



**TEXAS** Board of  
**Architectural Examiners**  
Architects • Interior Designers • Landscape Architects

# LICENSING NEWS

ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE ARCHITECTURE

JULY 2013

## CHAIRMAN'S COLUMN

### 83rd Legislature Brings Some Big Changes for Design Professionals

THE 83RD LEGISLATURE WAS AN IMPORTANT session for all registrants and the Texas Board of Architectural Examiners (TBAE). Any time the session includes recommendations from the Sunset Advisory Commission, as it did this year, you know that it will be interesting. Such was the case and the results of this session will bring many changes that the Board will be addressing through our rule making process. Much of this issue of *Licensing News* is devoted to those changes.

Perhaps the highest-profile change enacted by the Legislature is a new requirement for some Texas Registered Interior Designers (RIDs). The new law can be summarized easily, but some details are still to be worked out. Essentially, the new law requires any Texas RID who has not passed the NCIDQ examination to do so by September 1, 2017. The bill's author and sponsor also clearly intended the Board to adopt a rule stating that passage of the Architect Registration Exam (ARE) will count for maintaining licensure as an RID as well, and the Board is on its way to adopting that rule now. More detail on the test-passing requirement is found within this newsletter and on the [TBAE Web site](#).

Another important change in the law affects all TBAE registrants. Beginning in January of 2014, all renewing and incoming TBAE registrants will now be required to undergo a one-time fingerprint-based criminal history check. The Sunset Advisory Commission of Texas recommends this requirement for most occupational licensing agencies, and the new law was part of their periodic review of TBAE over the past two years. A separate story inside this issue of *Licensing News* provides a great deal more information on the topic.

Other changes to the law were less immediately impactful, but very important to be noted. Fees for late renewal of your license will be recalculated, or more to the point, lowered. Enforcement penalties now will be transferred to the state's General Revenue, rather than to TBAE's own account. This change was TBAE's suggestion, in order to prevent the appearance of "speed trap" enforcement. Finally, the agency's operation under a "pilot project" allowing it to operate like a business is now codified (that is, no longer a pilot project), and TBAE's reporting requirements are enhanced by new performance measures.

The agency will be communicating clearly and frequently with its registrants in coming weeks and months to ensure that the new requirements are well understood, and that new procedures are as simple as possible. As with any significant change, it will be the agency's job to make the transition as smooth as possible. Watch for additional communication on these changes through your email and the agency's [Web site](#). As always, please feel free to contact us with any questions you might have at any time.



Alfred Vidaurri, Jr.  
AIA, AICP  
Chairman

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# What You Need to Know about the Coming Year

For the past year or so we've devoted much of this newsletter to the potential changes resulting from Sunset review. Now that those changes have been set in stone by the passage of the Sunset legislation, we can begin to implement them at the agency level, as we are required to do. Now is a good time to take stock of the new laws and inform stakeholders like you of what the immediate future holds regarding your registration as a Texas design professional.

To read through the recent Sunset bills is to realize something critical for an agency that is self-funded like TBAE, and which receives no appropriated dollars from the Legislature: as a result of 2013 legislation, the agency will see a dramatic decrease in the revenues it uses to operate. The Sunset bills changed the agency fee structure, put in place requirements for some registrants that could result in nonrenewal of some licenses, requires the agency to pay for future Sunset reviews, and redirects enforcement penalties to the state's General Revenue Fund. All of these measures will make it tougher to balance the agency budget while maintaining a high level of service.

Some context may help to put the new laws into perspective. If you were a TBAE registrant in 2004, your in-state renewal fee was in fact higher than it is now. Unlike most fees (government or private sector), the only direction TBAE renewal fees have gone in the past decade is down! We are proud to have provided our regulatory services to the state without raising fees for ten years, and while lowering those fees six years ago. Since that fee reduction in 2007, no renewal fee changes have been adopted. It is perhaps my proudest accomplishment as Executive Director.

It seems, however, that those good times might stop rolling sometime soon. In other words, the agency must make some changes to absorb the blow dealt by the Sunset legislation that will go into effect on September 1, 2013. We are studying the financial impact of the new laws now, but even before

anything becomes official, in the interest of transparency I'd like to share some thoughts about the future.

First, agency staff has asked the Board to consider a change to the agency's longstanding policy of "absorbing" the convenience fee for registrants paying fees online with a credit card. You never would have noticed before, but each year the agency has paid upwards of \$100,000 in credit card fees, rather than allow the third-party to add those fees on to each online transaction. In other words, TBAE was making those payments for its registrants, without any fanfare. It appears likely that the agency no longer will be able to absorb those costs, which will amount to a small additional fee on each online transaction if the change is adopted.

Also, the Board will consider the adoption of a fee for the business registration program, discussed in some detail inside this newsletter. While the business registration program has existed for many years, it has become more sophisticated this year. With that sophistication (and some new business registrant services as well) may come a fee, for the first time.

Looking into the future is tricky, but from what we can see now, these hopefully will be the only major changes to the TBAE fee schedule for the 2014 fiscal year (which begins, like all State of Texas fiscal years, on September 1). We know few would welcome changes like this, but we'll continue every day to look for ways to innovate and stay as efficient as possible, ever mindful of your bottom line as a businessperson and a registered professional.



A handwritten signature in dark ink, reading "Cathy L. Hendricks".

**Cathy L. Hendricks**  
RID/ASID/IIDA  
Executive Director

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**[www.tbae.state.tx.us](http://www.tbae.state.tx.us)**

## New Law Requires Fingerprint-based Criminal History Checks

House Bill 1717, which makes several changes to the way TBAE operates, passed through the legislature in May. One provision of the new law requires new and renewing TBAE registrants to undergo a one-time fingerprint-based background check. TBAE recognizes that this new requirement is a significant change from the name-based background checks the agency runs on each registrant annually, so please read below to learn more about the requirement and how the agency will communicate about and implement it.

- Implementation of the new requirement will begin with Active-status registration renewals and new applications for registration arriving on January 1, 2014.
- The collection and submission of fingerprints will be handled by a third-party vendor under contract with the Department of Public Safety (DPS), not by TBAE or any TBAE vendor.
- There will be a one-time fee for administration of the criminal history check, which is expected to be \$41.45.
- The fee and the fingerprint submission are one time only, not annual.
- The fee will be paid to the vendor directly. TBAE will collect no part of the fee.
- TBAE will never store, collect, or even see any registrant's fingerprint information, as that information will be housed elsewhere.
- The criminal history checks performed under this new law will be run by DPS against both DPS (statewide) and FBI (national) databases. Any positive matches will be sent to TBAE for review.
- Design professionals were not "singled out" for this requirement; rather, this process is in place for many occupations, including doctors, lawyers, teachers, and many more.
- TBAE is working diligently to create a process by which registrants may fulfill this requirement, and urges you to watch your email for more detailed information as soon as it becomes available.



**Registrants, please encourage your interns to  
sign up for the TBAE list serve  
for important news and updates.**

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# Legislation Requires All RIDs To Pass National Registration Examination

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By now most Texas RIDs have heard about a new law passed by the Legislature that requires all RIDs to pass, if they have not done so already, a national registration exam. Understandably, this new requirement has generated some discussion and some confusion. In addition to the information you may already have received or will receive, below please find questions and answers regarding the new requirement and how TBAE and other organizations will implement it with a minimum of difficulty for those affected.

## **Q: What changed for Texas Registered Interior Designers (RIDs)?**

A: The new law requires all RIDs who have not yet passed the NCIDQ exam (or the ARE, see below) to do so by September 1, 2017. Those who do not pass the exam by that date will not be permitted to renew their RID licenses.

## **Q: Which bill contained this new requirement?**

A: HB 1717 of the 83rd Texas Legislature, Regular Session, contains the provision making this change.

## **Q: Who administers the exam, how much does it cost, and what else do I need to know about fees?**

A: The required examination is provided through the National Council for Interior Design Qualifications, or NCIDQ. (Recently that organization changed its name to CIDQ and left the name of the exam “NCIDQ,” but for simplicity we will refer to both as NCIDQ.) As of today, the NCIDQ exam costs a total of \$965 for all three parts. Current RIDs will not owe TBAE any additional fees to take the test, though they will need to pay NCIDQ’s test-taking fees. TBAE has no control over fees charged by outside organizations. If you are an RID also registered as an architect, see below for more information particular to your situation.

## **Q: What if I have only passed one or two of the three exam parts by the deadline?**

A: It is our understanding that all three parts of the exam must be passed in order to maintain an RID license after September 1, 2017.

## **Q: What do I need to do to become eligible to sit for the exam?**

A: Simply email [exams@tbae.state.tx.us](mailto:exams@tbae.state.tx.us) or call us at 512-305-9000 and we will get you set up. There is no charge for this process, and all you need to tell us is your name, a valid email address, your date of birth, and that you would like to be listed as eligible to sit for the NCIDQ exam.

## **Q: How do I confirm, for 100 percent sure, whether I need to pass the examination to maintain my license after 2017?**

A: The simplest way to be absolutely sure of your status is to simply call us at 512-305-9000 to check. And if it turns out that you do need to pass the test, we can get you on the list during the same quick phone call.

## **Q: How many test administrations are there before the September 1, 2017 deadline?**

A: Eight. Two administrations are given per year, each spring and fall. Becoming eligible to sit for the exam is simple, free, and handled through TBAE, not through NCIDQ. Simply call us at 512-305-9000 or email [exams@tbae.state.tx.us](mailto:exams@tbae.state.tx.us) and tell us (1) your full name, (2) your date of birth, and (3) your preferred email address for receiving important information.

## **Q: Do I have to go back to school and/or earn extra internship/experience?**

A: No. The new law only requires passage of the examination.

## **Q: I am licensed both as an architect and as an RID. I’ve passed the ARE, but not the NCIDQ. What about me?**

A: The Board has proposed a rule change (at the urging of the Legislature) to allow the ARE to count as an acceptable examination for RID license continuation. The proposed rule will be published shortly in the Texas Register, and you may submit public comment for the Board’s consideration before adoption of the rule.

## **Q: I haven’t passed the NCIDQ, but I did pass the AID exam (or another exam). Do I still need to pass the NCIDQ exam?**

A: The Board is scheduled to discuss this issue, since we know there are at least a few RIDs who have passed the AID or similar examinations in the past. We will keep you updated on what decisions the Board makes with regard to this issue and others.

## **Q: Where do I find information on the exam, so I can start getting ready?**

A: [The NCIDQ Web site](#) is a great place to start, and includes many helpful links, materials, and information straight from the source.



# Business Registration Program Comes of Age

For many years now, architecture, landscape architecture, and interior design firms across Texas have kept up their responsibility to register their business annually with TBAE. It is noteworthy that so many have done so, despite the program's antiquated paper-and-stamp registration method and the general lack of awareness of the program.

To those firms which have become and stayed registered, we extend our appreciation. To those who haven't, we invite you to fulfill the requirement to register your firm. And we have good news about the business registration program.

In 2012, TBAE undertook a thorough overhaul of its business registration program. The program is now fully online, with a clean and simple registration page and user interface. But better yet, we now offer new business registrant services previously unavailable under the paper-and-stamp method. Highlights of the new-look program include:

- Online roster of registered firms offering design services (architecture, interior design, and landscape architecture) in Texas and elsewhere.
- Users can search by business name, location, design services offered, or business registration number.
- Include your firm's social media links (Facebook, Twitter, and LinkedIn) in your firm profile, along with your Web site and other contact information.
- Simple, straightforward online registration.

And there are a few frequently asked questions about the program, which we will address here as well:

- Only one person per firm needs to handle a firm's registration, and that person need not be the "principal" of the firm whose registration number is associated with the firm's registration. That is, the person responsible could be from the finance or administrative department of the firm as easily as from the design department.
- Sole practitioners operating their business under their own name (e.g. John Smith Architecture, Jane Adams Landscape Architecture) need not register their firms.
- If your firm offers more than one of the TBAE-regulated professional services, simply indicate as much when registering.
- When registering your firm, you'll need to have your business' EIN (also known as federal tax identification number) handy, as well as the registration number(s) of the designated "principal" design professional(s).
- If you're not sure whether or not your firm is already registered, you can look it up to find out.

We are phasing out the paper-based business registration process, and we urge you to go online now and register your business. Just enter your firm's information, and your annual business registration requirement will be fulfilled. And if you have a question, just give us a call at 512-305-9000 and we'll get you an answer.

Thank you, and we look forward to seeing your firm in the searchable database soon.

Trying to find an old issue of ***Licensing News***? Past issues are available at:

**[www.tbae.state.tx.us](http://www.tbae.state.tx.us)**



**Tony Whitt**  
*Continuing Education Coordinator*

## Will that Course Count for Continuing Education Credit?

By now I'm willing to bet that you're accustomed to taking continuing education (CE) every year. You know it's a requirement to maintain your license. You're used to doing it. I bet you even know that nowadays you need to take 12 hours instead of eight (right?!)

Even so, it happens all the time that when some registrants read a letter from me asking for proof that they have taken all of their CE for the year, they second guess themselves: Does each and every class I took actually count for TBAE credit?

It's a worthwhile question to ask. And in this space I'll give you some tips and hints to help ensure that each and every class you take does actually count for credit.

Let's start by looking at the law. [You can read the rule yourself](#) (this link is the architect rule, which is virtually identical to those for landscape architects and RIDs except in small details), but here are some helpful things to bear in mind:

1. The class must teach about topics related to the health/safety/welfare (HSW) of the public. The rule linked above was amended not long ago to provide a great deal more guidance as to what the Board will accept, so take a look for some specific examples. For instance, classes about fire protection or air quality are obviously acceptable, while courses on marketing your business or motivational speaking are not. In other words, the course should address the HSW of your clients and the people inhabiting the built environment—not the HSW of your firm or business. If you are unsure, use your professional judgment or even give me a call at 512-305-8528 for some guidance.
2. Course completion certificates are very important. These documents are the sheets or slips of paper given to you during or after a course, stating the date, time, instructor, title, and other information identifying the class. Keep each certificate in a safe and accessible place. In the event that you get audited for CE, simply

copy the documents and send them according to the instructions in the audit letter.

3. If well-established groups like the AIA, ASLA, or the Interior Design Continuing Education Council have certified a course as an HSW offering, there is a very good chance that TBAE will accept it as well. This isn't a hard and fast rule, but it's a useful guideline. As above, use your best judgment.
4. For those who will be preparing to take the NCIDQ exam in response to the new law, there is one bit of good news: your test preparation and studying will count toward your CE requirements. If you're studying on your own, you can count up to four hours of that study as self-directed CE. If you're taking structured classes to prepare for the test, you can count all of those hours. Just remember you'll still need to have one hour of sustainable or energy-efficient design, and one hour of barrier-free study like always. (Depending on what you study, both of these topics may be fulfilled during your test prep.)
5. Finally, I would like to wrap up with some talk about the new 2013 requirement. Many registrants have called to ask whether 2013 was a "free" year since they don't have to attest to taking CE while renewing this year. While the TBAE did indeed remove any verbiage about CE from the online renewal process (and paper forms), all registrants are still required to complete 12 hours of CE by December 31, 2013. When you renew in 2014 you will be asked to confirm that you completed the requirement. So if you haven't taken any CE since your 2012 renewal, now is the time to get started.

The bottom line, of course, is what I often say in this column: If you have a question or concern about whether a course will count, just call me! A two-minute phone call to me at 512-305-8528 could save you some time and aggravation down the road.

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**Contact Tony Whitt directly about continuing education issues!**

PHONE: **512-305-8528** • EMAIL: [ce@tbae.state.tx.us](mailto:ce@tbae.state.tx.us)

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# Disciplinary Action

The following enforcement cases were decided during TBAE Board meeting in January, 2013. Each case is based on the applicable rule in effect at the time of the violation, and was considered by Enforcement staff and the Board in light of its unique facts. Individual rules may have changed between the time a violation occurs and the time the case is publicized.

In order to ensure compliance with continuing education responsibilities, TBAE staff audits 10 percent of its registrants each year through a random selection process. All of the continuing education enforcement cases brought to the Board at the January, 2013 meeting stem from the random audit program. The cases reflect the most common violations: (1) failing to complete adequate continuing education hours during a program year, (2) failing to maintain continuing education records and verification of participation in CE activities for a period of five years, (3) falsely certifying at the time of renewal compliance with continuing education responsibilities, and/or (4) failing to respond to a request for information within 30 days. Each infraction is subject to a standard administrative penalty.

## January 2013 Board Meeting

### Continuing Education Cases

<b>Bernard, Edward A.</b> Roswell, Georgia	<b>\$250.00</b>	<b>McCathren, James</b> Abilene, Texas	<b>\$250.00</b>
• Failure to respond to a Board inquiry within 30 days		• Failure to respond to a Board inquiry within 30 days	
<b>Brooks, Robert S.</b> Amarillo, Texas	<b>\$700.00</b>	<b>McCuaig, Lori</b> El Paso, Texas	<b>\$700.00</b>
• Falsely reporting completion of CE responsibilities in order to renew registration		• Falsely reporting completion of CE responsibilities in order to renew registration	
<b>Englert, Dimitri C.</b> Portland, Oregon	<b>\$500.00</b>	<b>Metersky, Richard</b> Dallas, Texas	<b>\$1,200.00</b>
• Failure to maintain adequate records of CE activities for a period of 5 years		• Failure to complete CE responsibilities during program year (\$500.00)	
<b>Garza, Allison Hall</b> Dallas, Texas	<b>\$500.00</b>	• Falsely reporting completion of CE responsibilities in order to renew registration (\$700.00)	
• Failure to maintain adequate records of CE activities for a period of 5 years		<b>Miller, Dwight D.</b> Oklahoma City, Oklahoma	<b>\$500.00</b>
<b>Gonzales, Joseph E.</b> San Antonio, Texas	<b>\$1,700.00</b>	• Failure to maintain adequate records of CE activities for a period of 5 years	
• Falsely reporting completion of CE responsibilities in order to renew registration (\$700.00)		<b>Parker, Timothy K.</b> Amarillo, Texas	<b>\$700.00</b>
• Failure to complete CE responsibilities during program year (\$500.00)		• Falsely reporting completion of CE responsibilities in order to renew registration	
• Failure to respond to two Board inquiries within 30 days (\$500.00)		<b>Sarabia, Joe C.</b> Arlington, Texas	<b>\$500.00</b>
<b>Huerta, Wally</b> Houston, Texas	<b>\$250.00</b>	• Failure to respond to two Board inquiries within 30 days (\$500.00)	
• Failure to respond to a Board inquiry within 30 days		<b>Schwartz, Martha</b> Cambridge, Massachusetts	<b>\$1,700.00</b>
<b>LaBard, Laura</b> Houston, Texas	<b>\$700.00</b>	• Falsely reporting completion of CE responsibilities in order to renew registration (\$700.00)	
• Falsely reporting completion of CE responsibilities in order to renew registration		• Failure to complete CE responsibilities during program year (\$500.00)	
<b>LeVrier, Fulgencio</b> Denton, Texas	<b>\$500.00</b>	• Failure to respond to two Board inquiries within 30 days (\$500.00)	
• Failure to maintain adequate records of CE activities for a period of 5 years		<b>Senelly, Richard</b> Trophy Club, Texas	<b>\$500.00</b>
<b>Loose, Kenneth H.</b> Arlington, Texas	<b>\$500.00</b>	• Failure to complete CE responsibilities during program year	
• Failure to complete CE responsibilities during program year		<b>Sopourn, Robert J.</b> Coral Springs, Florida	<b>\$700.00</b>
		• Falsely reporting completion of CE responsibilities in order to renew registration	

*Continued on next page*

## Disciplinary Action *(continued)*

### **Traub, Robert G.**

Dallas, Texas

**\$750.00**

- Failure to complete CE responsibilities during program year (\$500.00)
- Failure to respond to a Board inquiry within 30 days (\$250.00)

### **Veale, Peter Read**

Cairo, Egypt

**\$1,200.00**

- Falsely reporting completion of CE responsibilities in order to renew registration (\$700.00)
- Failure to complete CE responsibilities during program year (\$500.00)

### **Unlawful Use of Architectural Title**

#### **Whistler, Todd A.**

Pearland, Texas

**\$10,000.00**

Mr. Whistler agreed to an administrative penalty of \$10,000 for improper use of the title, "architect." Mr. Whistler was also ordered to affirmatively state on his Web site that he is not an architect, and provide copies of his contracts to the Board to ensure compliance. This violation of the Architects Practice Act follows on a previous disciplinary action of a similar nature.



## TEXAS Board of Architectural Examiners

Architects • Interior Designers • Landscape Architects

333 Guadalupe, Suite 2-350, Austin, TX 78701 • P.O. Box 12337, Austin, TX 78711

Telephone: (512) 305-9000 • Fax: (512) 305-8900 • [www.tbae.state.tx.us](http://www.tbae.state.tx.us)

### **Change of Address**

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

### **Upcoming Board Meetings**

- August 22, 2013
- October 24, 2013

### **EXECUTIVE DIRECTOR**

**Cathy L. Hendricks**, RID/ASID/IIDA

### **BOARD MEMBERS**

**Alfred Vidaurri, Jr.**, AIA, AICP

*Chair, Architect Member; Term ends 1/31/15*

**Corbett "Chase" Bearden**

*Vice-Chair, Public Member; Term ends 1/31/15*

**Sonya B. Odell**

*Secretary-Treasurer, Registered Interior Designer Member; Term ends 1/31/17*

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

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

**Debra Dockery**, AIA – Architect Member; Term ends 1/31/17

**Davey Edwards**, PLS, GISP – Public Member; Term ends 1/31/19

**H.L. "Bert" Mijares**, AIA – Architect Member; Term ends 1/31/15

**Paula Ann Miller** – Public Member; Term ends 1/31/17

The mission of the Texas Board of Architectural Examiners is to protect the public health, safety, and welfare through the regulation of the practice of the professions of architecture, landscape architecture, and interior design.

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