an open meeting at 2:23 p.m.

A MOTION WAS MADE AND SECONDED (Pinson/Bearden) TO INSTRUCT AGENCY STAFF TO FILE A MOTION FOR REHEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS FOR THE PROCESS OF HB2284 TO BE FOLLOWED IN ITS ENTIRETY. THE MOTION PASSED UNANIMOUSLY.

8. Consideration of Adoption or Amendment of Proposal for Decision – Texas Board of Architectural Examiners vs. Ruben Martinez (SOAH Case No. 459-11-6016) (Action)

The Chair stated that the General Counsel will introduce the background of the case to the Board members and Mr. Martinez' counsel will have the opportunity to respond. Each side may make a 10-15 minute presentation.

The General Counsel stated that the case was pretty straightforward. Mr. Martinez was a Registered Accessibility Specialist (RAS) and a registered architect and while he was acting as a RAS he accepted misdirected filing fees of \$175.00 per project over a three-year period which he neglected to convey to the Texas Department of Licensing and Regulation (TDLR). In addition, he did not file the proper paperwork at TDLR which would have put that agency on notice that he had accepted the fees on its behalf. He agreed to repay TDLR after the agency performed an audit and discovered the discrepancies.

TBAE's General Counsel stated that the case was filed at SOAH, alleging dishonest practices by Respondent, and a hearing was held. The Administrative Law Judge (ALJ) determined that Mr. Martinez did not violate any laws or rules and issued a Proposal for Decision (PFD) instructing the Board to not take action against Mr. Martinez's architectural and/or interior design registration in this matter. TBAE General Counsel has asserted that Mr. Martinez was deceitful and committed fraud with his actions and requested the Board to change Findings of Fact 49 and 50 and Conclusions of Law 9 and 10 in the ALJ's Proposal for Decision because the ALJ misapplied agency rule. The General Counsel argued the ALJ incorrectly read a specific intent requirement into the rule.

Mr. Martinez' counsel, Jacqueline Salinas, addressed the Board and thanked them for entertaining her comments and subsequent argument. She stated that Mr. Martinez had been an architect for over 30 years with no disciplinary history with the Board. She said that there was a three-year period (2005-2008) when Mr. Martinez was licensed as a RAS, but he fell ill and was diagnosed with cancer in 2006; therefore, he did not timely submit the filing fees on projects at that time. By May 10, 2010, Mr. Martinez agreed to relinquish his RAS license and pay back all the monies for the projects. She stated that he could have done things differently, but he was not being deceitful. She requested that the Board uphold the ALJ's decision and not change the PFD. The Board had multiple questions for the two attorneys and a lengthy discussion of the particulars of the case.

The Board went into a closed session at 3:02 p.m. for a briefing by Nancy Fuller, Assistant Attorney General serving as legal counsel to the Board on the PFD issued in TBAE v. Ruben Martinez, adjourned the closed session at 3:45 p.m. and reconvened in an open meeting.

The Chair stated that the Board deliberated this case and took into consideration the seriousness of the nature of the case. He stated that he would like the record to reflect their grave concern about this matter and have consciously and methodically reviewed the information before them.

A MOTION WAS MADE AND SECONDED (Steinbrueck/Anastos) TO ADOPT THE PROPOSAL FOR DECISION BY THE ALJ AND DIRECT STAFF TO PREPARE A FINAL ORDER CONSISTENT WITH THE BOARD'S DECISION THAT RESPONDENT SHOULD NOT BE DISCIPLINED. THE MOTION PASSED UNANIMOUSLY.

10. Chair's Closing Remarks

The Chair stated that the Board has come to a conclusion. He thanked the members for their service.

11. Adjournment

A MOTION WAS MADE AND SECONDED (Pinson/Steinbrueck) TO ADJOURN THE MEETING AT 3:58 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
OPERATING BUDGET FISCAL YEAR 2013

	FY 2013 Approved Budget	FY 2013 Actual Rev. and Exp. Sept 1, 2012---Apr. 30, 2013	FY 2013 Actual Rev. Earned & Exp. as a Percentage
Total Beginning Fund Balance	1,929,608.13		
Revenues:			
Licenses & Fees	2,510,000.00	1,630,725.00	64.97%
Enforcement Penalties	75,000.00	47,826.90	63.77%
Late Fee Payments	215,000.00	140,475.00	65.34%
Other	5,000.00	2,185.00	43.70%
Interest	7,500.00	2,115.43	28.21%
Draw on Fund Balance	166,635.00		
Total Revenues	2,979,135.00	1,823,327.33	61.20%
Expenditures:			
Salaries and Wages	1,523,700.00	904,954.54	59.39%
Payroll Related costs	392,220.00	251,593.63	64.15%
Professional Fees & Services	35,060.00	29,003.86	82.73%
Travel			
Board Travel	37,000.00	12,303.93	33.25%
Staff Travel	28,000.00	15,449.38	55.18%
Office Supplies	15,000.00	6,198.72	41.32%
Postage	15,000.00	11,190.98	74.61%
Communication and Utilities	17,500.00	11,424.84	65.28%
Repairs and Maintenance	1,500.00	875.88	58.39%
Office Rental and Equipment Leases	60,910.00	5,864.76	9.63%
Printing	7,000.00	6,447.04	92.10%
Operating Expenditures	55,000.00	39,577.29	71.96%
Conference Registration Fees	7,000.00	5,447.50	77.82%
Membership Dues	21,000.00	13,285.00	63.26%
Fees for Receiving Electronic Payments	108,000.00	75,014.62	69.46%
Staff Training	23,000.00	5,447.50	23.68%
SWCAP Payment	76,610.00	34,469.50	44.99%
Payment to GR	510,000.00	0.00	0.00%
Exceptional Items: IT Upgrades in 2013	45,635.00	26,189.88	57.39%
Total Expenditures	2,979,135.00	1,454,738.85	48.83%
Excess/(Deficiency) of Rev over Exp.	-	368,588.48	
* Funding for 6 months	1,489,567.50		
Ending Fund Balance	440,040.63		

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
FISCAL YEAR 2013 BUDGET
SCHOLARSHIP FUND

	FY 2013 Budget	FY 2013 Actual Expenditures Sept 1, 2012---April 30, 2012	FY 2013 Remaining Budget
Operating Fund Beginning Fund Balance:	-	-	152,877.64
Adjusted Beginning Balance	-	-	-
Scholarship Fund Beginning Balance	165,377.64	165,377.64	
Total Beginning Scholarship Fund Balance	165,377.64	165,377.64	152,877.64
Expenditures:			
Operating Expenditures-Scholarship Payments		12,500.00	-
 Total Expenditures		12,500.00	-
Excess/(Deficiency) of Rev over Exp.	165,377.64	152,877.64	-
Ending Reserve Fund Balance	165,377.64	152,877.64	152,877.64

Number of Scholarships Awarded

11

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

TBAE Expense for Maintaining Business Registration – FY2011

Staff Salary and Benefits Yearly Total	% BR time	BR total
\$48,000	50%	\$24,000
\$60,000	20%	\$12,000
\$72,000	10%	\$7,200
		\$43,200

Total **# Registered Businesses=**
2550

Yearly cost for BR-agency expense ÷ registered businesses = **\$17.28**
 Expense for mailing, file maintenance, general agency expenses = ± **\$2.72**

\$20.00

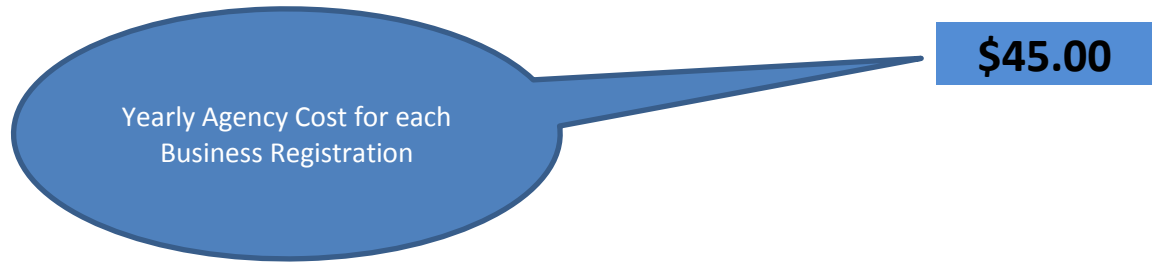


TBAE Expense for Maintaining Business Registration

Registered Businesses= 1500

	Staff Salary and Benefits Yearly Total	% BR time	BR total
Programmers	\$95,326.40	20%	\$19,065
BR Coordinator	\$50,731.20	50%	\$25,366
Investigator	\$80,558.40	10%	\$8,056
<u>Maintenance Costs</u>			<u>\$52,487</u>
<u>Development Costs</u>			<u>\$49,897</u>

Annual Cost per Registrant for Maintenance	\$34.99
Annual Cost per Registrant for Development Amortized over 5 Years	\$6.65
Annual Cost per Registrant for Maintenance and Development	\$41.64



**Third Party Online Contractor
Fiscal Impact upon Registrants**

Fee Description	Architects	Landscape	Interior	With the 25 cents times 2.25%	With the 25 cents times 2.25%
		Architects	Designers		
Exam Application	\$100	\$100	\$100	\$102.51	\$2.51
Examination	****	***	**		
Registration by Examination--Resident	355	*355	*355	\$363.24	\$8.24
Registration by Examination--Nonresident	380	*380	*380	\$388.81	\$8.81
Reciprocal Application	150	150	150	\$153.63	\$3.63
Reciprocal Registration *	400	*400	*400	\$409.26	\$9.26
Active Renewal--Resident *	305	*305	*305	\$312.12	\$7.12
Active Renewal--Nonresident *	400	*400	*400	\$409.26	\$9.26
Old Active Renewal 1-90 days late--Resident *	457.5	457.5	457.5	\$468.05	\$10.55
New Active Renewal 1-90 days late--Resident *	357.5	357.5	357.5	\$365.80	\$8.30
Old Active Renewal > than 90 days late--Resident *	610	610	610	\$623.98	\$13.98
New Active Renewal > than 90 days late--Resident *	410	410	410	\$419.48	\$9.48
Old Active Renewal 1-90 days late--Nonresident *	600	600	600	\$613.76	\$13.76
New Active Renewal 1-90 days late--Nonresident *	500	500	500	\$511.51	\$11.51
Old Active Renewal > than 90 days late--Nonresident *	800	800	800	\$818.26	\$18.26
New Active Renewal > than 90 days late--Nonresident *	600	600	600	\$613.76	\$13.76
Emeritus Renewal--Resident	10	10	10	\$10.48	\$0.48
Emeritus Renewal--Nonresident	10	10	10	\$10.48	\$0.48
Emeritus Renewal 1-90 days late--Resident	15	15	15	\$15.59	\$0.59
Emeritus Renewal > than 90 days late--Resident	20	20	20	\$20.71	\$0.71
Emeritus Renewal 1-90 days late--Nonresident	15	15	15	\$15.59	\$0.59
Emeritus Renewal > than 90 days late--Nonresident	20	20	20	\$20.71	\$0.71
Inactive Renewal--Resident	25	25	25	\$25.82	\$0.82
Inactive Renewal--Nonresident	125	125	125	\$128.07	\$3.07
Inactive Renewal 1-90 days late--Resident	37.5	37.5	37.5	\$38.60	\$1.10
Inactive Renewal > than 90 days late--Resident	50	50	50	\$51.38	\$1.38
Inactive Renewal 1-90 days late--Nonresident	187.5	187.5	187.5	\$191.97	\$4.47
Inactive Renewal > than 90 days late--Nonresident	250	250	250	\$255.88	\$5.88
Reciprocal Reinstatement	610	610	610	\$623.98	\$13.98
Change in Status--Resident	65	65	65	\$66.72	\$1.72
Change in Status--Nonresident	95	95	95	\$97.39	\$2.39
Reinstatement--Resident	685	685	685	\$700.67	\$15.67
Reinstatement--Nonresident	775	775	775	\$792.69	\$17.69
Certificate of Standing--Resident	30	30	30	\$30.93	\$0.93
Certificate of Standing--Nonresident	40	40	40	\$41.16	\$1.16
Replacement or Duplicate Wall Certificate--Resident	40	40	40	\$41.16	\$1.16
Replacement of Duplicate Wall Certificate--Nonresident	90	90	90	\$92.28	\$2.28
Duplicate Pocket Card	5	5	5	\$5.37	\$0.37
Reopen Fee for closed candidate files	25	25	25	\$25.82	\$0.82
Business Registration Fee	45	45	45	\$46.27	\$1.27
Business Registration Renewal 1-90 days late	67.5	67.5	67.5	\$69.27	\$1.77
Business Registration Renewal > than 90 days late	90	90	90	\$92.28	\$2.28
Examination--Record Maintenance	25	25	25	\$25.82	\$0.82
Returned Check Fee	25	25	25	\$25.82	\$0.82
* These fees have the \$200 GR component.					

AN ACT

relating to the continuation and functions of the Texas Board of Architectural Examiners; changing certain fees.

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

SECTION 1. Section 1051.003, Occupations Code, is amended to read as follows:

Sec. 1051.003. APPLICATION OF SUNSET ACT. The Texas Board of Architectural Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subtitle expires September 1, 2025 [~~2013~~].

SECTION 2. Subchapter F, Chapter 1051, Occupations Code, is amended by adding Section 1051.3041 to read as follows:

Sec. 1051.3041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR REGISTRATION. (a) The board shall require that an applicant for a certificate of registration submit a complete and legible set of fingerprints, on a form prescribed by the board, to the board or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The board may not issue a certificate of registration to a person who does not comply with the requirement of Subsection (a).

1 (c) The board shall conduct a criminal history check of
2 each applicant for a certificate of registration using
3 information:

4 (1) provided by the individual under this section;
5 and

6 (2) made available to the board by the Department of
7 Public Safety, the Federal Bureau of Investigation, and any
8 other criminal justice agency under Chapter 411, Government
9 Code.

10 (d) The board may:

11 (1) enter into an agreement with the Department of
12 Public Safety to administer a criminal history check required
13 under this section; and

14 (2) authorize the Department of Public Safety to
15 collect from each applicant the costs incurred by the Department
16 of Public Safety in conducting the criminal history check.

17 SECTION 3. Section 1051.351, Occupations Code, is amended
18 by adding Subsection (c-1) to read as follows:

19 (c-1) Notwithstanding Subsection (a), a person who holds a
20 certificate of registration issued under Chapter 1053 without
21 examination may not renew the certificate on or after September
22 1, 2017, unless, before September 1, 2017, the person has passed
23 the registration examination adopted by the board under Section
24 1053.154 and in effect on January 1, 2014. This subsection

1 expires January 1, 2019.

2 SECTION 4. Sections 1051.353(b), (c), and (e), Occupations
3 Code, are amended to read as follows:

4 (b) A person whose certificate of registration has been
5 expired for 90 days or less may renew the certificate by paying
6 to the board a renewal fee that is equal to 1-1/2 times the
7 [~~normally~~] required renewal fee set by the board under Section
8 1051.651(b).

9 (c) A person whose certificate of registration has been
10 expired for more than 90 days but less than two years may renew
11 the certificate by paying to the board a renewal fee equal to
12 two times the [~~normally~~] required renewal fee set by the board
13 under Section 1051.651(b).

14 (e) A person who was registered in this state, moved to
15 another state, and is currently licensed or registered and has
16 been in practice in the other state for the two years preceding
17 the date of the application may obtain a new certificate of
18 registration without reexamination. The person must pay to the
19 board a fee that is equal to two times the [~~normally~~] required
20 renewal fee set by the board under Section 1051.651(b) for the
21 certificate of registration.

22 SECTION 5. Subchapter G, Chapter 1051, Occupations Code,
23 is amended by adding Section 1051.3531 to read as follows:

24 Sec. 1051.3531. CRIMINAL HISTORY RECORD INFORMATION

1 REQUIREMENT FOR RENEWAL. (a) An applicant renewing a
2 certificate of registration shall submit a complete and legible
3 set of fingerprints for purposes of performing a criminal
4 history check of the applicant as provided by Section 1051.3041.

5 (b) The board may not renew the certificate of
6 registration of a person who does not comply with the
7 requirement of Subsection (a).

8 (c) A holder of a certificate of registration is not
9 required to submit fingerprints under this section for the
10 renewal of the certificate of registration if the holder has
11 previously submitted fingerprints under:

12 (1) Section 1051.3041 for the initial issuance of the
13 certificate of registration; or

14 (2) this section as part of a prior renewal of a
15 certificate of registration.

16 SECTION 6. Section 1051.452(a), Occupations Code, is
17 amended to read as follows:

18 (a) The amount of an administrative penalty may not exceed
19 \$5,000 for each violation. Each day a violation continues or
20 occurs is a separate violation for purposes of imposing a
21 penalty.

22 SECTION 7. Section 1051.652(a), Occupations Code, is
23 amended to read as follows:

24 (a) The fee for the issuance of a certificate of

1 registration under this chapter [~~to an applicant possessing a~~
2 ~~license or certificate to practice architecture in another~~
3 ~~state]~~ and the fee for the renewal of a certificate of
4 registration under this chapter are increased by \$200.

5 SECTION 8. Section 1053.158, Occupations Code, is
6 repealed.

7 SECTION 9. (a) Not later than December 1, 2013, the Texas
8 Board of Architectural Examiners shall adopt rules necessary to
9 implement the changes in law made by this Act to Chapter 1051,
10 Occupations Code.

11 (b) Sections 1051.3041 and 1051.3531, Occupations Code, as
12 added by this Act, and Sections 1051.353 and 1051.652,
13 Occupations Code, as amended by this Act, apply only to an
14 application for a certificate of registration or renewal of a
15 certificate of registration filed with the Texas Board of
16 Architectural Examiners on or after January 1, 2014. An
17 application filed before that date is governed by the law in
18 effect at the time the application was filed, and the former law
19 is continued in effect for that purpose.

20 (c) Section 1051.452(a), Occupations Code, as amended by
21 this Act, applies only to a violation of Subtitle B, Title 6,
22 Occupations Code, committed on or after the effective date of
23 this Act. A violation committed before that date is governed by
24 the law in effect at the time the violation was committed, and

1 the former law is continued in effect for that purpose.

2 SECTION 10. This Act takes effect September 1, 2013.

3 _____

4 President of the Senate

Speaker of the House

5 I certify that H.B. No. 1717 was passed by the House on

6 April 23, 2013, by the following vote: Yeas 112, Nays 34, 1

7 present, not voting; and that the House concurred in Senate

8 amendments to H.B. No. 1717 on May 16, 2013, by the following

9 vote: Yeas 112, Nays 25, 2 present, not voting.

10 _____

11 Chief Clerk of the House

12 I certify that H.B. No. 1717 was passed by the Senate, with

13 amendments, on May 13, 2013, by the following vote: Yeas 31,

14 Nays 0.

15 _____

16 Secretary of the Senate

17 APPROVED: _____

18 Date

19 _____

20 Governor

TBAE staff tracked dozens of bills through the 83rd Texas Legislature, but two stood out by far. Both the agency and the SDSI project under which it operates underwent Sunset review during the legislative interim, and two “Sunset bills” were the result. Both the agency bill (HB 1717) and the SDSI bill (HB 1685) passed both chambers and will become law, barring a gubernatorial veto (which is not expected).

Below are the major points of interest from HB 1717 and HB 1685.

Bill provision	Rulemaking required?	Notes
Continues agency until 2025	No	
Requires fingerprint-based background checks of all renewing and incoming registrants	Yes	One-time \$42 fee required, paid to a third party. Agency will not possess any fingerprint information.
Requires RIDs who have not passed the NCIDQ exam to do so by September 1, 2017	Yes	Board may, by rule, allow passage of the ARE to count for dual-licensed Architect/RIDs; such a rule amendment must be in place by January 1, 2014. Very rough estimate of fiscal impact: \$144,000 less per year after the deadline.
Requires a recalculation (deduction) of late renewal fees	Yes	Rule changes will reside in the fee schedule. Estimated fiscal impact: \$150,000 less per year.
Requires agency to remit enforcement penalties to General Revenue	No	Estimated fiscal impact: \$71,000 less per year.
Requires incoming architects to pay the \$200 professional fee on initial registration	Yes	Rule change will reside in the fee schedule. No fiscal impact to the agency.
Requires new performance measures to be reported	No	
Requires agency to pay for reviews by Sunset Advisory Commission	No	Roughly \$104,000 each 12 years.

Staff Summary
CLARB MBE Spring Regional Conference, Scottsdale, Arizona
February 28 through March 2, 2013
Attending on behalf of Cathy Hendricks were Jackie Blackmore, Tony Whitt,
and Mike Alvarado

The first part of the meeting was the Member Board Exchange, which was on Thursday when we arrived. As it was the first time any of us attended a CLARB board meeting, we primarily looked and listened and just tried to soak it all in. Some of the topics we could not relate to, but others were familiar to us due to sitting in on previous CLARB MBE conference calls. One of the topics of this exchange was “Unlicensed Practice” and what are boards doing about it. What was surprising to us was the fact that many boards don’t have statutes that allow them to penalize unlicensed landscape architects. They send “cease and desist” letters, but don’t have the ability to impose penalties. According to some MBEs, their lawmakers don’t seem to want to do much about unlicensed practice if there are no “Blood N Guts” stories. Also during the exchange, another topic that caught our attention was “Getting candidates off to a fast start”. The CLARB team also asked members if there were any possibilities to having candidates register a lot faster. One state responded that they allow students in college to begin taking the exam before graduating. The Texas Early Exam route with 6 months experience was presented as another method. An additional change included the new LARE computer exam, where grading now has become more objective. This has produced faster results and simplified registration. An eye opening comment was that the new exam version gave applicants 2100% more opportunity to take the test than the pencil and paper offering. CLARB is looking for ideas on how to better streamline and make the exam registration process less challenging for new applicants. They have created online video assistance (YouTube links) with instructions on exam center processes and hope to add to the online library, instructions for other CLARB services. Also, CLARB received positive feedback from applicants taking the exam and this was a first in many years. The next steps for CLARB included tweaking the software a bit and piloting international testing centers. This tied into the Mega Issue of CLARB staying relevant through technological advances and expanding internationally.

The second day, Friday, was filled with sessions that were quick and efficient. We had opening remarks and then rotated through LARE updates, Nominations and Elections process, and Overview of the Council Record and CLARB Certification. The LARE update was relevant because we had been exposed to the new test updates by Cathy and Mary. There were mostly positive comments made regarding the new version. More efficient and accessible were positive remarks. The Nomination and Elections session was informative but it seemed complicated, unless you have gone through the process.

We attended 2 sessions on ADA, the first being a presentation by Tom Gilbert who is the only LA accessibility specialist in California. He talked about the cost of not making areas safe and compliant by showing us some lawsuits the State of California has faced. He also threw numbers our way. 20.6% of the population is disabled with 9.9% being severely disabled. He asked if any

states mandated barrier-free design with their CE and Texas was the only state present that did so. Fun Fact: The first person to live to 150 years of age is most likely alive today. The second session was the bonus session and didn't have much to offer, just talk on codes. However, the California MBE did suggest that science will one day allow the disabled to get into an exoskeleton body and function actively. She felt that while design is required for a safe America it will eventually be science that helps the disabled person the most.

Mike chose to do the Self-guided tour of Scottsdale for the last session. He walked around town and saw some of the touristy sites and buildings. He wrote that Scottsdale had a very clean and pretty downtown. Most of it has been modernized and turned into Art galleries. Supposedly, it is the most "Westernly Town in America", but he did find a Starbucks right in the middle of it all!

We ended the conference with Saturday breakfast and met about topics on Member Engagement, Mega Issue Input, and of course our Elevator Speech. Member engagement is a critical topic to the board. With budget constraints hitting Member boards, it is difficult to keep all members engaged. Not all member votes are being counted because they can't attend these meetings and conferences. Members suggested allowing phone voting again.

We enjoyed the Elevator speech topic. It showed us how we need to prepare our own elevator speech.

The Mega Issue, keeping CLARB relevant, is a wide topic and will be for a long time. Some member boards depend fully on CLARB because they require CLARB certification to register. Texas is dependent on CLARB for the exam only. This will keep other boards like us always thinking about CLARB's relevance.

We really enjoyed the conference. It was very educational. It will help us put 2 and 2 together when we continue working with CLARB and Member Board representatives.

Rule 1.191
Summary of Proposed Amendment

Current Rule

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

NCARB Modification to the Intern Development Program

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

Prospective Amendment

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

The proposed rule was published in the May 3, 2013, edition of the *Texas Register*. To date, the agency has received no public comment.

Proposed Amendment for Adoption

1.191 DESCRIPTION OF EXPERIENCE REQUIRED FOR REGISTRATION BY EXAMINATION

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

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

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

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

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

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

Proposed Amendment for Adoption

Category 3: Project Management	Minimum Training Hours Required
Bidding and Contract Negotiation	120
Construction Administration	240
Construction Phase: Observation	120
General Project Management	240
Core Minimum Hours	720

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

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

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

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

Experience Setting	Maximum Training Hours Awarded
Experience Setting A: Practice of Architecture Training under the Supervision and Control of an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements who works in an organization lawfully engaged in the Practice of Architecture.	No limit Every Applicant must earn at least 1,860 Training Hours in Experience Setting A.
Academic Internships Must meet durational requirements and internship must be completed training in Experience Setting A or Experience Setting O.	Maximum of 930 hours which count toward Minimum Training Hours in Experience Setting A or Experience Setting O.

Proposed Amendment for Adoption

<p style="text-align: center;">Training Setting O: Other Work Settings</p> <p>Supervision and Control of an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements who is employed in an organization not engaged in the Practice of Architecture.</p> <p>Supervision and Control of an IDP supervisor who is not licensed in the United States or Canada but who is engaged in the Practice of Architecture outside of the United States or Canada.</p> <p>Supervision and Control by a landscape architect or licensed professional engineer (practicing as a structural, civil, mechanical, fire protection, or electrical engineer in the field of building construction.)</p>	<p>1,860 Training Hours</p>
<p style="text-align: center;">Training Setting S: Supplemental Experience</p> <p style="text-align: center;">Supplemental Experience for Core Hours Core hours earned through supplemental experience are applied to specific IDP experience areas.</p> <p style="text-align: center;">Design or Construction Related Employment Design or construction related activities under the direct supervision of a person experienced in the activity (e.g. analysis of existing buildings; planning; programming; design of interior space; review of technical submissions; engaging in building construction activities.)</p> <p style="text-align: center;">Leadership and Service Qualifying experience is pro bono, in support of an organized activity or in support of a specific organization. There must be an individual who can certify to NCARB that you have performed services in support of the organization.</p> <p style="text-align: center;">Additional Opportunities for Core Hours A maximum of 40 core hours in each of the IDP experience areas may be earned by completing any combination of these experience opportunities:</p> <ol style="list-style-type: none"> 1. NCARB’s Emerging Professional’s Companion (EPC): Activities 2. NCARB’s Professional Conduct Monograph 3. Construction Specifications Institute (CSI) Certificate Program: Certified Construction Specifier (CCS) & Certified Construction Contract Administrator (CCCA) 4. Community-Based Design Center/Collaborative 5. Design Competitions 6. Site Visit with Mentor 	<p>930 Training Hours (Maximum)</p> <p>80 Training Hours (Minimum) 320 Training Hours (Maximum)</p> <p>600 Training Hours (Maximum)</p> <p>1,860 Elective Hours</p>

Proposed Amendment for Adoption

<p>Supplemental Experience for Elective Hours Elective hours earned through supplemental experience are not applied to any specific IDP experience area.</p> <p>Teaching or Research Teaching or research in a NAAB- or CACB-accredited program under the direct supervision of a person experienced in the activity.</p> <p>Additional Opportunities for Elective Hours</p> <ol style="list-style-type: none">1. The Emerging Professional’s Companion (EPC): Exercises2. Green Building Certification Institute (GBCI) Leadership in Energy and Environmental Design Accredited Professional (LEED AP) Certification3. Advanced Degrees4. American Institute of Architects (AIA) Continuing Education5. Construction Specifications Institute (CSI) Certificate Program: Construction Documents Technologist (CDT)6. Community-Based Design Center/Collaborative7. Design Competitions8. Site Visit with Mentor	
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at a glance: **Expanded IDP Opportunities****More Ways to Earn IDP Hours**

The National Council of Architectural Registration Boards (NCARB) has implemented a new opportunity—construction work—and modified the academic internship opportunity to remove the 930-hour cap. Interns will be able to take advantage of both opportunities immediately—and in the case of academic internships, the change is retroactive to April 5.

Construction Work

Many options exist in the construction industry for you to gain hands-on experience. Through these options you can develop knowledge and skills valuable to understanding how details “on paper” translate to the built environment and other aspects of the profession of architecture.

“Construction work gives interns experience working with materials and a better understanding of installation requirements and material limitations,” said Harry M. Falconer Jr., AIA, NCARB, Director, Internship + Education. “This is also an opportunity to work directly with contractors instrumental in creating the final product.”

How to Earn Hours

You may earn up to 930 elective hours in construction work done through either a paid or volunteer position.

- You must work at least 15 hours per week for a minimum of eight weeks for the experience to qualify.
- Construction activities that can be counted toward hours include, but are not limited to, hanging drywall, wiring, flooring, plumbing, and building layout.
- Hours must be approved by an IDP supervisor who is experienced in the activity and maintains direct supervision over your work.
- More information about this opportunity is available in the November 2012 *IDP Guidelines*.

Academic Internships**[online reporting system login](#)****November 2012 IDP Guidelines**

Updated November 2012! The *IDP Guidelines* is essential reading for interns, supervisors, and mentors participating in the IDP. The document includes steps to completing the program, reporting procedures, experience requirements, and tasks interns should understand before becoming licensed. This edition reflects the modification to academic internships and the addition of construction work. [[Download](#)]

Attention Canadian Interns

In July 2013, NCARB will no longer include Canada-specific content in the Architect Registration Examination® (ARE®). Please contact your Canadian provincial association for more information on how this may impact you. [[more](#)]

With the release of IDP 2.0 in April, internships integrated into an academic program became eligible for IDP hours. This opportunity was originally capped at 930 hours, but the NCARB Board of Directors decided to remove the limit as a result of discussions with the Association of Collegiate Schools of Architecture (ACSA), the Council's Internship Committee, and the IDP Advisory Committee. In addition, the removal of the cap is retroactive to April 5.

This change recognizes that many academic institutions have internships that run parallel or are embedded in to their academic programs, and have an oversight structure that provides a level of quality control for the experience being earned. These programs provide the participants with valuable work experience that is intended to expose students to the "real world" aspects of the practice.

"The committees and the Board of Directors felt experience obtained within the guidelines of the IDP should count for hours toward the program regardless of whether the host is a firm, an academic institution, or other related setting," Falconer said.

How to Earn Hours

You may earn hours through academic internships in experience settings A or O.

- The rules for reporting academic internship experience are the same as experience earned in a traditional experience setting A or O internship.
- You no longer need to designate experience as an academic internship in the online reporting system.
- More information about this opportunity is available in the November 2012 *IDP Guidelines*.

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[Member Chairs and Executives Convene to Discuss Common Regulatory Issues](#)

[NCARB's 2012 Survey of Registered Architects](#)

[NCARB Prepares to Update Strategic Plan](#)

Stay Informed

To help you stay up-to-date on the latest news and announcements, subscribe to our other electronic newsletters.



Learn the latest news on the Architect Registration Examination with *ARE e-News*. **Subscribe today.**



The *IDP Supervisor e-News* is designed to provide tips for successful supervising and resources that will assist both supervisors and their interns to navigate the programs. **Subscribe today.**

Also, check NCARB out on the web at:



Rule 7.10

Summary of Prospective Amendments

Current Status of Rule

Rule 7.10 relates to the fees charged by the Board and includes a schedule of fees for specified services or actions by the Board. During the recent Rules Review Process, the Board proposed amendments to Rule 7.10 to eliminate an obsolete fee and to correct a technical error.

Last year, the Rules Committee evaluated the Board's business registration rules. The report of the Committee proposed changes to the rules to accommodate online business registration and online business registration renewal. The Committee also recommended business registration and renewal fees to recover the costs of the business registration process. Since then the agency has re-evaluated the cost per registrant for business registration and found that the fee adopted last year is not adequate. The rule amendment increases those fees.

The agency is investigating alternative means of administering online transactions. To that end, the agency is working toward contracting with Texas.gov, a third party contractor which is the official Web site of the State of Texas and used by many state agencies for online transactions. Through this process, registrants will pay an administrative fee (2.25% plus \$.25) to Texas.gov. Texas.gov has a contract with the credit card companies and relays payment to them on each transaction. The agency would no longer cover the cost of the credit card fee for online transactions. The proposed amendment to rule 7.10 includes the administrative fee.

The Sunset bill for TBAE amends laws relating to agency fees. Specifically, the amendments would require the agency to assess the \$200 professional services fee upon the initial registration of architects. The amendments would also base the 50% and 100% late registration renewal penalty only upon that portion of the renewal fee which is collected by the agency, not the \$200 which is relayed to the Comptroller for deposit in state funds.

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

Staff Recommendations

- Propose an amendment to provide notice of the administrative charge for online transactions;
- Propose amendments to list the \$200 Professional Services Fee separately from the registration renewal fees which are assessed by the agency;
- Propose amendments to impose late renewal penalties only upon the renewal fees assessed by the agency; and
- Make technical corrections to pre-existing errors.

RULE §7.10 General Fees

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

3 (b) The following fees shall apply to services provided by the Board in addition to any fee
 4 established elsewhere by the rules and regulations of the Board or by Texas law.[:] Payment of
 5 fees through the Internet is an online service provided by Texas.gov, the official Web site of the
 6 State of Texas. A person who uses the online service to pay fees must pay an additional 2.25% of
 7 the fee plus \$.25 to cover the ongoing operations and enhancements of Texas.gov which is
 8 provided by a third party in partnership with the State of Texas.

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

Emeritus Renewal - Nonresident	\$10	\$10	\$10
Emeritus Renewal 1-90 days late - Resident	\$15	\$15	\$15
Emeritus Renewal greater than 90days late - Resident	\$20	\$20	\$20
Emeritus Renewal 1-90 days late - Nonresident	\$15	\$15	\$15
Emeritus Renewal greater than 90 days late - Nonresident	\$20	\$20	\$20
Annual Business Registration	*****\$45[30]	*****\$45[30]	*****\$45[30]
Business Registration Renewal 1-90 days late	*****\$67.50[45]	*****\$67.50[45]	*****\$67.50[45]
Business Registration Renewal Greater than 90 days late	*****\$90[60]	*****\$90[60]	*****\$90[60]
Inactive Renewal - Resident	\$25	\$25	\$25
Inactive Renewal - Nonresident	\$125	\$125	\$125
Inactive Renewal 1-90 days late - Resident	\$37.50	\$37.50	\$37.50
Inactive Renewal greater than 90 days late - Resident	\$50	\$50	\$50
Inactive Renewal 1-90 days late - Nonresident	\$187.50	\$187.50	\$187.50
Inactive Renewal greater than 90 days late - Nonresident	\$250	\$250	\$250
Reciprocal Reinstatement	\$610	\$610	\$610
Change in Status - Resident	\$65	\$65	\$65
Change in Status - Nonresident	\$95	\$95	\$95
Reinstatement - Resident	\$685	\$685	\$685
Reinstatement - Nonresident	\$775	\$775	\$775
Certificate of Standing - Resident	\$30	\$30	\$30
Certificate of Standing - Nonresident	\$40	\$40	\$40
Replacement or Duplicate Wall Certificate - Resident	\$40	\$40	\$40
Replacement of Duplicate Wall	\$90	\$90	\$90

Certificate - Nonresident			
Duplicate Pocket Card	\$5	\$5	\$5
Reopen Fee for closed candidate files	\$25	\$25	\$25
[Examination—Administrative Fee]	-	[\$40]	-
Examination - Record Maintenance	\$25	\$25	\$25
Returned Check Fee	\$25	\$25	\$25
Application by Prior Examination	-	-	\$100

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

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

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

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

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

23 (e) If a check is submitted to the Board to pay a fee and the bank upon which the check is drawn
24 refuses to pay the check due to insufficient funds, errors in routing [~~touring~~], or bank account
25 number, the fee shall be considered unpaid and any applicable late fees or other penalties accrue.

1 The Board shall impose a processing fee for any check that is returned unpaid by the bank upon
2 which the check is drawn.

3 (f) A Registrant who is in Good Standing or was in Good Standing at the time the Registrant
4 entered into military service shall be exempt from the payment of any fee during any period of
5 active duty service in the U.S. military. The exemption under this subsection shall continue
6 through the remainder of the fiscal year during which the Registrant's active duty status expires.

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

Findings

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

- **Professional fees.** The Board's statute requires the collection of a \$200 professional fee from architects, landscape architects, and registered interior designers, which is remitted to the General Revenue Fund. However, statutory direction to the Board varies in how the fee should be collected for the three professions. For landscape architects and registered interior designers, the fee applies to initial registration and renewal, whereas for architects, it applies only to renewal. In accordance with statute, the Board does not charge architects the professional fee upon initial registration, as it does for the other two professions, resulting in an inconsistent and unfair application of the fee across the three professions the Board regulates. Standard practice is for agencies to impose licensing fees and, where applicable, professional fees, at the time of initial licensing and upon renewal. Clarifying in law that the Board should assess the \$200 professional fee at initial registration and renewal for all three professions would help ensure all applicants for licensure are treated fairly and consistently.
- **Late renewal of registration.** Penalties for late renewal of registration should provide an incentive to licensees to renew on time, but should not be overly punitive. The Board's statute requires the agency to charge licensees renewing up to 90 days late a penalty of one and a half times the normally required renewal fee and to charge licensees renewing more than 90 days late a penalty of twice the normally required renewal fee. This provision does not specify that the agency's renewal fee, for the purposes of calculating late payment penalties, should not include the separate \$200 professional fee. Although the professional fee is paid at the time of renewal, it goes straight to General Revenue, and does not support the agency's operations. Including the professional fee in the calculation of the late renewal penalty unfairly increases the penalty for late renewal. A common approach in other agencies' statutes is to separate the late penalty intended to encourage timely renewal from any additional professional fee due at renewal. Clarifying how the Board should calculate its late renewal penalty would help ensure a fair renewal process without affecting incentives for timely renewal.

Recommendations

Change in Statute

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

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

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

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

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

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

**Rules 5.31 and 5.51
Summary of Draft Amendments**

Current Rule

The rules currently require applicants for registration as a registered interior designer to pass the NCIDQ interior design registration examination (among other things) in order to gain registration.

Prospective Amendment

The amendment would allow for the passage of the Architectural Registration Examination (the “ARE”) to substitute for the NCIDQ examination, so that those who are architects or who are applying to be architects will qualify for interior design registration. If the amendment is adopted and in effect by January 1, 2014, architects who are currently registered as interior designers will have passed the examination required by Section 1053.154, Texas Occupations Code, in effect on that date and will not be required to pass the NCIDQ in order to maintain registration under Section 1051.351(c-1), Texas Occupations Code.

Draft Amendment for Proposal

1 **§5.31 Registration by Examination**

2 (a) In order to obtain Interior Design registration by examination in Texas, an Applicant shall
3 demonstrate that the Applicant has a combined total of at least six years of approved Interior
4 Design education and experience and shall successfully complete the Interior Design registration
5 examination or a predecessor or other examination deemed equivalent by NCIDQ as more fully
6 described in Subchapter C of this chapter. Alternatively, an Applicant may obtain Interior Design
7 registration by examination by successfully completing the Architectural Registration
8 Examination or another examination deemed equivalent by NCARB after fulfilling the
9 prerequisites of §1.21 and §1.41 of chapter 1 relating to Board approval to take the Architectural
10 Registration Examination for architectural registration by examination. For purposes of this
11 section, an Applicant has "approved Interior Design education" if:

12 (1) The Applicant graduated from:

13 (A) a program that has been granted professional status by the Council for Interior Design
14 Accreditation (CIDA) or the National Architectural Accreditation Board (NAAB),

15 (B) a program that was granted professional status by CIDA or NAAB not later than two
16 years after the Applicant's graduation,

17 (C) a program that was granted candidacy status by CIDA or NAAB and became
18 accredited by CIDA or NAAB not later than three years after the Applicant's graduation,

19 or

20 (D) an Interior Design education program outside the United States where an evaluation
21 by World Education Services or another organization acceptable to the Board has
22 concluded that the program is substantially equivalent to a CIDA or NAAB accredited
23 professional program;

24 (2) The Applicant has a doctorate, a master's degree, or a baccalaureate degree in Interior
25 Design;

26 (3) The Applicant has:

27 (A) A baccalaureate degree in a field other than Interior Design; and

28 (B) An associate's degree or a two- or three-year certificate from an Interior Design
29 program at an institution accredited by an agency recognized by the Texas Higher
30 Education Coordinating Board;

31 (4) The Applicant has:

Draft Amendment for Proposal

1 (A) A baccalaureate degree in a field other than Interior Design; and

2 (B) An associate's degree or a two- or three-year certificate from a foreign Interior Design
3 program approved or accredited by an agency acceptable to the Board.

4 (b) In order to obtain Interior Design registration by examination in Texas, an Applicant must
5 also successfully complete the Interior Design Experience Program administered by the National
6 Council for Interior Design Qualification or two years of approved experience as more fully
7 described in Subchapter J of this chapter (relating to Table of Equivalents for Education and
8 Experience in Interior Design).

9 (c) The Board shall evaluate the education and experience required by subsection (a) of this
10 section in accordance with the Table of Equivalents for Education and Experience in Interior
11 Design.

12 (d) For purposes of this section, the term "approved Interior Design education" does not include
13 continuing education courses.

14 (e) An Applicant for Interior Design registration by examination who enrolls in an Interior
15 Design educational program after September 1, 2006, must graduate from a program described in
16 subsection (a)(1) of this section.

17 ~~[(f) An Applicant who applies for Interior Design registration by examination on or before
18 August 31, 2011 and who commenced his/her Interior Design education or experience prior to
19 September 1, 1999, shall be subject to the rules and regulations relating to educational and
20 experiential requirements as they existed on August 31, 1999. This subsection is repealed
21 effective September 1, 2011.]~~

22 (f) ~~[(g)]~~ In accordance with federal law, the Board must verify proof of legal status in the United
23 States. Each Applicant shall provide evidence of legal status by submitting a certified copy of a
24 United States birth certificate or other documentation that satisfies the requirements of the
25 Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. A list of
26 acceptable documents may be obtained by contacting the Board's office

27 **§5.51 Requirements**

28 (a) An [Every] Applicant for Interior Design registration by examination in Texas must
29 successfully complete all sections of the National Council for Interior Design Qualification
30 (NCIDQ) examination or a predecessor or other examination NCIDQ deems equivalent to the
31 NCIDQ examination. In lieu of successfully completing the NCIDQ examination, an applicant

Draft Amendment for Proposal

1 may successfully complete all sections of the Architectural Registration Examination (ARE), or
2 another examination NCARB deems equivalent to the ARE, after fulfilling the requirements of
3 §1.21 and §1.41 of chapter 1 relating to Board approval to take the ARE for architectural
4 registration by examination.

5 (b) The Board may approve an Applicant to take the NCIDQ examination only after the
6 Applicant has completed the educational requirements for Interior Design registration by
7 examination in Texas, has completed at least six (6) months of full-time experience working
8 under the Direct Supervision of a Registered Interior Designer, and has submitted the required
9 application materials. In jurisdictions where interior designers are not licensed, the supervision
10 may be under a licensed architect or a Registered Interior Designer who has passed the NCIDQ
11 examination.

12 (c) An Applicant may take the NCIDQ examination at any official NCIDQ testing center but
13 must satisfy all Texas registration requirements in order to obtain Interior Design registration by
14 examination in Texas.

15 (d) Each Candidate must achieve a passing score in each division of the NCIDQ examination.
16 Scores from individual divisions may not be averaged to achieve a passing score.

17 (e) An examination fee may be refunded as follows:

18 (1) The application fee paid to the Board is not refundable or transferable.

19 (2) The Board, on behalf of a Candidate, may request a refund of a portion of the
20 examination fee paid to the national examination provider for scheduling all or a portion of
21 the registration examination. A charge for refund processing may be withheld by the national
22 examination provider. Refunds of examination fees are subject to the following conditions:

23 (A) A Candidate, because of extreme hardship, must have been precluded from
24 scheduling or taking the examination or a portion of the examination. For purposes of this
25 subsection, extreme hardship is defined as a serious illness or accident of the Candidate
26 or a member of the Candidate's immediate family or the death of an immediate family
27 member. Immediate family members include the spouse, child(ren), parent(s), and
28 sibling(s) of the Candidate. Any other extreme hardship may be considered on a case-by-
29 case basis.

30 (B) A written request for a refund based on extreme hardship must be submitted not later
31 than thirty (30) days after the date the examination or portion of the examination was

Draft Amendment for Proposal

- 1 scheduled or intended to be scheduled. Documentation of the extreme hardship that
2 precluded the applicant from scheduling or taking the examination must be submitted by
3 the Candidate as follows:
- 4 (i) Illness: verification from a physician who treated the illness.
 - 5 (ii) Accident: a copy of an official accident report.
 - 6 (iii) Death: a copy of a death certificate or newspaper obituary.
- 7 (C) Approval of the request and refund of the fee or portion of the fee by the national
8 examination provider.
- 9 (3) An examination fee may not be transferred to a subsequent examination.

Section. 1053.154. EXAMINATION REQUIRED. (a) An applicant for a certificate of registration must pass the examination adopted by the board.

(b) The examination must cover subjects established by and must be graded according to board rules. The board by rule may adopt the examination of the National Council for Interior Design Qualification or a comparable examination.

(c) The board shall determine the time and place for each examination. The examination shall be offered at least once a year. The board shall give reasonable public notice of the examination in the manner provided by board rule.

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	122-13A
Respondent:	Joseph H. Adams
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Joseph H. Adams (hereafter "Respondent") is registered as an architect in Texas with registration number 6960.
- On January 7, 2013, he was notified by the Board that he was subject to an enhanced audit for compliance with the continuing education requirements for the audit period of April 1, 2009 through March 31, 2010.
- On February 14, 2013, the Board received a letter from him stating that he had lost his CE records due to computer problems. Therefore, he was unable to submit documentation for his continuing education for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of April 1, 2009 through March 31, 2010, he violated 1.69(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	081-13A
Respondent:	John L. Allen
Location of Respondent:	Austin, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- John L. Allen (hereafter "Respondent") is registered as an architect in Texas with registration number 5119.
- On October 16, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of October 1, 2011 through September 30, 2012.
- On November 19, 2012, the Board received his CEPH log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of the continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	119-13A
Respondent:	Frank A. Butler
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Frank A. Butler (hereafter "Respondent") is registered as an architect in Texas with registration number 9300.
- On January 7, 2013, he was notified by the Board that he was subject to an enhanced audit for compliance with the continuing education requirements for the audit period of September 1, 2008 through August 31, 2009.
- On January 25, 2013, the Board received his CEPH log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of the continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	135-13L
Respondent:	Susan F. Fischer
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Susan F. Fischer (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 905.
- On November 16, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of May 1, 2011 through April 30, 2012.
- On March 5, 2013, the Board received her CEPH Log and supporting documentation for the audit period. The Continuing Education Coordinator reviewed the documentation and determined that a portion of his hours were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

- By falsely reporting that she had completed the required continuing education in order to renew her registration, Respondent violated Board rule 3.69(g). The standard administrative penalty assessed for this violation is **\$700.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	073-13A
Respondent:	David J. Flesher
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- David J. Flesher (hereafter "Respondent") is registered as an architect in Texas with registration number 19505.
- On April 16, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of April 1, 2011 through March 31, 2012.
- On November 13, 2012, he responded by stating that his documentation was lost during his move back from Vietnam where he was working for most of the audit period. He believed that he was in compliance with the mandatory continuing education requirements at the time of the audit. However, he took additional classes and submitted them as requested.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	102-13I
Respondent:	Cricket Freeman
Location of Respondent:	Farmers Branch, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Cricket Freeman (hereafter "Respondent") is registered as an interior designer in Texas with registration number 11178.
- On December 17, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of December 1, 2011 through November 30, 2012.
- On January 9, 2013, Respondent responded to the Board's Continuing Education Coordinator with a CEPH Log and supporting documentation for her continuing education requirements. A review of the documentation by the Continuing Education Coordinator determined that a portion of her continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	107-13I
Respondent:	Minarni Gozali
Location of Respondent:	Plano, TX
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- Minarni Gozali (hereafter "Respondent") is registered as an interior designer in Texas with registration number 10491.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period June 1, 2011 through May 31, 2012.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to a written request for information within 30 days of staff's request, Respondent violated 22 TEX. ADMIN. CODE § 5.181. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	143-13A
Respondent:	Jeff K. Griffis
Location of Respondent:	Carlsbad, CA
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Jeff K. Griffis (hereafter "Respondent") is registered as an architect in Texas with registration number 13644.
- On December 17, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- On April 8, 2013, the Board received his CEPH Log and supporting documentation for the audit period. The Continuing Education Coordinator reviewed the documentation and determined that a portion of his hours were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	118-13I
Respondent:	William E. Horton
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- William E. Horton (hereafter "Respondent") is registered as an interior designer in Texas with registration number 4328.
- On November 16, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of May 1, 2011 through April 30, 2012.
- On December 14, 2013, he responded to the Board's Continuing Education Coordinator with a CEPH Log and supporting documentation for his continuing education requirements. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	087-13I
Respondent:	Alisa C. Kraemer
Location of Respondent:	Carrollton, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Alisa C. Kraemer (hereafter "Respondent") is registered as an interior designer in Texas with registration number 4071.
- On October 2, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- On November 16, 2013, she responded to the Board's Continuing Education Coordinator with a CEPH Log and supporting documentation for her continuing education requirements. A review of the documentation by the Continuing Education Coordinator determined that a portion of her continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	131-13A
Respondent:	Jeffrey R. Krolicki
Location of Respondent:	Austin, TX
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- Jeffrey R. Krolicki (hereafter "Respondent") is registered as an architect in Texas with registration number 21895.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period January 1, 2011 through December 31, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	100-13I
Respondent:	Adrienne Morgan
Location of Respondent:	Arlington, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Adrienne Morgan (hereafter "Respondent") is a registered interior designer in Texas with registration number 9617.
- On August 16, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- In her response to the Board's letter, Respondent stated that she had gone through a divorce that year and had lost all of her business records. Therefore, she was unable to provide the necessary supporting documentation of her continuing education courses for the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	129-13A
Respondent:	Katherine E. Newman
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Katherine E. Newman (hereafter "Respondent") is registered as an architect in Texas with registration number 18757.
- On May 16, 2012, she was notified by the Board that she was subject to an audit for compliance with the continuing education requirements for the audit period of May 1, 2011 through April 30, 2012.
- She responded by calling the Continuing Education Coordinator and explaining that she had voluntarily surrendered her architectural registration on June 8, 2012 due to a career change. However, she had taken the required continuing education courses in order to reinstate her architectural registration. Respondent reinstated her architectural registration on February 5, 2013.
- Although Respondent was compliant at the time she reinstated her architectural registration, a review by the Continuing Education Coordinator determined that some of the requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	106-13A
Respondent:	Douglas W. Paul
Location of Respondent:	Wichita Falls, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Douglas W. Paul (hereafter "Respondent") is registered as an architect in Texas with registration number 9789.
- On December 17, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2011 through November 30, 2012.
- On January 11, 2013, he responded by submitting his CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	111-13I
Respondent:	Patti H. Perrier
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Patti H. Perrier (hereafter "Respondent") is registered as an interior designer in Texas with registration number 5670.
- On November 16, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of May 1, 2011 through April 30, 2012.
- On December 27, 2012, she responded to the Board's Continuing Education Coordinator with a letter stating that she had been taking care of a very sick child and did not have the credits for the audit period. However, Respondent subsequently took courses to complete the continuing education requirements.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	146-13A
Respondent:	David R. Quinn
Location of Respondent:	Tomball, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- David R. Quinn (hereafter "Respondent") is registered as an architect in Texas with registration number 5929.
- On February 15, 2013, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of August 1, 2009 through July 31, 2010.
- On March 6, 2013, the Board received his CEPH Log and supporting documentation for the audit period. The Continuing Education Coordinator reviewed the documentation and determined that a portion of his hours were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	085-13I
Respondent:	Sherry Rainwater
Location of Respondent:	Frisco, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Sherry Rainwater (hereafter "Respondent") is a registered interior designer in Texas with registration number 8807.
- On August 16, 2012, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- In her response to the Board's letter, Respondent stated that she had moved and lost all her business records; therefore, she was unable to provide the necessary supporting documentation of her continuing education courses for the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	101-13A
Respondent:	Robert Runyon
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robert Runyon (hereafter "Respondent") is registered as an architect in Texas with registration number 9074.
- On August 31, 2012, he was notified by the Board that he was subject to an audit for compliance of his continuing education requirements for the audit period of January 1, 2011 through December 31, 2012.
- On December 18, 2012, he responded by stating that although he was compliant now, he had failed to timely complete the required continuing education hours within the audit period.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	123-13A
Respondent:	Dale H. Schenck
Location of Respondent:	Ruidoso, NM
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Dale H. Schenck (hereafter "Respondent") is registered as an architect in Texas with registration number 12670.
- On November 16, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of November 1, 2011 through October 31, 2012.
- On January 15, 2013, the Board received an email stating that he was under the impression that he no longer needed to complete continuing education because of some miscommunication from his local AIA chapter. However, he subsequently completed the continuing education requirements for the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	098-13L
Respondent:	Scott G. Slaney
Location of Respondent:	Houston, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Scott G. Slaney (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 643.
- On September 17, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of September 1, 2011 through August 31, 2012.
- In his response to the Board's letter, Respondent stated that he had been working in China since February 2011 and had to fulfill his continuing education hours through on-line efforts. The "Great Firewall" of China limits access to many foreign websites; therefore, he did not have all of his continuing education certificates from the courses he took in China.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of September 1, 2011 through August 31, 2012, Respondent violated Board rule 3.79(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of his or her continuing education activities for a period of five years after the end of the registration period for which credit is claimed is **\$500.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	095-13A
Respondent:	Joel Trexler
Location of Respondent:	Johnstown, PA
Nature of Violation:	Failure to Respond to a Board Inquiry
Instrument:	Report and Notice of Violation

Findings:

- Joel Trexler (hereafter "Respondent") is registered as an architect in Texas with registration number 20614.
- In the course of a random continuing education audit, Respondent was requested to provide verification of CE hours for the audit period August 1, 2011 through July 31, 2012.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written requests for information.
- Respondent was compliant with CE obligations for the audit period.

Applicable Statutory Provisions and Rules:

- By failing to respond to two written requests for information within 30 days of staff's requests, Respondent violated Board rule 1.171. Each violation is subject to a standard administrative penalty of **\$250.00** for a total of **\$500.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	090-13I
Respondent:	Ing-Tay Tsao
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Ing-Tay Tsao (hereafter "Respondent") is registered as an interior designer in Texas with registration number 2716.
- On May 16, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements and was requested to submit his CEPH Log and supporting documentation for the audit period of May 1, 2011 through April 30, 2012.
- Respondent failed to respond to the May 16, 2012 letter.
- On July 3, 2012, the Board sent a second letter advising him that the Board had not received a response and he was now non-compliant and must respond in writing by December 17, 2012.
- Respondent failed to respond to the July 3, 2012 letter.
- On March 13, 2013, the Board received a letter and documentation from Respondent apologizing for his tardiness and stating that he had not responded timely because had been working overseas traveling for work.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required number of continuing education hours during the audit period, Respondent violated 22 TEX. ADMIN. CODE § 5.79(f). The standard administrative penalty assessed for this violation is \$500.00.
- By falsely reporting that he had completed the required continuing education for the period of May 1, 2011 through April 30, 2012, Respondent violated Board rule 5.79(g). The standard administrative penalty assessed for this violation is \$700.00.
- By failing to reply to a Board letter dated May 16, 2012 and July 3, 2012 within 30 days, he violated 22 TEX. ADMIN. CODE § 5.181. The standard administrative penalty assessed for this violation is **\$250.00** for a total of **\$500.00**.

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	117-13A
Respondent:	Charles S. West
Location of Respondent:	Dallas, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Charles S. West (hereafter "Respondent") is registered as an architect in Texas with registration number 8375.
- On December 17, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2011 through November 30, 2012.
- On January 23, 2013, he responded by submitting his CEPH Log and supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	074-13A
Respondent:	Allen H. Whitwell
Location of Respondent:	McKinney, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Allen H. Whitwell (hereafter "Respondent") is registered as an architect in Texas with registration number 5890.
- On March 14, 2012, he was notified by the Board that he was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- On January 10, 2013, he responded by contacting the Board and submitting supporting documentation for the audit period. A review of the documentation by the Continuing Education Coordinator determined that a portion of his continuing education requirements were completed outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION

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

Case Number:	144-13I
Respondent:	Alison B. Wilson
Location of Respondent:	Houston, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Alison B. Wilson (hereafter "Respondent") is a registered interior designer in Texas with registration number 10301.
- On February 15, 2013, she was notified by the Board that she was being audited for compliance with the continuing education requirements for the audit period of February 1, 2011 through January 31, 2012.
- On March 21, 2013, the Board received a letter from Respondent stating that her records had been destroyed. Therefore, she was unable to produce all of the certificates of completion for the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

2 May 2013

Dear NCARB Member Board Members and Member Board Executives:

The National Council of Architectural Registration Boards (NCARB) is currently seeking Member Board comments on two proposed changes to the Intern Development Program. These changes specifically relate to the employment duration and eligibility requirements. Detailed descriptions of the proposed changes are attached and are also posted on the Registration Board Section of the NCARB website.

Following this initial notice of the proposed changes there will be a 90-day period for your Board to review and submit comments. Please take the opportunity to review the proposed changes and provide your feedback. **The NCARB Board of Directors would like to hear from all Member Boards before they vote on the proposed changes.** To that end, please use the following questions as a guide when crafting your response:

- Does your Board agree, disagree, or have no position on the proposed changes?
- If your Board disagrees, what are your concerns?
- Does your Board need more time to address the proposed changes? If so, when do you expect to be able to provide us feedback?

All comments, including “no comments”, should be sent to the following address: mdp-comments@ncarb.org with a copy to khillegas@ncarb.org by 5:00 P.M. on Friday, August 2, 2013.

Proposed Change to IDP Duration Requirement

WHAT IS THE PROPOSED CHANGE?

This proposed change will allow interns to earn IDP credit for valid work experience in short employment periods. Currently interns, in most experience settings, must be employed a minimum of 15 hours per week for eight consecutive weeks.

WHY SHOULD THIS CHANGE BE IMPLEMENTED?

Interns will be able to earn IDP experience credit for valid work through the project work relative to an experience area. This includes periods of work performed over winter and spring breaks while in school, and projects of limited scope with completion time in weeks.

The NCARB Board of Directors approved the following revisions to modify the IDP “Employment Requirements” for Member Board comment:

Modify the IDP Guidelines, November 2012, page 9, Employment Requirements, Paragraph 1 as follows:

“To earn experience in setting A, O, “Design and Construction Related Employment” within setting S, and some scenarios in “Construction Work” within setting S, you must be employed. ~~at least 15 hours per week for a minimum period of eight consecutive weeks.~~

- *Unpaid internships are not eligible to earn experience hours with the exception of the approved community-based design center/collaborative as defined in experience setting S.*
- *No experience may be earned outside of the U.S. or Canada, except at an organization engaged in the practice of architecture, an approved Community-Based Design Center/Collaborative as defined in experience setting S, or through Leadership and Service defined in experience setting S.*
- *To earn experience in Teaching or Research as defined in experience setting S, you must be employed by the institution. ~~however, there is no minimum period of consecutive employment.”~~*

Rationale:

The IDP experience requirements today are based on the performance of tasks, and the development of the knowledge and skills necessary to competently perform those tasks independently. As the IDP has developed over time, the integrated role of the IDP Supervisor has increasingly become recognized as the evaluator of intern progress. Supervisors determine what is valid and appropriate experience in all facets of the program. Therefore, they should hold the responsibility to ultimately determine whether or not the length of an experience is meaningful enough to qualify to meet the IDP requirement. The program rules inherently provide the guidance necessary to keep interns on track and provide an appropriate framework for what tasks must be completed.

Proposed Changes to IDP Duration Requirement Page 2

In today's typical firm, changes in project delivery methods have altered the traditional development path. Many projects – from concept through construction documents – may take less than eight weeks to complete. In looking at defined IDP experience areas, for example 'Programming' and 'Bidding and Contract Negotiation,' these tasks on an average project may be successfully completed in a couple of weeks. A firm may be hired for only limited services such as schematic design, with a separate contract to follow at a later date (and perhaps to a different firm) for the construction documents.

Numerous practices today rely on contract labor to complete projects in their offices. Interns may be brought in to assist with projects only for specific phases. In some cases, interns have been working full time, but are accumulating that time between several firms. In these cases the interns are not meeting the duration requirements of IDP so they earn no credit for their work. While limited in time, this is all valid experience.

Many practices rely on interns returning to work during school breaks. Typically these are interns who worked in the firm over the summer, and return at the holiday breaks to work for two or three weeks. These interns receive no experience credit for their two to three week effort though it is a continuation of their intern training.

By recommending the minimum duration requirements for employment be discontinued, the committee is not suggesting that a fragmented internship is acceptable to the IDP process. Historically, there has been a strong sentiment that it is important to immerse an intern into the culture of a firm. We acknowledge that firm culture is of importance; however the nature of practice has changed rather dramatically in recent years.

The hourly requirements of each IDP experience area, the associated tasks of each experience area, and the experience setting in which hours must be accrued identify the critical criteria for an intern to complete. It is these program requirements that form the elements of IDP created to ensure valuable learning experiences, not the length of time an intern spends at a particular employment.

Eligibility Date

WHAT IS THE PROPOSED CHANGE?

This proposed change will modify the point of eligibility to participate in the IDP as the receipt of a U.S. high school diploma, or equivalent.

Currently interns must be enrolled in a degree program accredited by the National Architectural Accreditation Board (NAAB) or the Canadian Architectural Certification Board (CACB), enrolled in a pre-professional degree program at a school that offers a NAAB/CACB accredited degree program, or be employed in experience setting A after obtaining a U.S. high school diploma, General Education Degree (GED) equivalent, or comparable foreign degree.

WHY SHOULD THIS CHANGE BE IMPLEMENTED?

Interns will be able to earn IDP credit for valid work and supplemental experience meeting the requirements of the program.

The NCARB Board of Directors approved the following revisions to modify the IDP “Eligibility Requirements:”

Modify the IDP Guidelines, November 2012, page 9, Eligibility Requirements as follows:

~~“Your ‘IDP eligibility date’ is the date after which you are able to earn IDP experience. Qualifying experience can be earned only after obtaining a high school diploma (or equivalent), on or after your IDP eligibility date. Once this date has been established, it is set for all experience earned on or after that date.”~~

~~You can earn IDP experience once you have successfully established one of the following:~~

- ~~— 1. Enrollment in a NAAB/CACB-accredited degree program~~
- ~~— 2. Enrollment in a pre-professional architecture degree program at a school that offers a NAAB/CACB-accredited degree program.~~
- ~~— 3. Employment in experience setting A after obtaining a U.S. high school diploma, General Education Degree (GED) equivalent, or comparable foreign degree.”~~

Rationale:

The existing requirement to begin participation in the Intern Development Program (IDP) is that interns meet one of three IDP eligibility dates:

- 1) Enrollment in a NAAB/CACB-accredited degree program.
- 2) Enrollment in a pre-professional architecture degree program.
- 3) Employment in Experience Setting A after obtaining a high school diploma.

Proposed Changes to IDP Eligibility Date Page 2

These requirements were established by the Board of Directors in FY10. The philosophy behind these requirements was to simply require a “commitment to the practice of architecture”. Today, the Internship Committee believes that establishing an NCARB Record is a commitment to the practice of architecture in and of itself, as the sole purpose of doing so is to document one’s qualifications to practice architecture.

It is not an education threshold in one’s career that ensures the IDP is of any particular quality for an intern. The hourly requirements of each IDP experience area, the associated tasks of each experience area, and the experience setting in which hours are accrued determine what is most important for an intern to experience. It is these elements of the IDP that create and ensure valuable learning experiences. The program requirements themselves ensure the degree of quality.

The determination of the point where work experience meets the requirements of the IDP is effectively accomplished by the IDP Supervisor, who works directly with the intern and evaluates his/her performance in all areas of internship, accepts the work submitted. As NCARB continues to align the requirements of the Intern Development Program with current practice, it has become evident that NCARB cannot effectively determine whether or not an intern’s experience is meaningful by applying arbitrary eligibility thresholds.

The current IDP eligibility date process requires interns to document their IDP eligibility date through a third party with hard copy forms, in addition to other administrative duties such as establishing an NCARB record, documenting IDP hours, transmitting their record for an authorization to test, and various procedures directly with state boards. The removal of IDP eligibility dates is an opportunity to streamline the process for interns and alleviate confusion that many times occurs due to the substantial paperwork involved in simply progressing through the process of licensure.

A minimum of a high school diploma is proposed because it is believed that most experiences before high school graduation would be geared more toward simply experiencing what it’s like to work for an architect as an exploratory career exercise, rather than actually contributing as a substantial member of the design team. The committee members believe individuals who do maintain employment prior to high school graduation and contribute as substantial members of the design team would be minimal.

Resolutions

to be Acted Upon at the

2013 Annual Meeting

MAY 2013

National Council of Architectural Registration Boards 1801 K Street NW, Suite 700K
Washington, DC 20006 202/783-6500 www.ncarb.org

RESOLUTION 2013-01

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

Title: *Model Law and Regulations* Amendment – Use of Electronic Seals and Signatures

Submitted By: Council Board of Directors

RESOLVED, that the first three sentences of Section 6, Seal in the *Model Law* be amended to read as follows:

“Every registered architect shall have a seal of a design authorized by the Board by regulation. All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be sealed and signed by the architect ~~with the impression of his/her seal and the signature of the architect~~. The signature and seal may be electronic and shall mean that the architect was in responsible control over the content of such technical submissions during their preparation and has applied the required professional standard of care.”

FURTHER RESOLVED, that the first sentence sub-section (B) of section 100.805 (Professional Conduct) of the *Model Regulations* be amended to read as follows:

“(B) All technical submissions, which are (a) required by public authorities for building permits or regulatory approvals, or (b) are intended for construction purposes, including all addenda and other changes to such submissions, shall be signed and sealed by ~~with the impression of the seal and signature of the registered architect,~~ which signature and seal may be electronic.”

FINALLY RESOLVED, that sub-section (B) of section 100.806 (Design and Use of Architect’s Seal) of the *Model Regulations* be amended to read as follows:

“(B) As required by [statutory reference], the seal and signature shall ~~be imprinted~~ appear on all technical submissions, as follows: on each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. ~~The original signature of the individual named on the seal shall appear across the face of each original seal imprint.~~ Such seal and signature may be electronic.”

SPONSORS’ STATEMENT OF SUPPORT:

The Member Board Executives Committee and the Procedures and Documents Committee have identified outdated language in the existing *Model Law* and the *Model Regulations* describing the seal and signature on technical submissions. Both reference an imprint or impression in describing the seal and require the physical application of the seal and signature. Neither allow for an electronic image of the seal or signature, which is now becoming common practice and is even required by governmental authorities in some jurisdictions. To align current practice, the committees recommend modifying the language to allow for the use of an electronic image of the seal and signature.

This change is consistent with federal law, which now states that a contract or signature in interstate or foreign commerce “may not be denied legal effect, validity, or enforceability solely because it is in electronic form.” Electronic Signatures in Global and National Commerce Act (Pub.L. 106-229, 14 Stat. 464, enacted June 30, 2000, 15 U.S.C. ch.96).

RESOLUTION 2013-02

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

TITLE: *Certification Guidelines* Amendment – Alternative to Education Requirement

SUBMITTED BY: Council Board of Directors

RESOLVED, that sub-section B of section 2.2 of the *Certification Guidelines* be amended to read as follows:

- “B. Applicants with a degree in the field of architecture that is not accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) ~~granted by an academic institution outside the United States and Canada~~ must obtain an Education Evaluation Services for Architects (EESA) NCARB evaluation report stating that he/she has met the *NCARB Education Standard*.”

SPONSORS’ STATEMENT OF SUPPORT:

The Broadly Experienced Architect (BEA) Committee recommends that any architect with a degree from a non-accredited program meets the NCARB *Education Standard* as verified by an Education Evaluation Services for Architects (EESA)-NCARB evaluation conducted by the National Architectural Accrediting Board (NAAB). Presently, only holders of degrees from academic institutions outside the United States and Canada may do this.

The committee believes that if there are no deficiencies to overcome, no further assessment beyond an EESA-NCARB evaluation should be required of anyone, and those architects meeting the *Education Standard* would also satisfy the education requirement for certification outside of the BEA Program. Architects who have not satisfied the *Education Standard* must satisfy any deficiencies as noted in the *Education Guidelines*.

RESOLUTION 2013-03

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

TITLE: *Certification Guidelines* Amendment – Modifications to Broadly Experienced Architect Terminology

SUBMITTED BY: Council Board of Directors

RESOLVED, that Section 2.2, paragraph A, Alternatives to the Education Requirement of the *Certification Guidelines* be amended to read as follows:

“2.2 **Alternatives to the Education Requirement** If you do not hold a professional degree in architecture as identified in Section 1.2, NCARB will accept either of the following:

A. Satisfaction of NCARB’s Broadly Experienced Architect (BEA) Program, which permits an applicant with the required years of experience in comprehensive practice~~practicing architecture~~ as defined in the *Legislative Guidelines and Model Law, Model Regulations* 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~~ experience in practicing architecture 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:

The Broadly Experienced Architect (BEA) Committee recommends replacing the term “comprehensive practice” with “practice of architecture” in the *Certification Guidelines* to clarify the purpose of the program. The BEA Program is a way for architects, who do not have a degree from a NAAB-accredited program, to demonstrate how their experience in the practice of architecture satisfies identified education deficiencies. The concept of comprehensive practice is not relevant to BEA Program eligibility, and review of a BEA dossier is focused on the projects, or parts of projects, that demonstrate that the architect has overcome the specific education deficiencies.

RESOLUTION 2013-04

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

TITLE: *Certification Guidelines* Amendment – Modification to Broadly Experienced Foreign Architect Terminology

SUBMITTED BY: Council Board of Directors

RESOLVED, that section 5.4 Experience Requirement of the *Certification Guidelines* be amended to read as follows:

“5.4 **Experience Requirement** You must have completed a minimum of seven (7) years of comprehensive practice as a credentialed architect over which you exercised responsible control in the foreign country in which you are credentialed.

- “Comprehensive practice” means the application of the knowledge and skills of those aspects of the profession assessed by an architectural practice that regularly involves familiarity with all of those areas tested on the Architect Registration Examination, including programming, design, technical and construction documents production, and construction administration.
- “Responsible control” means that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by U.S. registered architects applying the required professional standard of care.”

SPONSORS’ STATEMENT OF SUPPORT:

The Broadly Experienced Architect (BEA) Committee, which oversees both the BEA and Broadly Experienced Foreign Architect (BEFA) Programs, recommends changes to the definition of “comprehensive practice” in the *Certification Guidelines* for clarity. It believes the current definition does not adequately define the depth and assessment required of the BEFA Program, which allows foreign architects to demonstrate competence to independently practice architecture, while protecting the health, safety, and welfare to meet the examination requirement of NCARB certification.

The change identified in the resolution provides a more accurate definition for the program requirement—to demonstrate competence through completed projects (application of knowledge and skill) in a foreign country. The committee also recommends eliminating the list of specific categories covered by the Architect Registration Examination (ARE) in the definition of comprehension practice. This allows for flexibility for future changes to the divisions of the ARE without affecting the comprehensive practice.

RESOLUTION 2013-05

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

TITLE: *Bylaws* Amendment – Eligibility for the Public Director Position

SUBMITTED BY: Council Board of Directors

RESOLVED, that the third paragraph of Article VII, section 2 of the *Bylaws* be amended to read as follows:

“A candidate for election as the Public Director (i) 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 ~~member of a Member Board or Member Board Executive, and~~ (iii) shall be nominated by the Council Board of Directors and elected at the Annual Meeting, ~~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.”

SPONSORS’ STATEMENT OF SUPPORT:

The Governance Task Force recommends clarifying who may not be a public director on the NCARB Board of Directors. This resolution modifies the *Bylaws* to formally restrict a Member Board Member or a Member Board Executive from serving as the public director. It ensures that a person who can contribute an outsider’s perspective, which is not prejudiced or influenced by current involvement with NCARB, fills the position. The resolution also expands the ability of the Board to nominate someone who is familiar with architecture, such as a code official, but not engaged in or licensed to engage in the design of buildings or structures.

RESOLUTION 2013-06

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

TITLE: *Inter-Recognition Agreement with Canada – Update and Conforming Changes to Certification Guidelines*

SUBMITTED BY: Council Board of Directors

RESOLVED, that the existing Inter-Recognition Agreement be dissolved and the new Mutual Recognition Agreement between the National Council of Architectural Registration Boards and the Canadian Architectural Licensing Authorities be and hereby is ratified and approved in the form published in the *Pre-Annual Meeting Report*.

FURTHER RESOLVED, that Sections 3 and 4 of the *Certification Guidelines* be deleted in their entirety.

SPONSORS' STATEMENT OF SUPPORT:

Architects licensed to practice in a U.S. or Canadian jurisdiction have benefitted from the long-standing *Inter-Recognition Agreement Between the National Council of Architectural Registration Boards and the Committee of Canadian Architectural Councils* (now known as the Canadian Architectural Licensing Authorities (CALA)) for the mutual recognition of licensure. The agreement, signed in 1994, established recognized standards and grandfathering provisions for education, internship, and examination for the basis of immediate and mutual recognition. The agreement has served the members of NCARB and CALA well and has been a model for mutual recognition agreements around the world. Evolution in the path to licensure within the Canadian provinces has necessitated a review and update of the existing agreement in order to continue the facilitation of the cross-border practice of architecture.

NCARB and CALA represent mature and sophisticated regulatory bodies that support professional licensure and protect the public. Each country conducts a practice analysis that serves to identify the competencies required to practice architecture. The results of the practice analysis are used to shape and inform the requirements of three rigorous components commonly referred to as the three "E"s: education, experience, and examination. NCARB traditionally looks at the three components individually, while Canada is moving toward a more holistic view.

Comparing and contrasting the current programs found:

- **EDUCATION:** A professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) is still considered to be the equivalent of a degree from a program accredited by the Canadian Architectural Certification Board (CACB). NAAB and CACB remain in close contact and regularly review each other's accreditation procedures and conditions.
- **EXPERIENCE:** The Intern Development Program (IDP) and Canada's Internship in Architecture Program (IAP) remain focused on the broad range of experience required prior to licensure; however, they now primarily differ in length. The IDP requires completion of 5,600 hours

in a combination of three different experience settings, starting

- as early as post-high school for those working in an architect's office. A revised IAP released in 2012 requires completion of 3,720 hours of experience; however, all hours are gained after completion of a CACB degree and only in the office of an architect. Some consider the IDP more flexible; others consider IAP more concentrated.
- EXAMINATION: The Architect Registration Examination® (ARE®) and Canada's Examination for Architects in Canada (ExAC), released in 2008, are significantly different in approach. The ARE is a seven-division computer-based examination that requires the demonstration of the knowledge and skill required to practice independently. The Canadian exam is a four division, paper-and-pencil exam administered over a two-day period once each year. The ExAC focuses on the *Canadian Handbook of Practice* and the *National Building Code of Canada*. The purpose of the ExAC is to assess the experience interns gain through the IAP. There is no consideration for testing the academic knowledge previously tested and proven through the education process.

When reviewing these recent changes, the leadership of NCARB and CALA determined that the terms and conditions of the existing agreement were no longer applicable. After more than a year of exploration and negotiation, both parties are proposing to their member regulators that all architects now be required to complete 2,000 hours (approximately one year) of licensed practice in their home jurisdiction prior to seeking reciprocal licensure. This new experience requirement and delayed recognition is intended to overcome perceived differences in the individual requirements for initial registration.

Under this new agreement, the architect must provide proof of licensure, attest to having completed 2,000 hours of licensed practice, and the regulatory authority must provide a statement of good standing. Through the NCARB Certificate, the architect can obtain authorization to practice from each host jurisdiction that is a signatory to the new agreement. The architect must comply with all practice requirements of the jurisdiction and is subject to all governing legislation and regulations of the jurisdiction.

The agreement is only accessible to those architects that are citizens or permanent residents of the United States or Canada and that acquired their license in a U.S. or Canadian jurisdiction without having been registered by means of a foreign reciprocal registration procedure such as the Broadly Experience Foreign Architect Program or other international mutual recognition agreement. Those architects currently licensed or certified under the existing agreement are not affected.

Supporting and implementing this new agreement allows current architects on both sides of the border the continued professional recognition afforded by the original agreement. However, the focus of the new forward-looking agreement is on the future generations of architects. The new agreement respects each country's rigorous path to licensure rather than dissecting the individual steps along the way and serves as a bold model for mutual recognition agreements in the future.

You can read the full draft agreement and supporting documents in Appendix A.

**MUTUAL RECOGNITION AGREEMENT Between The NATIONAL COUNCIL OF
ARCHITECTURAL REGISTRATION BOARDS And The CANADIAN ARCHITECTURAL
LICENSING AUTHORITIES**

The National Council of Architectural Registration Boards (NCARB) representing the architectural licensing boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

AND

The Canadian Architectural Licensing Authorities, a committee representing the 11 Provincial and Territorial jurisdictions in Canada (collectively CALA and individually, the CALA jurisdictions): Architectural Institute of British Columbia; Alberta Association of Architects; Saskatchewan Association of Architects; Manitoba Association of Architects; Ontario Association of Architects; Ordre des architectes du Quebec; Nova Scotia Association of Architects; Architects Association of New Brunswick; Architect's Registration Board of Newfoundland & Labrador; Architects Association of Prince Edward Island; Northwest Territories Association of Architects.

WHEREAS, NCARB establishes model regulations for the profession of architecture and promulgates recommended national standards for education, experience, and examination for initial licensure and continuing education standards for license renewal; as well as establishing the education, experience, and examination requirements for the NCARB Certificate in support of reciprocal licensure within the United States;

WHEREAS, the NCARB Member Boards and the CALA jurisdictions are empowered by statutes to regulate the profession of architecture in their respective jurisdictions, including setting education, experience, and examination requirements for licensure/registration and license/registration renewal;

WHEREAS, the standards, protocols, and procedures required for entry to the practice of architecture within the United States and Canada have benefitted from many years of collaboration between NCARB and the CALA jurisdictions;

WHEREAS, accepting there are some differences between the systems in place in United States and Canada, there is significant and substantial equivalence between the regulatory systems for licensure/registration and recognition of the privilege and obligations of architects to practice in the United States and Canada;

WHEREAS, NCARB and the Committee of Canadian Architectural Councils previously entered into the Inter-Recognition Agreement which took effect on July 1, 1994. The Committee of Canadian Architectural Councils no longer exists as an organization, such former Inter-Recognition Agreement is hereby declared no longer to exist and the parties desire to enter into this new Mutual Recognition Agreement.

WHEREAS, NCARB and the CALA jurisdictions recognize the NCARB Member Boards and the CALA jurisdictions as mature and sophisticated regulators to which the utmost full faith and credit should be accorded and desire to facilitate reciprocal licensure/registration in the host country of architects who have been licensed/registered in their home country;

WHEREAS, any architect seeking to engage or actively engaging in the practice of architecture in any NCARB Member Board or CALA jurisdiction must obtain the authorization to practice from the jurisdiction, must comply with all practice requirements of the jurisdiction, and is subject to all governing legislation and regulations of the jurisdiction;

NOW THEREFORE, NCARB and the CALA jurisdictions agree as follows:

ELIGIBILITY

1 Architects who are able to benefit from the provisions of this agreement must be citizens respectively of the United States or Canada or have lawful permanent residency status in that country as their home country in order to seek licensure/registration in the other country as the host country under this Agreement. Architects shall not be required to establish citizenship or permanent residency status in the host country in which they seek licensure/registration under this Agreement.

2 Architects must also be licensed/registered in a jurisdiction of their home country and must have completed at least 2,000 hours of post-licensure/registration experience practicing as an architect in their home country.

3 Notwithstanding items 2 and 3 above, Architects who have been licensed by means of a Broadly Experienced Foreign Architect programs of either of the two countries or other foreign reciprocal licensing agreement are not eligible under this agreement.

CONDITIONS

U.S. Architect to Canadian Jurisdiction

Upon application, those CALA jurisdictions who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective province or territory any architect who

1 is currently licensed/registered in good standing by one or more NCARB Member Board(s) that is a current signatory to this Agreement;

2 holds a current NCARB Certificate;

3 meets the eligibility requirements listed above; and

4 whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

Canadian Architect to U.S. Jurisdiction

Upon application, NCARB shall issue an NCARB Certificate to any architect licensed/registered in one or more CALA jurisdiction(s) meeting the eligibility requirements listed above.

Upon application, those NCARB Member Boards who become signatories to this Agreement and so long as they remain signatories agree to license/register as an architect in their respective jurisdictions any architect who

- 1 is currently licensed/registered in good standing by one or more of the CALA jurisdiction(s) that is a current signatory to this Agreement;
- 2 holds a current NCARB Certificate;
- 3 meets the eligibility requirements listed above; and
- 4 whose principal place of practice is in a jurisdiction that is a current signatory to this Agreement.

DEFINITIONS

Demonstration of Required Experience

2,000 cumulative hours of post-licensure experience shall be demonstrated by individual applicants through the provision of proof of licensure in good standing and a signed affidavit attesting to the experience.

Principal Place of Practice

The address declared by the architect to be the address at which the architect is predominantly offering architectural services. The architect may only identify one principal place of practice.

LIMITATIONS

Nothing in this Agreement limits the ability of an NCARB Member Board or CALA jurisdiction to refuse to license/register an architect or impose terms, conditions or restrictions on his/her license/registration as a result of complaints or disciplinary or criminal proceedings relating to the competency, conduct, or character of that architect where such action is considered necessary to protect the public interest. Nothing in this Agreement limits the ability of NCARB, an NCARB Member Board or a CALA jurisdiction to seek appropriate verification of any matter pertaining to the foregoing or the eligibility of an applicant under this Agreement.

MONITORING COMMITTEE

A Monitoring Committee is hereby established to monitor the performance of all signatories who have agreed to be bound by the terms and conditions of this Agreement to assure the effective and efficient implementation of this Agreement.

The Monitoring Committee shall be comprised of no more than five individuals appointed by CALA and five individuals appointed by NCARB. The Monitoring Committee shall convene at least one meeting in each calendar year, and more frequently if circumstances so require.

AMENDMENT

This agreement may only be amended with the written consent of NCARB and all of the CALA jurisdictions who are initial signatories. Any such amendment will be submitted to all of the NCARB jurisdictions who may re-affirm their respective assent to this Agreement as so amended or may withdraw as a signatory.

SIGNING AND WITHDRAWING

Any NCARB Member Board or CALA jurisdiction may become a party to the applicable provisions of this Agreement upon submitting a written affirmation of its intent to become a signatory in the case of NCARB Member Boards to NCARB and in the case of CALA jurisdictions either by signing this Agreement or submitting a written affirmation of its intent to become a signatory to NCARB and the other CALA jurisdictions. Any NCARB Member Board or CALA jurisdiction may likewise withdraw from this Agreement with 90-days written notice given respectively to the same parties in the same manner. NCARB and the CALA jurisdictions shall each promptly notify the other in writing of all signatories and withdrawals. In the event of withdrawal, all licenses/registrations and NCARB certification granted to architects pursuant to this Agreement shall remain valid as long as all renewal obligations are maintained and all other generally applicable requirements are met or unless revoked for cause.

TERMINATION

NCARB or CALA may invoke termination of this agreement with 90-days written notice to the other party. This Agreement shall also terminate if more than one-half of the respective NCARB Member Boards and CALA jurisdictions cease to be signatories to this Agreement. In the event of termination, all licenses/registrations granted to architects of either country prior to the effective termination date shall remain valid as long as all registration renewal obligations are maintained or unless registration is revoked for cause.

ENTRY INTO FORCE

This Agreement shall come into force at such time as more than one-half of all NCARB Member Boards have become parties to this Agreement and more than one-half of all CALA jurisdictions have become parties to this Agreement all as described above so long as such condition is met on or before January 1, 2014, or as mutually extended by the NCARB Board of Directors and the CALA International Relations Committee.

Signatures NCARB CALA

President

CEO

Witness

Witness

Witness

Chair, IRC

Witness

Witness

Witness

Witness