

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda
The William P. Hobby Jr. Bldg., Tower III, Room 102
333 Guadalupe Street
Austin, Texas
Thursday, May 17, 2012
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
Chase Bearden
Alfred Vidaurri

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

Alfred Vidaurri

3. Board review of House Bill 2284 Committee Decision

- 081-12E – John Scales, P.E.
- 016-12E – Delbert F. Richardson, P.E.

Chuck Anastos

4. Legal counsel briefing on recent developments regarding litigation (*Information*)

Ted Ross

- A. TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director
- B. Richardson, Rogers and Winton v. TBAE
- C. Proposed (or Committee referral) rules
 - I. Amend §1.210 to revise meaning of the term “architectural plans and specifications” to incorporate recent legislation
 - II. Amend §1.211 to create exceptions engineers to design architectural elements of a privately-owned building under certain circumstances
 - III. Amend §1.212 to create exceptions for engineers to design architectural elements of a government building under certain circumstances
 - IV. Amend §1.214 to create exceptions for engineers to design architectural elements of an institutional residential facility under certain circumstances
 - V. Amend §1.217 to clarify an architect shall be engaged to conduct or oversee construction observation during the construction of any project for which architectural plans and specifications must be prepared by an architect or an engineer

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

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5. Executive Director Report (*Information*)

Cathy Hendricks

- A. Budget Review
- B. State Auditor's Office Audit Report Implementation Plan
- C. Survey of Employee Engagement Results

Report on conferences and meetings (*Information*)

- A. NCARB Region 3 2012 Board Member & Educator's Conference – Feb 11
- B. 7 Habits of Highly Effective People – TBAE Staff, Feb 15-17
- C. CLARB Spring Meeting – Feb 24-25
- D. NCARB Region 3 Meeting – Mar 8-11
- E. CLARB Board of Directors Meeting – May 7-8
- F. Sunset Advisory Commission Meeting – Apr 10
- G. TDLR Texas Accessibility Academy – Apr 25-27

6. Report on the Implementation of House Bill 2284 (*Information*)

Scott Gibson/
Chuck Anastos

- A. Engineer Applications
- B. Implementation of the Task Force

7. General Counsel Report (*Action*)

Scott Gibson

A. Proposed (or committee referral) rules:

- I. Amend §3.69 to increase continuing education hours for landscape architects from 8 to 12 hours and to make conforming changes to the number of self-study hours permitted and directed-study hours required.
- II. Amend §§1.5, 3.5, and 5.5 to define the term "sole practitioner" as that term is used in rules relating to business registration.
- III. Proposed review of Texas Administrative Code, Title 22, Chapter 1, relating to the practice of architecture, Chapter 3, relating to the practice of landscape architecture, Chapter 5, relating to the practice of interior design, and Chapter 7, relating to the administration of the Texas Board of Architectural Examiners. The proposed review is conducted pursuant to Section 2001.039, Texas Government Code, to assess whether the original justification for the rules continues to exist.

B. Rules for Adoption:

- I. Amend §1.191 to revise requirements to complete the architectural Intern Development Training Program
- II. Amend §1.192 to allow applicants to begin earning credit under the Intern Development Program upon commencing education or experience.

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8. Enforcement Cases (*Action*)

Michael Shirk

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

A. Continuing Education:

Alexander Anthony Lovell (#155-12A)
Atwood, Robert O. (#140-12L)
Fly, Everett Lowell (#161-12A)
Griego, Arturo (#152-12A)
Hogan, Kimberly (#059-12I)
Huff, James F. (#149-12A)
Massock, Shawn William (#130-11L)
Porter, Marley (#154-12A)
Schroeder, David E. (#139-12A)
Senelly, Richard (#156-12A)
Spears, Susan Jo (#141-12A)
Williams, Richard M. (#168-12A)
Wu, Xiang B. (#150-12A)
Yuan, Ding (#144-12L)

B. Other:

Gignac, Raymond (#139-11A)
Hernandez, Joel (#005-12A)
Nigaglioni, Irene (#006-12A)
Powell, James Ian (#007-12A)

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

9. National Council of Architectural Registration Boards (NCARB) Resolutions to be acted upon at the 2012 Annual Meeting and Conference, June 2012 – Direction to TBAE delegates (*Action*)

Alfred Vidaurri

- A. **Resolution 2012-A** – Bylaws Amendment – Voting Delegates
- B. **Resolution 2012-B** – Bylaws Amendment – Voting at Meetings When Member Boards are Barred by State Law or Executive Order from Out of State Travel
- C. **Resolution 2012-C** – Bylaws Amendment – Removal of Directors and Officers
- D. **Resolution 2012-D** – Bylaws Amendment – Miscellaneous
- E. **Resolution 2012E** – Bylaws Amendment – Clarifying Board Approval of Committee Charges
- F. **Resolution 2012-F** – Bylaws Amendment – Membership Dues

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- G. **Resolution 2012-G** – Bylaws Amendment – Changing “Regional Conferences” to “Regions”.
- H. **Resolution 2012-H** – Legislative Guidelines, Model Law and Model Regulations Amendment – Broadening Legislative Guideline III to include Misconduct in Connection with the ARE and IDP
- I. **Resolution 2012-I** – Rules of Conduct and Legislative Guidelines, Model Law and Model Regulations Amendments – Broadening Model Regulation and the Rules of Conduct to Include Verification of Qualifications in Connection with the Intern Development Program
- J. **Resolution 2012-J** – Handbook for Interns and Architects Amendment – Addition of Canadian Education Evaluation Alternative
- K. **Resolution 2012-K** – Handbook for Interns and Architects Amendment – Correction of Canadian Intern Architect Program Reference
- L. **Resolution 2012-L** – Handbook for Interns and Architects Amendment – Correction of the Canadian Examination Requirement
- M. **Resolution 2012-M** – Handbook for Interns and Architects Amendment – Correction of Canadian Equivalency Requirement

10. Chair’s Closing Remarks
Presentation of Certificates of Appreciation

Alfred Vidaurri

11. 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.

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

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

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

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of February 2, 2012 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower II, Conference Room 350L

Austin, TX 78701

9:00 a.m. until completion of business

Preliminary Matters

Call to Order

Chair Alfred Vidaurri called the meeting of the Texas Board of Architectural Examiners to order at 9:01 a.m.

Roll Call

Secretary/Treasurer, Chase Bearden, called the roll.

Present

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

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administration Manager
Katherine Crain	Legal Assistant
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

Excused and unexcused absences

Paula Miller (excused absence)

Determination of a quorum

A quorum was present.

Recognition of Guests

Guests were as follows: Ted Ross, Counsel to the Board from the Attorney General's Office, Donna Vining, Texas Association for Interior Design, David Lancaster, Texas Society of Architects (arrived 9:22 a.m.), Brent Luck, Landscape Architect/Texas ASLA, Brian Glass, Architect for Boy Scouts of America, Mark S. Robinson of J. Robinson & Associate Architects, Inc., Carrie Holley-Hurt, Policy Analyst, Sunset Commission, Shawn William Massock, Landscape Architect, Chad Davis, Landscape Architect/Texas ASLA (arrived 9:12 a.m.), Nancy Fuller, Counsel from the Attorney General's Office, and Jeri Morey, Architect from Corpus Christi (arrived 9:15 a.m.).

Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He stated that this was the first meeting of our new calendar year and second quarter of the fiscal year. He said that he is honored and humbled to come to work for the State of Texas and is proud that this group comes together focused. He said that being a Board member is a heavy duty for six years and thanked each and every one of them for the business they performed for the State of Texas. He stated that people here were passionate and all take business at hand very seriously.

Public Comment

The Chair recognized Mark Robinson of J. Robinson Architects. Mr. Robinson made a presentation to the Board regarding the change in the grandfathering rule which allowed certain applicants with requisite work history to seek architectural registration, without an architectural degree, under the law as it existed prior to September 1, 1999. Mr. Robinson had applied with NCARB and was recording his work history through the IDP program. He stated he has been working in architecture for 18 years. However, due to changes in the IDP program, NCARB will not accept a large amount of his older work history. He contacted TBAE to apply for licensing and learned that the grandfather provision had been repealed and that the August 31, 2011 deadline to apply had passed. His only recourse now is to seek licensure in another jurisdiction or meet current registration requirements, which would entail earning a degree in architecture. He asked if the Board could allow him to apply under the grandfather clause.

The Chair asked if the staff could provide the Board with a summary or a timeline of the circumstances of Mr. Robinson's situation so that it may be determined whether this issue should appear on the agenda of a future Board meeting. The Executive Director agreed to provide the Chair with the requested information. She also stated the agency had made every effort to notify interns and prospective applicants about the impending deadline for applying under the grandfather program.

Shawn Massock spoke next during public comment and thanked the Board for their time. He stated that he was at the meeting because of an enforcement issue the agency brought against him. The agency audited his continuing education records and is citing him for failing to maintain proper records. A proposed agreed settlement is on the agenda for the Board meeting. He stated that he did not dispute the Findings of Fact recorded in the settlement agreement. However, he asked about the Board's stance on "proper documentation" for continuing education taken in the past. The Executive Director requested to review the file again and consider the evidence in greater detail. Board member Bert Mijares suggested that the Board table the case. The Chair agreed and, without objection, there was unanimous consent from the Board to table the case against Mr. Massock until the next meeting of the Board.

Approval of the October 20, 2011 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO APPROVE THE OCTOBER 20, 2011, BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.

Application for Placement on Exempt Engineer List

Herb Byk (TBAE File #010.12E)

Mr. Byk's attorney had notified the agency to inform the Board that he no longer wished to challenge the committee's decision. The Chair determined there was no need to consider this agenda item. Without objection, there was unanimous consent of the Board to indefinitely postponed consideration of the matter.

Legal counsel briefing on recent developments regarding litigation

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

Richardson, Rogers, and Winton vs. TBAE

At 9:24 a.m., the Board went into a closed session, pursuant to Section 551.071(a), Government Code, to confer with legal counsel on pending litigation and proposed settlement of pending litigation. The Chair adjourned the closed session at 10:40 a.m.

The Chair convened the Board in public meeting at 10.40 a.m. With unanimous consent of the Board, the Board took a recess at 10:41 a.m. and reconvened at 11:07 a.m.

Executive Director Report

Budget Review

The Executive Director reported the agency collected 24.82% of the revenue projected for the year during the first quarter. The agency's expenditures for the first quarter are roughly 19% of the total budgeted for the fiscal year. The Executive Director stated that Texas Online will no longer allow state agencies to impose a separate fee or a convenience fee for doing business online. Therefore, the Board should not adopt such a fee. The Board discussed options for the agency to cover the cost of the fees charged by credit card companies for payments made to the agency. The Executive Director reported that state agencies may not collect the fee through third party contractors and it is more expensive to process payments made by check.

State Auditor's Office Audit Report and Management's Response

The Executive Director reported upon the auditor's report and recommendations to the agency, as well as the agency's implementation of the recommendations. Most of the more critical findings addressed issues arising from inadequate or non-existent policies and procedures. The agency has implemented policies and procedures and purchased an accounting software system to ensure background documentation exists for the agency's financial reports and to ensure controls are in place to prevent errors. In addition, she stated that the agency was currently in the process of writing and implementing policies and procedures for all operations of the agency. New procedures for the development of a budget have been implemented and were used for the development and adoption of the 2012 budget. The agency's policies now specify the "closed date" on an enforcement matter in response to the audit

recommendations. The Board members questioned the Executive Director on policies and procedures regarding the collection and compliance with Board Orders and penalties issued in enforcement cases. Mr. Mijares requested periodic updates on cases which require payments or other action by the respondent over a prolonged period of time. The Chair asked if there were any recommendations in the audit that required Board action. The Executive Director reported that some recommendations require approval from the Board. The Chair requested the Executive Director to provide the Board with an implementation schedule on policies and procedures of the agency and other actions taken to implement audit recommendations. The Executive Director stated that she would have a schedule for them at the May Board meeting.

Report on conferences and meetings

TSA 72nd Annual Convention – October 27-29, 2011

The Executive Director reported that she and the General Counsel gave a presentation to attendees at the convention and that it went well. The presentation was on the process for agency rule-making and the manner in which architects may play a role in adopting rules at TBAE and at other agencies. Mr. Anastos stated that he had received several favorable comments regarding their presentation. Mr. Mijares and Ms. Dockery also attended the convention. They reported keynote speakers were good. Ms. Dockery reported that Mr. Lancaster of TSA gave a good presentation on House Bill 2284 regarding the practices of architects and engineers. The Chair thanked Mr. Lancaster for providing TBAE a booth at the convention and allowing the agency to make a presentation. It was noted that the next TSA convention will be held in Austin on October 16-17, 2012.

NCARB 2011 MBE Workshop – November 4-5, 2011

The Executive Director gave a brief summary of the workshop stating that it was an educational meeting on activities at NCARB and the IDP program.

NCIDQ Annual Council of Delegates Meeting – November 11-12, 2011

Ms. Odell reported on the meeting and stated that she was the first Texas delegate to be nominated at NCIDQ to the Council. She gave a summary on their new process for continuing education providers to get their courses approved. She stated they are seeing a decline in applicants due to the economy coupled with new fees for recording continuing education units. She stated there was a stronger presence of attendees from Canada. The Executive Director commented upon the opening keynote speaker who was interesting, global and eccentric. They both said that there was a lot of creativity and great ideas generated by the conference.

Sunset Advisory Commission 1st Meeting of the Year (Jan 10, 2012)

The Executive Director introduced Carrie Holly Hurt as the analyst at the Sunset Commission who is assigned to the agency. She reported that Sunset Commission staff is scheduled to begin its review of the agency in June 2012. The Executive Director noted that the Chair of the Commission emphasized that the Sunset bill is to relate to agency effectiveness and efficiency, not policy-making changes. The Sunset Commission last reviewed the agency in 2002-2003. The report on the

results of the review should be finished by December 2012 and the bill based upon Sunset Commission recommendations will be filed in the House and the Senate.

Report on Engineer Applications

The General Counsel explained to the Board the process on the applications. The agency reviews applications to ensure they meet qualifying requirements. If the applications consist of three qualifying projects, designed by a licensed engineer at the proper time and were timely filed, the Committee reviews the application to determine if the submitted documents establish experience in designing buildings that are safe and adequate. The agency has received 78 applications and 52 of those received have been denied placement on the list. The process has operated very well. To date, no one has challenged a determination of the Committee or the agency. The Chair thanked the committee members for their hard work in reviewing the applications.

The Board took a recess at 11:55 a.m. and reconvened at 12:47 p.m.

General Counsel Report

The General Counsel gave a brief summary of the following proposed rules which had been published in the *Texas Register*. They are before the Board for the consideration of public comment and adoption. The proposed amendments to §§1.69, 3.69, and 5.79 increased continuing education hours from 8 to 12 and lists descriptions of the subjects which would qualify for continuing education credit. NCARB submitted written comment supporting the increase in mandatory continuing education hours but requesting that the rule mandate that continuing education requirements apply on a calendar year basis. The comment noted that NCARB had recently amended its model law to require 12 hours of continuing education each calendar year. It was noted that Texas architects may have difficulty in adhering to the requirements in other jurisdictions if the continuing education requirement in Texas deviated from the requirements in other jurisdictions. Mr. Chad Davis, on behalf of the Texas Chapter of ASLA, addressed the Board in opposition to the increase to 12 hours of mandatory continuing education per year. Mr. Davis noted that it is only recently that all 50 states had landscape architecture licensing laws. He noted that ASLA is a voluntary organization without the infrastructure or resources for pre-qualifying, tracking and recording continuing education. As a result, landscape architects do not have the continuing education opportunities that other professions have. If TBAE is adopting the rule change to conform to recent resolutions by NCARB, it ought to consider the circumstances of landscape architects who do not have a voice at NCARB. Donna Vining, on behalf of TAID, spoke in favor of increasing the continuing education hours to 12 but noted TBAE had disallowed credit for a course which had been certified by the IDCEC.

Adoption of Proposed Rules

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO ADOPT PROPOSED AMENDED §§1.69, 3.69 AND 5.79 TO INCREASE THE NUMBER OF MANDATORY CONTINUING EDUCATION HOURS FROM 8 HOURS TO 12 HOURS AND CLARIFY THE SUBSTANCE OF ACCEPTABLE CONTINUING EDUCATION.

A MOTION WAS MADE AND SECONDED (Bearden/Mijares) TO DIVIDE THE QUESTION TO ADDRESS EACH PROPOSED RULE SEPARATELY. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO AMEND PROPOSED §1.69 TO REQUIRE THE COMPLETION AND REPORTING OF CONTINUING EDUCATION HOURS EACH CALENDAR YEAR INSTEAD OF EACH YEAR PRECEDING THE DATE OF REGISTRATION RENEWAL AND TO ADOPT THE PROPOSED RULE AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Anastos/Mijares) TO AMEND PROPOSED §5.79 TO REQUIRE THE COMPLETION AND REPORTING OF CONTINUING EDUCATION HOURS EACH CALENDAR YEAR INSTEAD OF EACH YEAR PRECEDING THE DATE OF REGISTRATION RENEWAL AND TO ADOPT THE PROPOSED RULE AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

A MOTION WAS MADE AND SECONDED (Anastos/Dockery) TO AMEND PROPOSED §3.69 TO DELETE THE REQUIREMENT FOR 12 HOURS OF CONTINUING EDUCATION AND MAINTAIN THE CURRENT 8-HOUR REQUIREMENT, TO REQUIRE THE COMPLETION OF CONTINUING EDUCATION EACH CALENDAR YEAR INSTEAD OF THE YEAR IMMEDIATELY PRECEDING EACH REGISTRANT'S REGISTRATION RENEWAL DATE, AND TO ADOPT THE PROPOSED RULE AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

The Board took a recess at 2:12 and reconvened at 2:26 p.m.

The General Counsel gave a summary of proposed amendments to §§1.124, 3.124 and 5.135, relating to business registration. He stated the amendments were proposed in October as a recommendation of the Rules Committee. These proposed rules make businesses, instead of principals at businesses, responsible for registering with the Board. The proposed rules also impose a fee for annual business registration. The agency received public comment from a former Board member who is a landscape architect who opposed the proposed rules, particularly the proposed business registration fee. The General Counsel directed the Board's attention to the letter filed as public comment.

A MOTION WAS MADE (Anastos/Pinson) TO ADOPT THE PROPOSED AMENDMENTS TO §§1.124, 3.124, and 5.134.

The Board discussed the purpose for business registration. The General Counsel noted that the purpose for business registration is to assist in determining the business entities which are engaging the practices regulated by the Board unlawfully or unlawfully offering the services regulated by the Board. The rule also serves to ensure that the agency has accurate information on the licensed individual(s) at each registered firm to ensure that the general public receives accurate information when retaining a firm.

The Board's discussion centered upon an exemption under the rule for registered sole proprietors doing business under the name of the sole proprietor. The Board discussed the rationale for creating the exemption when the rule was first adopted. The General Counsel stated that the Board did not wish to register a business that is working under the name of an individual who is already registered by the Board. The General Counsel noted that the Board was concerned about double registration – once as an individual and once as a business entity offering and rendering the services of a registered individual.

A MOTION WAS MADE AND SECONDED (Pinson/Dockery) TO AMEND PROPOSED §§1.124, 3.124 and 5.134 TO AMEND THE EXEMPTION FOR SOLE PROPRIETORS TO CREATE AN EXEMPTION FOR REGISTRANTS WHO ARE DOING BUSINESS UNDER HIS/HER NAME REGISTERED WITH TBAE. THE MOTION PASSED BY A VOTE OF 5-2 (Mijares and Anastos opposed).

Further discussion was had regarding the exemption and the extent of the amended exemption. The Board noted that a sole proprietor may employ several individuals and determined that the intent of the exemption would be better served if it were limited to sole practitioners who are registered and working under the name registered with the Board.

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO AMEND THE AMENDMENT TO RESTRICT THE EXEMPTION TO A SOLE PROPRIETOR DOING BUSINESS UNDER HIS/HER NAME AS REGISTERED WITH TBAE. THE AMENDMENT PASSED BY A VOTE OF 5-1. (Dockery opposed, Steinbrueck abstained.)

THE CHAIR DIRECTED THE BOARD MEMBERS BACK TO THE MAIN MOTION WITH THE TWO AMENDMENTS. THE PROPOSED RULE WAS ADOPTED AS AMENDED BY A VOTE OF 6-1 (Steinbrueck opposed.)

The General Counsel described the proposed amendments to §7.10 adopting a fee for initial business registration, renewal of business registration and late registration fees. The General Counsel noted that a fee for engineers to apply for placement on the list of engineer exempt from the Architectural Practice Act is obsolete. The deadline for applying for placement on the list was January 1, 2012.

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO ADOPT PROPOSED AMENDMENTS TO §7.10 REGARDING GENERAL FEES AS AMENDED BY REPEALING THE APPLICATION FEE FOR PLACEMENT ON THE EXEMPT ENGINEER LIST. THE MOTION PASSED BY A VOTE OF 6-1. (Steinbrueck opposed).

Mr. Mijares requested a clarification regarding the meaning of the term “sole practitioner” who are to be exempt from the fee and “sole proprietor” who is to pay the fee. The Board directed staff to prepare a definition of “sole practitioner” and place the matter on the agenda of the next Board meeting.

The Executive Director stated that the implementation for a fee for business registration will either be September 1, 2012 or January 1, 2013.

The Board took a break at 3:55 p.m. and reconvened at 4:08 p.m.

Proposed amendments to §§1.232, 3.232, and 5.242 to conform the penalty matrix to amendments to business registration processes. The proposed amendments modify the penalties to reflect the duty imposed upon business entities, instead of principals acting on behalf of business entities, to maintain registration. The amendments also correct cross-references to other rules which the Board has amended and renumbered.

A MOTION WAS MADE AND SECONDED (Pinson/Bearden) TO ADOPT PROPOSED AMENDMENTS TO §§1.232, 3.232 AND 5.242. THE MOTION PASSED BY A VOTE OF 6-0 (Steinbrueck abstained).

Proposed amendments to §5.201, relating to the education and experience required for interior design registration, repealing obsolete provisions relating to previously repealed “grandfather” clauses.

A MOTION WAS MADE AND SECONDED (Odell/Mijares) TO ADOPT PROPOSED AMENDMENTS TO §5.201 TO REPEAL OBSOLETE PROVISIONS RELATING TO PREVIOUSLY REPEALED “GRANDFATHER” CLAUSES. THE MOTION PASSED UNANIMOUSLY.

Draft Rules for Proposal or Committee Referral

Amendment to §1.191 revising requirements to complete the Intern Development Training Program.

Amendment to §1.192 to allow Applicants to begin earning credit under the Intern Development Program upon commencing education or experience.

The General Counsel described the draft amendments. The intent of the draft amendments is to conform the rules to recent changes NCARB has made to the intern development program which candidates must complete in order to become registered as architects.

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO PROPOSE AMENDMENTS TO §§1.191 and 1.192 REVISE REQUIREMENTS TO COMPLETE THE INTERN DEVELOPMENT TRAINING PROGRAM AND TO ALLOW APPLICANTS TO BEGIN EARNING CREDIT UNDER THE INTERN DEVELOPMENT PROGRAM UPON COMMENCING EDUCATION OR EXPERIENCE. THE MOTION PASSED UNANIMOUSLY.

Enforcement Cases

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

B. Continuing Education Cases

Merrick, Tami (#071-12A)

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 071-12A IMPOSING A \$250.00 ADMINISTRATIVE PENALTY FOR VIOLATION OF BOARD RULE 1.171. THE MOTION PASSED UNANIMOUSLY.

Non-registrant

Hillrichs, Thayne (#134-11N)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 134-11N IMPOSING A \$2,000.00 ADMINISTRATIVE PENALTY UPON THE RESPONDENT FOR VIOLATING TEX. OCC. CODE §§105.701, 1051.752 AND 1051.801 BY MISREPRESENTING HIS BUSINESS AS AN ARCHITECTURAL DESIGN FIRM. THE MOTION PASSED UNANIMOUSLY.

Continuing Education Cases

Burt, John Vincent (#028-12A)

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 028-12A IMPOSING A \$500.00 ADMINISTRATIVE PENALTY UPON THE RESPONDENT FOR VIOLATING BOARD RULE 1.69(e)(1), BY FAILING TO MAINTAIN A DETAILED RECORD OF HIS CONTINUING EDUCATION ACTIVITIES FOR THE AUDIT PERIOD IN QUESTION. THE MOTION PASSED UNANIMOUSLY.

Morris, Deborah Mary (#021-12A)

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 021-12A IMPOSING A \$500.00 ADMINISTRATIVE PENALTY UPON THE RESPONDENT FOR VIOLATION OF BOARD RULE 1.69(e)(1), BY FAILING TO MAINTAIN A DETAILED RECORD OF HER CONTINUING EDUCATION ACTIVITIES FOR THE AUDIT PERIOD IN QUESTION. THE MOTION PASSED UNANIMOUSLY.

Sawyer, Stacy (#050-12I)

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO APPROVE THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 050-12I IMPOSING A \$500.00 ADMINISTRATIVE PENALTY UPON THE RESPONDENT FOR VIOLATING BOARD RULE 5.79(e)(1), BY FAILING TO MAINTAIN A DETAILED RECORD OF HER CONTINUING EDUCATION ACTIVITIES FOR THE AUDIT PERIOD. THE MOTION PASSED UNANIMOUSLY.

Massock, Shawn William (#130-11L)

In accordance with Board action earlier in the meeting to table consideration of this case, the Executive Director's recommendation to resolve this case in

accordance with an agreed order was not taken up and remained on the table until the next meeting of the Board.

Chair's Closing Remarks

The Chair stated that the following dates had been approved for the remainder of Board meetings for 2012: May 17-18, 2012, August 23-24, 2012 and October 17, 2012. There was discussion about rescheduling the October Board meeting because the TSA convention begins on October 18th. The Board decided to maintain the October 17th meeting date.

Adjournment

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO ADJOURN THE MEETING AT 4:37 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

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

MEMORANDUM

TO: Texas Board of Architectural Examiners
FROM: Scott Gibson, General Counsel
SUBJECT: Review of Engineer Review Committee Decision –
John Scales Application Number 081-12E
DATE: Apr 24, 2012

Pursuant to Section 1051.607, Texas Occupations Code, an engineer may apply for placement on a list of engineers who are exempt from the Architectural Practice Act. Engineer applicants must apply not later than January 1, 2012. The statute requires applicants to submit proof of having designed three projects which are not exempt from the Act. In order to be placed upon the exempt list, an engineer must establish he or she designed “safe and adequate” buildings of a sort which normally requires the design services of an architect.

Mr. Scales applied for placement on the list on December 22, 2011. He submitted plans depicting the design of three buildings, one of which was the design of a building to be used as a credit union, a commercial building, which was one story and 6,205 square feet. A commercial building which does not exceed a height of two stories or 20,000 square feet is exempt from the Architectural Practice Act. The plans for the credit union building are exempt from the Act.

Because Mr. Scales neglected to file plans for the design of three buildings in excess of the thresholds in the Act by the filing deadline, agency staff notified Mr. Scales that his application does not meet the criteria for placement on the list. Notice was provided to Mr. Scales on January 3, 2012.

On or about March 15, 2012, Mr. Scales attempted to submit plans for a separate project to substitute for the disqualified credit union building. Agency staff notified Mr. Scales that the filing deadline had passed so the submission of the additional project was not timely received.

At its meeting on Apr 5, 2012, the TBAE Engineer Review Committee heard from Mr. Scales and agency staff regarding committee consideration of the proposed substituted project. The Committee declined to consider the substituted project and denied his application.

Mr. Scales is requesting the Board to reconsider the Committee’s determination and allow the consideration of another project to serve as a substitute for the disqualified credit union project, notwithstanding the passage of the filing deadline.

TEXAS OCCUPATIONS CODE SEC. 1051.607.

LIST OF ENGINEERS PERMITTED TO ENGAGE IN PRACTICE OF ARCHITECTURE

(a) The board shall maintain a list of engineers licensed under Chapter 1001 who are authorized to engage in the practice of architecture based on an administrative finding of experience under this section. The board shall post the list on the board's Internet website.

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

- (1) the engineer is listed under Subsection (a); and
- (2) the engineer is in good standing with the Texas Board of Professional

Engineers.

(c) The board shall list each engineer who:

- (1) applies for placement on the list not later than January 1, 2012;
- (2) was licensed to practice engineering under Chapter 1001 before January 1, 2011; and
- (3) provides to the board documentation of at least three projects that:
 - (A) were prepared by the engineer;
 - (B) were adequately and safely built before January 1, 2011; and
 - (C) are described by Section 1051.703(a) or were not exempt under Section 1051.606(a)(4).

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

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

(f) If the board declines to list an engineer who applies under this section, the engineer may request a contested case hearing to be conducted under Chapter 2001, Government Code. The motion for rehearing required by Chapter 2001, Government Code, shall be filed with the State Office of Administrative Hearings. The decision of the administrative law judge in the contested case is final and may be appealed in a Travis County district court.

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

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

Added by Acts 2011, 82nd Leg., R.S., Ch. [1157](#), Sec. 4, eff. September 1, 2011.

TEXAS OCCUPATIONS CODE SEC. 1051.606(A)(4)

ACTIVITIES OF CERTAIN PERSONS NOT REPRESENTED TO BE ARCHITECTS

(a) This chapter does not apply to a person who does not represent that the person is an architect or architectural designer, or use another business or professional title that uses a form of the word "architect," and who:

* * * *

(4) prepares the architectural plans and specifications for or observes or supervises the construction, enlargement, or alteration of a privately owned building that is:

(A) a building used primarily for:

(i) farm, ranch, or agricultural purposes; or

(ii) storage of raw agricultural commodities;

(B) a single-family or dual-family dwelling or a building or appurtenance associated with the dwelling;

(C) a multifamily dwelling not exceeding a height of two stories and not exceeding 16 units per building;

(D) a commercial building that does not exceed a height of two stories or a square footage of 20,000 square feet; or

(E) a warehouse that has limited public access.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003; Renumbered from Occupations Code Sec. 1051.056 and amended by Acts 2003, 78th Leg., ch. 331, Sec. 3.11, 3.12, eff. Sept. 1, 2003.

TEXAS OCCUPATIONS CODE SEC. 1051.703(A)

CERTAIN PLANS OR SPECIFICATIONS TO BE PREPARED ONLY BY ARCHITECT

(a) An architectural plan or specification for any of the following may be prepared only by an architect:

(1) a new building or modification of an existing building intended for occupancy on a 24-hour basis by persons who are receiving custodial care from the proprietor or operator of the building, regardless of the number of stories or square footage of the building;

(2) a new building having construction costs exceeding \$100,000 that is to be:

(A) constructed and owned by a state agency, a political subdivision of this state, or any other public entity in this state; and

(B) used for education, assembly, or office occupancy; or

(3) an alteration or addition having construction costs exceeding \$50,000 that:

(A) is to be made to an existing building that:

(i) is owned by a state agency, a political subdivision of this state, or any other public entity in this state; and

(ii) is or will be used for education, assembly, or office occupancy; and

(B) requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 1, eff. June 1, 2003; Renumbered from Occupations Code Sec. 1051.303 by Acts 2003, 78th Leg., ch. 331, Sec. 3.18, eff. Sept. 1, 2003.

Amended by: Acts 2011, 82nd Leg., R.S., Ch. [1157](#), Sec. 5, eff. September 1, 2011.

Texas Board of Architectural Examiners
Fiscal Year 2012 Budget

20

	FY 2012 Approved Budget	FY 2012 Actual Rev. and Exp. Sep 1, 2011---Feb 29, 2012	FY 2012 Actual Rev. Earned & Exp. as a Percentage	FY 2012 Percentage of Year Expired
Total Beginning Reserve Fund Balance	1,929,213.90			
Revenues:				
Licenses & Fees	2,499,707.00	1,234,901.00	49.40%	50.00%
Enforcement Penalties	92,153.00	44,375.00	48.15%	50.00%
Late Fee Payments	229,816.00	92,990.00	40.46%	50.00%
Other	2,000.00	1,924.25	96.21%	50.00%
Interest	12,000.00	5,108.52	42.57%	50.00%
<i>Draw on Reserve Fund</i>	50,000.00		0.00%	50.00%
Total Revenues	2,885,676.00	1,379,298.77	47.80%	50.00%
Expenditures:				
Salaries and Wages	1,432,654.93	685,333.34	47.84%	50.00%
Payroll Related costs	361,768.08	179,186.10	49.53%	50.00%
Professional Fees & Services	52,486.20	16,649.91	31.72%	50.00%
Travel				
Board Travel	40,008.11	13,468.87	33.67%	50.00%
Staff Travel	31,980.22	9,071.61	28.37%	50.00%
Office Supplies	19,355.49	10,021.87	51.78%	50.00%
Postage	23,217.66	6,110.90	26.32%	50.00%
Communication and Utilities	19,907.00	6,986.23	35.09%	50.00%
Repairs and Maintenance	4,545.00	697.41	15.34%	50.00%
Office Rental and Equipment Leases	60,907.50	5,297.58	8.70%	50.00%
Printing and Reproduction	15,676.00	1,398.91	8.92%	50.00%
Operating Expenditures	54,200.16	40,661.78	75.02%	50.00%
Conference Registration Fees	8,561.35	4,962.27	57.96%	50.00%
Membership Dues	20,069.30	9,520.00	47.44%	50.00%
Fees for Receiving Electronic Payments	98,000.00	45,006.58	45.93%	50.00%
Staff Training	27,000.00	4,962.27	18.38%	50.00%
SWCAP Payment	55,339.00	-	0.00%	50.00%
Payment to GR	510,000.00	-	0.00%	50.00%
Exceptional Items: Accounting System 2012	50,000.00	25,578.37	51.16%	50.00%
Total Expenditures	2,885,676.00	1,064,914.00	36.90%	50.00%
Excess/(Deficiency) of Rev over Exp.	0.00	314,384.77		
Potential Draws on Reserve Fund:				
* Funding for 6 months	1,442,838.00			
Ending Reserve Fund Balance	486,375.90			

Texas Board of Architectural Examiners
 Fiscal Year 2012 Budget
 Scholarship Fund

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	FY 2012 Budget	FY 2012 Actual Expenditures Sept 1, 2011---Feb. 29, 2012	FY 2012 Remainig Budget
Total Beginning Scholarship Fund Balance	191,681.00	191,681.00	170,681.00
Expenditures:			
Operating Expenditures-Scholarship Payments		21,000.00	-
Total Expenditures		21,000.00	-
Excess/(Deficiency) of Rev over Exp.	191,681.00	170,681.00	-
-			
Ending Reserve Fund Balance	191,681.00	170,681.00	170,681.00

Number of Scholarships Awarded

42

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

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Recommendation Reference: Chapter 1

The agency did not maintain sufficient financial documentation to support a decrease in its scholarship fund during fiscal year 2010.

Effective Date	Recommendations	Action Steps	Person/ Office Responsible	Action Target Date	Completion Date
December 2011	<p>The agency should:</p> <ul style="list-style-type: none"> a. Develop and implement procedures to ensure that it accurately accounts for and records all scholarship fund transactions. b. Maintain sufficient documentation to support its financial transactions. 	<p>Procedures were developed to ensure that Scholarship balances are monitored monthly for accuracy and Scholarship disbursements are reviewed to ensure that they are properly recorded against the Scholarship Fund and that there are sufficient funds available.</p> <p>Scholarship balances are reviewed immediately before and after a round of scholarship disbursements.</p> <p>The attached USAS 58 Screen print which verifies the corrected fund transfer balance.</p>	Finance Manager	On February 6, 2012, the Finance Manager coordinated with the agency's Appropriation Control Officer at the Texas Comptroller's Office.	100% completed on February 6, 2012

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Audit Report Effective Date	Recommendations	Action Steps	Person/ Office Responsible	Action Target Date	Completion Date
		<p>2. From January 12 through March 23, the team assembled the existing agency policies, aggregate, format and developed new policies and procedures not only those policies and procedures identified for development and improvement by the State Auditor's Office, but also evaluated the agency's best practices approach and determined the need to develop new policies and procedures to perform the agency's day-to-day business.</p> <p>3. Key policy custodians (subject matter experts) were identified to record, maintain, and publish departmental policies. Policy revision included an annual review period or as needed basis on mission requirements.</p> <p>4. To publish the approved policies and procedures on the TBAE website.</p> <p>5. From Apr 1, 2012 – October 31, 2012, prioritize policies and procedures for ongoing staff training and development:</p>	<p>Executive Director/ IT Programmers</p> <p>Executive Admin Mgr/ Staff Services Officer</p>	<p>July 2012</p> <p>Ongoing 35% complete</p>	<p>100% Completed by October 31, 2012</p>

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Audit Report Effective Date	Recommendations	Action Steps	Person/ Office Responsible	Action Target Date	Completion Date
		<ul style="list-style-type: none"> a. to understand how to manage the agency using policy procedures and processes; b. to support the implementation of new and existing procedures in their own workplace and to remove roadblocks to implementation; c. to take action quickly and visibly when policy is evaded toward promoting policy use in the future; d. to establish and conduct internal policies and procedures audit reviews. 	Executive Management Team	Ongoing	Ongoing

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Recommendation Reference: Chapter 2-C

The Agency has adequate processes for assessing administrative penalties; however, it should fully document those processes.

Audit Report Effective Date	Recommendations	Action Steps	Person/Office Responsible	Action Target Date	Completion Date
December 2011	<p>The agency should:</p> <ul style="list-style-type: none"> a. Complete the process to document all enforcement policies and procedures and ensure that it fully documents its process for assessing administrative penalties. b. Adopt a process that includes the review and update of its policies and procedures on a scheduled basis and ensures that its policies and procedures include an effective date. 	<p>Refer to Action Steps for 2-B and Policy LE-002 Setting Administrative Penalties.</p> <p>Refer to Action Steps for 2-B and the Policies and Procedures Directory.</p>	<p>Managing Investigator/ Managing Litigator</p> <p>Executive Administration Manager</p>		100% by

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Recommendation Reference: Chapter 3

The agency did not report accurate performance measures in its reports to the Legislature and the Office of the Governor.

Audit Report Effective Date	Recommendations	Action Steps	Person/Office Responsible	Action Target Date	Completion Date
December 2011	<p>The agency should:</p> <p>a. Document all modifications to its performance measures, update its strategic plan, and gain governing Board approval of those modifications.</p>	<p>1. Workgroup formed (Communications, IT, Legal, Executive Administration) to determine new Performance Measures (PMs). Several meetings held February-Apr 2012. All new PMs documented and approved by Executive Director, Strategic Plan (which will house new PMs officially) in progress and to be approved by the Board Executive Committee and by the Full Board.</p> <p>2. Performance Measures:</p> <p>a. Number of Examination Candidates</p> <p>b. Number of registrants (with explanatory note re: "licensees" and "certificate holders")</p> <p>c. Recidivism rate</p> <p>d. Number of enforcement cases opened within the quarter</p> <p>e. Number of enforcement cases closed within the quarter</p>	Communications Manager/ IT Programmers	<p>Board Executive Committee: July 2012</p> <p>Full Board: August 23-24, 2012</p> <p>Currently 90 percent complete</p>	100% completed by August 2012

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Audit Report Effective Date	Recommendations	Action Steps	Person/Office Responsible	Action Target Date	Completion Date
	<p>b. Ensure that its calculation methodologies and performance measure definitions agree, and that its methodologies result in a meaningful and mathematically accurate result.</p> <p>c. Develop and implement policies and procedures for calculating, reviewing, and reporting of all performance measures. The agency should consider using the <i>Guide to Performance Measure Management</i> (State Auditor's Office Report No. 06-329, August 2006) as a best practice guide to assist in the development of the policies and procedures.</p>	<p>Methodologies and definitions verified meaningful and accurate by staff; procure a contract agreement with an outside contractor to perform additional desirability of testing the deliverables.</p> <p>Refer to Action Step 2-B. Policies CO-005 Performance Measure Development & Reporting developed in accordance with the <i>Guide</i> and approved by the Executive Director.</p>	<p>Communications Manager/ IT Programmers</p>	<p>Spring 2012</p> <p>50 percent complete</p> <p>Preparing Statement of Work for potential vendors (pre-approved by the Department of Information Resources (DIR))</p> <p>Verifying queries and programming; designing report for submittal.</p>	<p>100% completed by August 2012</p>

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Audit Report Effective Date	Recommendations	Action Steps	Person/Office Responsible	Action Target Date	Completion Date
December 2011	<p>d. Ensure that employees have a clear understanding of the different circumstances under which a complaint case is considered closed and ensure that date is accurately documented in TBAsE.</p> <p>e. Develop and document policies and procedures for creating its biennial report.</p>	<p>Refer to Action Step 2-B. Policy LE-001 Introduction to Legal developed and approved by the Executive Director.</p> <p>Refer to Action Step 2-B. Policy CO-004 TBAE Reporting developed and approved by the Executive Director.</p>	<p>Managing Investigator</p> <p>General Counsel</p>		100% completed on Apr 1, 2012

State Auditor's Office Report No. 12-009
An Audit Report on the Texas Board of Architectural Examiners – SDSI Agency
Implementation Matrix

Recommendation Reference Chapter 4

The agency has adequate controls to help it ensure that its Information Technology System data is reliable; however, it should strengthen its change management and user access controls.

Audit Report Effective Date	Recommendations	Action Steps	Person/Office Responsible	Action Target Date	Completion Date
December 2011	<p>The agency should:</p> <p>a. Require that all programming changes be reviewed and approved by an employee who did not create the programming changes before the changes are promoted into production. The agency should also require the approval to be documented.</p> <p>b. Periodically review all employees' user access levels to determine whether they are appropriate for the users' job requirements.</p> <p>c. Address the identified password control weaknesses.</p>	<p>Policy IT-011 Change Management developed and updated and approved by the Executive Director on Apr 1, 2012.</p> <p>Policy IT-013 User Account reviewed for user-access levels every six months.</p> <p>In December 2011, the agency addressed the identified password control weaknesses. Policy IT-0014 Password Protection.</p>	<p>IT Programmers</p> <p>IT Network/ Security Specialist</p>	<p>Executive Committee – July, 2012</p> <p>Full Board: August 23-24, 2012</p> <p>80% complete</p>	<p>100% complete by August 2012</p>

POLICIES AND PROCEDURES DIRECTORY

#	POLICY NO.	ISSUE DATE	REVISION DATE	POLICY TITLE	PRIMARY POLICY CUSTODIAN
Executive Administration (EA)					
1.	EA-001	Apr 1, 2012		Maintaining Agency Policies & Procedures	Executive Admin Mgr
2.	EA-002	Apr 1, 2012		TBAE Board Meeting Preparation	Executive Admin Mgr
3.	EA-003	Apr 1, 2012		Board Governance and Policy Manual	Executive Admin Mgr
4.	EA-004	Apr 1, 2012		Staff Action Process & Correspondence	Executive Admin Mgr
5.	EA-005	Apr 1, 2012		Travel – Board Members & Staff	Executive Admin Mgr
6.	EA-006	Apr 1, 2012		Mail Distribution	Executive Admin Mgr
7.	EA-007	Apr 1, 2012		Customer Service Communications	Executive Admin Mgr
8.	EA-008	Apr 1, 2012		Time & Attendance Reporting	Executive Admin Mgr
Staff Services/Human Resources (SS)					
9.	SS-001	Apr 1, 2012		Introduction to HR Employee Manual	Executive Admin Mgr
10.	SS-002	Apr 1, 2012		Recruitment, Selection, & On-Boarding	Staff Services Officer
11.	SS-003	Apr 1, 2012		Employee Relations – Grievance Procedures	Staff Services Officer
12.	SS-004	Apr 1, 2012		Employee Relations – Ethics & Standards of Conduct	Staff Services Officer
13.	SS-005	Apr 1, 2012		Employee Relations – Discipline Procedures	Staff Services Officer
14.	SS-006	Apr 1, 2012		Americans with Disability Act – Request for Accommodations	Staff Services Officer
15.	SS-007	Apr 1, 2012		Position Classification	Staff Services Officer
16.	SS-008	Apr 1, 2012		Employee Benefits Program	Staff Services Officer
17.	SS-009	Apr 1, 2012		Performance Management – Performance Appraisal System	Staff Services Officer
18.	SS-010	Apr 1, 2012		Performance Management – Employee Incentive Awards Program	Staff Services Officer
19.	SS-011	Apr 1, 2012		Training & Staff Development	Staff Services Officer

#	POLICY NO.	ISSUE DATE	REVISION DATE	POLICY TITLE	PRIMARY POLICY CUSTODIAN
20.	SS-012	Apr 1, 2012		Safety & Security	Staff Services Officer
21.	CO-001	Apr 1, 2012		Media & Public Relations	Communications Mgr
22.	CO-002	Apr 1, 2012		News Releases & Publications	Communications Mgr
23.	CO-003	Apr 1, 2012		TBAE Presentations	Communications Mgr
24.	CO-004	Apr 1, 2012		TBAE Reporting	Communications Mgr
25.	CO-005	Apr 1, 2012		Performance Measure Development & Reporting	Communications Mgr
26.	CO-006	Apr 1, 2012		Strategic Planning	Communications Mgr
General Counsel (GC)					
27.	GC-001	Apr 1, 2012		Contracts	General Counsel
28.	GC-002	Apr 1, 2012		Rule Adoption & Maintenance Process	General Counsel
29.	GC-003	Apr 1, 2012		Board Counseling/Attorney General Interface	General Counsel
30.	GC-004	Apr 1, 2012		Temporary Contractors	General Counsel
Finance & Accounting Department (FA)					
31.	FA-001	Apr 1, 2012		Accounts Receivable - Deposits	Finance Manager
32.	FA-002	Apr 1, 2012		Accounts Payable	Finance Manager
33.	FA-003	Apr 1, 2012		Fixed Assets	Finance Manager
34.	FA-004	Apr 1, 2012		Payroll Processing	Finance Manager
35.	FA-005	Apr 1, 2012		Financial Reporting – Annual Financial Review Process	Finance Manager
36.	FA-006	Apr 1, 2012		Budget Approval Policy	Finance Manager
37.	FA-007	Apr 1, 2012		Reserve Fund Balance Policy	Finance Manager
38.	FA-009	Apr 1, 2012		Procurement/Purchasing Policy	Finance Manager
39.	FA-008	Apr 1, 2012		State Travel/Procurement Credit Card Use	Finance Manager
40.	FA-010	Apr 1, 2012		Budget Formulation	Finance Manager

#	POLICY NO.	ISSUE DATE	REVISION DATE	POLICY TITLE	PRIMARY POLICY CUSTODIAN
Registration Department (RE)					
41.	RE-001	Apr 1, 2012		Licensing by Examination	Registration Manager
42.	RE-002	Apr 1, 2012		Licensing by Reciprocity	Registration Manager
43.	RE-003	Apr 1, 2012		Continuing Education	Registration Manager
44.	RE-004	Apr 1, 2012		Renewals/Cancellations	Registration Manager
45.	RE-005	Apr 1, 2012		Waiver of Fees	Registration Manager
46.	RE-006	Apr 1, 2012		License Reinstatements	Registration Manager
Legal Department (LE)					
47.	LE-001	Apr 1, 2012		Introduction to Legal	Managing Litigator
48.	LE-002	Apr 1, 2012		Setting Administrative Penalties	Managing Litigator
49.	LE-003	Apr 1, 2012		Open Records/Public Information	Managing Litigator
50.	LE-004	Apr 1, 2012		Litigation Before SOAH	Managing Litigator
Enforcement Department (EN)					
51.	EN-001	Apr 1, 2012		Business Registration Management	Managing Investigator
52.	EN-002	Apr 1, 2012		TDLR Referral Management	Managing Investigator
53.	EN-003	Apr 1, 2012		Complaint Management (Investigations)	Managing Investigator
54.	EN-004	Apr 1, 2012		Criminal History Check Management	Managing Investigator
55.	EN-005	Apr 1, 2012		Confirm Compliance with Board Orders	Managing Investigator
56.	EN-006	Sep 2011	Oct 2011 Nov 2011	Engineer Application Process IAW HB2284	Managing Investigator
Information Technology Department (IT)					
57.	IT-001	May 13, 2011	Apr 1, 2012	Agency Security Accessibility	Executive Director
58.	IT-002	Jun 30, 2011	Apr 1, 2012	Business Continuity Plan	Executive Director
59.	IT-003	Apr 1, 2012		Configuration & Controlled Penetration Test	Executive Director
60.	IT-004	Sep 26, 2006	Apr 1, 2012	Virus Protection	Executive Director
61.	IT-005	March 2011	Apr 1, 2012	Agency Communications Standards	Executive Director
62.	IT-006	Apr 1, 2012	Apr 30, 2012	IT Privacy Policy	Executive Director

#	POLICY NO.	ISSUE DATE	REVISION DATE	POLICY TITLE	PRIMARY POLICY CUSTODIAN
63.	IT-007	Sep 16, 2010	Apr 1, 2012	Portable Computing Policy	Executive Director
64.	IT-008	Sep 20, 2006	Apr 1, 2012	Intrusion Detection Policy	Executive Director
65.	IT-009	Sep 20, 2006	Apr 1, 2012	Software Licensing	Executive Director
66.	IT-010	Sep 20 2006	Apr 1, 2012	Network Access	Executive Director
67.	IT-011	Sep 10, 2006	Apr 1, 2012	Change Management Policy	Executive Director
68.	IT-012	Dec 14, 2006	Apr 1, 2012	Internet Management Policy	Executive Director
69.	IT-013	Sep 29, 2006	Apr 1, 2012	User Account Policy	Executive Director
70.	IT-014	Oct 21, 2010	Apr 1, 2012	Password Protection Policy	Executive Director
71.	IT-015	Dec 14, 2006	Apr 1, 2012	IT Definitions	Executive Director
72.	IT-016	Dec 17, 2009	Apr 1, 2012	E-Mail Policy	Executive Director
73.	IT-017	Sep 20, 2006	Apr 1, 2012	Incident Management	Executive Director

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File Edit Session Options Transfer View Macro Script Help
Connections: SecureTN
Attn PA1 PA2 PA3 Reset PF01 PF02 PF03 PF04 PF05 PF06
TEXAS S058 UNIFORM STATEWIDE ACCOUNTING SYSTEM 05/01/12 01:30 PM
LINK TO: AGENCY/FUND SUMMARY INQUIRY PROD

AGENCY: 459 AP YEAR: APPR FUND: FUND: 1859
INQ TYPE: MA (MA, PA, YA, CB, PY, PP)
INQ YEAR: 12 INQ MONTH: 04
NET CASH ACT: 83,177.50 APPN CASH AVAIL: 83,177.50
APPN ACCR CSH AVAIL: 83,177.50 APPN ENC CASH AVAIL: 83,177.50
BT TITLE AMOUNT BT TITLE AMOUNT
02 APPN REVISIONS .00
11 EST COL REVENUE .00
12 CASH REVENUES 83,177.50
13 EXS COL REV POSTD .00
15 CASH EXPEND .00
16 CASH RSRVD - PR .00

F1-HELP F3-END F4-INTERRUPT

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Summary
Rule 3.69
Landscape Architect Continuing Education

Current Rule

TBAE requires each landscape architect to complete eight hours of continuing education each year. Of the eight hours of mandatory continuing education, a landscape architect must complete one hour of accessible design (design to accommodate persons with disabilities) and one hour of continuing education in energy efficiency or sustainable design.

Continuing education must be pertinent to health, safety and welfare. The rules specify the subjects studied must be on technical and professional aspects of the regulated professions.

A landscape architect may engage in self-directed study (reading articles, monographs or other study materials) to fulfill three of the eight hours of mandated annual continuing education. Landscape architects are required to attend structured courses to fulfill the remaining five hours of continuing education.

The current rule allows a landscape architect to accumulate 16 hours of continuing education in one year and carry forward eight hours to the next year.

Prospective Amendments

The amendments to the continuing education rule would increase the mandatory continuing education hours to 12 hours per year. The amendments allow four hours per year of continuing education through self-directed study, require eight hours of structured course study, and allow landscape architects to accrue 24 hours of continuing education in one year to carry forward credits to the following year.

Draft Rule for Proposal or Committee Referral

§3.69 Continuing Education Requirements

Each Landscape Architect shall complete a minimum of 12 [~~eight~~] continuing education program hours (CEPH) in topics pertinent to the public welfare, contributing to environmental and economic sustainability, promoting public health and well-being, encouraging community building and stewardship, offering aesthetic and creative experiences and enabling people and communities to function more effectively. These topics may include the following health and safety categories:

legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance to protect owners and public.

technical: surveying, grading, drainage, site layout, selection and placement of trees and plants.

environmental: sustainability, natural resources, natural hazards, design of surfaces and selection and placement of trees and plants appropriate to environmental conditions.

occupant comfort: air quality, water quality, lighting, acoustics, ergonomics.

materials and methods: building systems, products.

preservations: historic, reuse, adaptation.

pre-design: land use analysis, programming, site selection, site and soils analysis.

design: urban planning, master planning, site design, interiors, safety and security measures.

construction documents: drawings, specifications, delivery methods.

construction administration: contract, bidding, contract negotiations.

Each Landscape Architect shall complete the minimum mandatory CEPH during the last full calendar year immediately preceding the date the Landscape Architect renews the Landscape Architect's certificate of registration. Of the 12 [~~eight~~] minimum mandatory CEPH, each Landscape Architect shall complete a minimum of one CEPH in barrier-free design and at least one CEPH in the study of Sustainable or Energy-Efficient design. One CEPH equals a minimum of 50 minutes of actual course time. No credit shall be awarded for introductory remarks, meals, breaks, or business/administration matters related to courses of study.

Landscape Architects shall complete a minimum of eight [~~five~~] CEPH in structured course study. No credit shall be awarded for the same structured course for which the

Draft Rule for Proposal or Committee Referral

1 Landscape Architect has claimed credit during the preceding three years except for the
2 Texas Accessibility Academy or another similar course offered by the Texas
3 Department of Licensing and Regulation (TDLR).
4 Landscape Architects may complete a maximum of four [~~three~~] CEPH in self-directed
5 study. Self-directed study must utilize articles, monographs, or other study materials
6 that the Landscape Architect has not previously utilized for self-directed study.
7 The Board has final authority to determine whether to award or deny credit claimed by a
8 Landscape Architect for continuing education activities. The following types of activities
9 may qualify to fulfill continuing education program requirements:
10 Attendance at courses dealing with technical landscape architectural subjects related to
11 the Landscape Architect's profession, ethical business practices, or new technology;
12 Teaching landscape architectural courses and time spent in preparation for such
13 teaching:
14 a maximum of three CEPH may be claimed per class hour spent teaching landscape
15 architectural courses;
16 a Landscape Architect may not claim credit for teaching the same course more than
17 once; and
18 college or university faculty may not claim credit for teaching.
19 Hours spent in professional service to the general public which draws upon the
20 Landscape Architect's professional expertise, such as serving on planning
21 commissions, building code advisory boards, urban renewal boards, or code study
22 committees;
23 Hours spent in landscape architectural research which is published or formally
24 presented to the profession or public;
25 Hours spent in landscape architectural self-directed study programs such as those
26 organized, sponsored, or approved by the American Society of Landscape Architects,
27 the Council of Landscape Architectural Registration Boards, or similar organizations
28 acceptable to the Board;
29 College or university credit courses on landscape architectural subjects or ethical
30 business practices; each semester credit hour shall equal one CEPH; each quarter
31 credit hour shall equal one CEPH;

Draft Rule for Proposal or Committee Referral

1 One CEPH may be claimed for attendance at one full-day session of a meeting of the
2 Texas Board of Architectural Examiners.

3 A Landscape Architect may be exempt from continuing education requirements for any
4 of the following reasons:

5 A Landscape Architect shall be exempt for his/her initial registration period;

6 An inactive or emeritus Landscape Architect shall be exempt for any registration period
7 during which the Landscape Architect's registration is in inactive or emeritus status, but
8 all continuing education credits for each period of inactive or emeritus registration shall
9 be completed before the Landscape Architect's registration may be returned to active
10 status;

11 A Landscape Architect who is not a full-time member of the Armed Forces shall be
12 exempt for any registration period during which the Landscape Architect serves on
13 active duty in the Armed Forces of the United States for a period of time exceeding 90
14 consecutive days;

15 A Landscape Architect who has an active registration in another jurisdiction that has
16 registration requirements which are substantially equivalent to Texas registration
17 requirements and that has a mandatory continuing education program shall be exempt
18 from mandatory continuing education program requirements in Texas for any
19 registration period during which the Landscape Architect satisfies such other
20 jurisdiction's continuing education program requirements, except with regard to the
21 requirement in Texas that each Landscape Architect complete one CEPH related to
22 Sustainable or Energy-Efficient design; or

23 A Landscape Architect who is, as of September 1, 1999, a full-time faculty member or
24 other permanent employee of an institution of higher education, as defined in §61.003,
25 Education Code, and who in such position is engaged in teaching landscape
26 architecture.

27 When renewing his/her annual registration, each Landscape Architect shall attest to the
28 Landscape Architect's fulfillment of the mandatory continuing education program
29 requirements during the immediately preceding calendar year.

30 Each Landscape Architect shall maintain a detailed record of the Landscape Architect's
31 continuing education activities. Each Landscape Architect shall retain proof of fulfillment

Draft Rule for Proposal or Committee Referral

1 of the mandatory continuing education program requirements and shall retain the
2 annual record of continuing education activities required by this subsection for a period
3 of five years after the end of the registration period for which credit is claimed.
4 Upon written request, the Board may require a Landscape Architect to produce
5 documentation to prove that the Landscape Architect has complied with the mandatory
6 continuing education program requirements. If acceptable documentation is not
7 provided within 30 days of request, claimed credit may be disallowed. The Landscape
8 Architect shall have 60 calendar days after notification of disallowance of credit to
9 substantiate the original claim or earn other CEPH credit to fulfill the minimum
10 requirements. Such credit shall not be counted again for another registration period.
11 If a Landscape Architect is registered to practice more than one of the professions
12 regulated by the Board and the Landscape Architect completes a continuing education
13 activity that is directly related to more than one of those professions, the Landscape
14 Architect may submit that activity for credit for all of the professions to which it relates.
15 The Landscape Architect must maintain a separate detailed record of continuing
16 education activities for each profession.

17 A Landscape Architect may receive credit for up to 24 [~~16~~] CEPH earned during any
18 single registration period. A maximum of 12 [~~eight~~] CEPH that is not used to satisfy the
19 continuing education requirements for a registration period may be carried forward to
20 satisfy the continuing education requirements for the next registration period.

21 (h) Providing false information to the Board, failure to fulfill the annual continuing
22 education program requirements, and failure to respond to, and comply with, audit and
23 verification requests may result in disciplinary action by the Board.

Continuing Education
Enabling Legislation

Section 1051.356. CONTINUING EDUCATION. (a) The board shall recognize, prepare, or administer continuing education programs for its certificate holders. A certificate holder must participate in the programs to the extent required by the board to keep the person's certificate of registration.

(b) The continuing education programs:

(1) must include courses relating to sustainable or energy-efficient design standards; and

(2) may include courses relating to:

(A) health, safety, or welfare; or

(B) barrier-free design.

(b-1) As part of a certificate holder's continuing education requirements for each annual registration period, the board by rule shall require the certificate holder to complete at least one hour of continuing education relating to sustainable or energy-efficient design standards.

(c) The board may recognize the continuing education programs of:

(1) a nationally acknowledged organization involved in providing, recording, or approving postgraduate education; and

(2) any other sponsoring organization or individual whose presentation is approved by the board as qualifying in design or construction health, safety, or welfare.

(d) A person is exempt from the continuing education requirements of this section if the person is, as of September 1, 1999, engaged in teaching the subject matter for which the person is registered under this subtitle as a full-time faculty member or other permanent employee of an institution of higher education, as defined by Section 61.003, Education Code.

Summary
Rules 1.5/3.5/5.5
Definition of the term “sole practitioner”

Current Rule

At its last meeting the Board deliberated over amendments to rules relating to business registration. The Board amended an exemption for sole proprietors who offer or render services only under the name of the proprietor who is registered. As amended, the exemption is restricted to sole practitioners who offer or render services only under the practitioner’s name so long as the practitioner is registered. The Board noted the original purpose of the exemption is to prevent the duplicate registration of a person who is in essence the same as her/his own business entity. The Board concluded that an exemption for a “sole practitioner” instead of a sole proprietor (who may have several other design professionals working on behalf of the business) better serves the public policy for the exemption. The Board directed staff to draft a definition of the term “sole practitioner” for purposes of the Board rules.

Draft Amendment Summary

The draft amendment defines the term “sole practitioner” for each of the three professions regulated by the Board. Under the definition, a registrant is an exempt sole practitioner if she or he is the only design professional to offer or render regulated design services on behalf of a business. The definition, together with the substantive business registration rule, establishes three criteria for a business to qualify for the sole practitioner exemption:

One (“sole”) design professional must render regulated services on behalf of the business (someone else may engage in bookkeeping or office management);

The business must operate under the name of the design professional who offers or renders services on behalf of the business; and

The design professional who offers or renders regulated services on the business’ behalf must be registered by the Board.

Draft Rule for Proposal or Committee Referral

1 **§1.5 – Terms Defined Herein**

2 The following words, terms, and acronyms, when used in this Chapter, shall have
3 the following meanings, unless the context clearly indicates otherwise.

4 [Subsections (1) – (62) omitted]

5 (63) Sole Practitioner – An Architect who is the only design professional to offer or
6 render architectural services on behalf of a business entity.

7 [Re-number subsequent Subsections accordingly]

8 **§3.5 – Terms Defined Herein**

9 The following words, terms, and acronyms, when used in this Chapter, shall have
10 the following meanings, unless the context clearly indicates otherwise.

11 [Subsections (1) – (52) omitted]

12 (53) Sole Practitioner – A Landscape Architect who is the only design professional to
13 offer or render landscape architectural services on behalf of a business entity.

14 [Re-number subsequent Subsections accordingly]

15 **§5.5 – Terms Defined Herein**

16 The following words, terms, and acronyms, when used in this chapter, shall have the
17 following meanings, unless the context clearly indicates otherwise.

18 [Subsections (1) -- (48) omitted]

19 (49) Sole Practitioner – A Registered Interior Designer who is the only design
20 professional to offer or render interior design services on behalf of a business entity.

21 [Re-number subsequent Subsections accordingly]

**Definition of “Sole Practitioner”
Enabling Legislation**

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

MEMORANDUM

TO: Texas Board of Architectural Examiners
FROM: Scott Gibson
SUBJECT: Rules Review
DATE: April 20, 2012

Texas law requires each state agency to review its rules every four years. Section 2001.039, Texas Government Code. The statute requires an agency's review of a rule to include an assessment of whether the reasons for initially adopting the rule continue to exist. The process for conducting a rules review is to publish notice of the proposed rules review soliciting public comment, conduct the review, and publish notice of the adopted review. The agency shall readopt, readopt with amendments or repeal a rule as a result of the review.

The Texas Board of Architectural Examiners last adopted a review of its rules on March 6, 2009. The adoption is published in the *Texas Register* at 34 Tex. Reg. 1725 (March 6, 2009). In order to conduct a meaningful review of its rules and complete the review before the expiration of the four-year period (ending on March 6, 2013) since the adoption of the last review, it would be prudent to commence the process now.

It is the recommendation of staff that the Board direct the publication of the notice of proposed rules review in the *Texas Register*. It is recommended that the Board refer the rule review to the Rules Committee. A meeting of the Committee would provide a venue for the evaluation of public comment, receive stakeholder input in evaluating rules to ascertain if there are any for which there is no longer a viable public purpose. If review proposal is published soon, the Committee would have time to convene one or more meetings and make its report to the Board for adoption no later than the January 2013 Board meeting.

Summary
Rules 1.191 and 1.192
Intern Development Program

Current Rules

The rules require applicants to complete the Intern Development Training Requirement by completing 5,600 training hours in the Intern Development Program administered by the National Council of Architectural Registration Boards (“NCARB”). The rules currently require training in the following areas, including several specified subcategories:

- 2,800 training hours in design and construction documents,
- 560 training hours in construction administration,
- 280 training hours in management,
- 80 training hours in professional and community service, and
- 1,880 elective training hours in any combination of the categories listed above plus hours spent teaching, researching, obtaining a post-professional degree, or engaging in a related activity.

The rules also describe the training settings in which the training hours must be completed, as well as the qualifications of the person under whose supervision and control an applicant must work in order to obtain experience credit.

Under Rule 1.192, an applicant may earn credit for fulfilling training hours only after:

- Completing 3 years in a professional program accredited by the National Architectural Accreditation Board (“NAAB”) or a program outside the United States accredited by a substantially similar accreditation board,
- Completing 3 of 4 years in a pre-professional degree program which is acceptable for entry into a 2-year NAAB-accredited professional master’s degree program, or
- Completing 1 year of a professional master’s degree program after receipt of a non-professional degree.

In order to earn credit in non-academic work settings, the applicant must work for at least 15 hours per week over a period of at least 8 weeks.

In order to earn credit for teaching or research, the applicant must be employed on a full-time basis in the teaching or research position.

A person may not count activities completed to fulfill educational prerequisites for licensure toward fulfilling the Intern Development Training Requirement.

Proposed Amendments

The amendments revise the current rules to conform to the new IDP 2.0 created by NCARB which is scheduled to go into effect on Apr 3, 2012. The new rules require the following core minimum training hours in the following revised categories:

- 260 core minimum training hours in pre-design
- 2,600 core minimum training hours in design
- 720 core minimum training hours in project management
- 160 core minimum training hours in practice management (business operations, leadership and service) and
- 1,860 elective training hours earned in the areas listed above (in excess of the minimum training hours listed above) or in various work and education settings.

The amendments allow credit for work under the direct supervision of architects licensed in other jurisdictions.

The amendments allow credit for work under the direct supervision of an engineer, landscape architect, or other person who is not licensed as an architect under some experience settings.

The amendments allow experience credit as soon as the applicant enrolls in an NAAB-accredited architectural education program. The amendments also would grant credit for work performed after receiving a high school diploma, a GED, or a comparable foreign diploma, if the work was performed under the supervision and control of an architect licensed in Texas or another jurisdiction with substantially similar licensing requirements for architects. Work under that category will count toward completing the experience requirements even if that work was performed prior to enrolling in an accredited architectural program.

The amendments also repeal requirements that an applicant be employed on a full-time basis into order to obtain credit for conducting research or teaching.

The amendments allow credit for a wider variety of activities working under the supervision of a wider array of internship supervisors.

As amended the rules would also list a number of courses or continuing education activities which would count toward completing the intern development experience requirement.

Publication

The rule amendments were proposed by the Board during the February 2, 2012 meeting. The proposed amendments were published in the *Texas Register* on Apr 6, 2012. As of this writing, no public comment has been received.

Proposed Rule Amendment for Adoption

RULE §1.191 Description of Experience Required for Registration by Examination

1 (a) Pursuant to §1.21 of this title (relating to Registration by Examination), an Applicant
 2 must successfully demonstrate completion of the Intern Development Training
 3 Requirement by earning credit for at least 5,600 Training Hours as described in this
 4 subchapter.

5 (b) An Applicant must earn credit for at least 260 Core Minimum [~~2,800~~] Training Hours
 6 in the area of pre-design [~~areas of design and construction documents~~] in accordance
 7 with the following chart:

<u>Category 1: Pre-Design</u>	<u>Minimum Training Hours Required</u>
<u>A. Programming</u>	<u>80</u>
<u>B. Site and Building Analysis</u>	<u>80</u>
<u>C. Project Cost and Feasibility</u>	<u>40</u>
<u>D. Planning and Zoning Regulations</u>	<u>60</u>
<u>Core Minimum Hours</u>	<u>260</u>

Subjects Related to Design and Construction Documents	Minimum Training Hours Required
Programming	80
Site and Environmental Analysis	80
Schematic Design	120
Engineering Systems Coordination	120
Building Cost Analysis	80
Code Research	120
Design Development	320
Construction Documents	1,080
Specifications and Materials Research	120
Documents Checking and Coordination	80
Elective Units in Design and Construction Documents	600

Proposed Rule Amendment for Adoption

- 1 (c) An Applicant must earn credit for at least 2,600 Core Minimum [~~five hundred and~~
 2 ~~sixty (560)~~] Training Hours in the area [~~areas~~] of design [~~construction administration~~] in
 3 accordance with the following chart:

<u>Category 2: Design</u>	<u>Minimum Training Hours Required</u>
<u>A. Schematic Design</u>	<u>320</u>
<u>B. Engineering Systems</u>	<u>360</u>
<u>C. Construction Cost</u>	<u>120</u>
<u>D. Codes and Regulations</u>	<u>120</u>
<u>E. Design Development</u>	<u>320</u>
<u>F. Construction Documents</u>	<u>1,200</u>
<u>G. Material Selection and Specification</u>	<u>160</u>
<u>Core Minimum Hours</u>	<u>2,600</u>

<u>Subjects Related to Construction Administration</u>	<u>Minimum Training Hours Required</u>
<u>Bidding and Contract Negotiation</u>	<u>80</u>
<u>Construction Phase (office)</u>	<u>120</u>
<u>Construction Phase (observation)</u>	<u>120</u>
<u>Elective Units in Construction Administration</u>	<u>240</u>

- 4 (d) An Applicant must earn credit for at least 720 Core Minimum [~~two hundred and~~
 5 ~~eighty (280)~~] Training Hours in the area of project management in accordance with the
 6 following chart:

<u>Category 3: Project Management</u>	<u>Minimum Training Hours Required</u>
<u>A. Bidding and Contract Negotiation</u>	<u>120</u>
<u>B. Construction Administration</u>	<u>240</u>
<u>C. Construction Phase: Observation</u>	<u>120</u>
<u>D. General Project Management</u>	<u>240</u>
<u>Core Minimum Hours</u>	<u>720</u>

<u>Subjects Related to Management</u>	<u>Minimum Training Hours</u>
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Proposed Rule Amendment for Adoption

	Required
Project Management	120
Office Management	80
Elective Units in Management	80

1 (e) An Applicant must earn credit for at least 160 Core Minimum [~~eighty (80)~~] Training
 2 Hours in the area [areas] of practice management in accordance with the following
 3 chart: [~~professional and community service.~~]

<u>Category 4: Practice Management</u>	<u>Minimum Training Hours Required</u>
<u>A. Business Operations</u>	<u>80</u>
<u>B. Leadership and Service</u>	<u>80</u>
<u>Core Minimum Hours</u>	<u>160</u>

4 (f) An Applicant must earn credit for at least 1,860 [~~1,880~~] elective Training Hours.
 5 Credit for elective Training Hours may be earned in any of the categories described in
 6 subsections (b) [~~(a)~~] - (e) of this section and/or in [~~teaching, research, a post-~~
 7 ~~professional degree, or~~] other approved [~~related~~] activities described in subsection (g) of
 8 this section.

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

<u>Experience</u> [Training] <u>Setting</u>	<u>Maximum Training Hours Awarded</u>
<u>Experience</u> [Training] <u>Setting A: Practice of</u> <u>Architecture</u> Training under the Supervision and Control of <u>an IDP supervisor licensed as an architect in</u> <u>Texas or another jurisdiction with substantially</u> <u>similar licensing requirements who works in an</u> <u>organization lawfully engaged in the Practice of</u> <u>Architecture</u> [a registered architect when the organization's practice (1) is in the charge of a	No limit Every Applicant must earn at least <u>1,860</u> [1,880] Training Hours in <u>Experience</u> [Training] <u>Setting A.</u>

Proposed Rule Amendment for Adoption

<p>registered architect practicing as a principal and (2) encompasses the comprehensive practice of architecture]</p>	
<p><u>Academic Internships</u> <u>Must meet durational requirements and internship must be completed training in Experience Setting A or Experience Setting O</u></p>	<p><u>Maximum of 930 hours which count toward Minimum Training Hours in Experience Setting A or Experience Setting O</u></p>
<p><u>Training Setting [B] O: Other Work Settings</u></p> <p><u>Supervision and Control by 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.</u></p> <p><u>Supervision and Control by 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</u></p> <p><u>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.)</u></p> <p>[Training under the Supervision and Control of a registered architect when the organization's practice does not encompass the comprehensive practice of architecture]</p>	<p>1860 [3,720] Training Hours</p>

Proposed Rule Amendment for Adoption

<p style="text-align: center;"><u>Training Setting S: Supplemental Experience [G]</u></p> <p><u>Supplemental Experience for Core Hours</u> Core hours earned through supplemental experience are applied to specific IDP experience areas.</p> <p><u>Design or Construction Related Employment</u> 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><u>Leadership and Service</u> 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><u>Additional Opportunities for Core Hours</u> 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> <p><u>1.NCARB Emerging Professional’s Companion (EPC): Activities</u></p>	<p>[1,880 Training Hours]</p> <p><u>930 Training Hours (Maximum)</u></p> <p><u>80 Training Hours (Minimum) 320 Training Hours (Maximum)</u></p> <p><u>600 Training Hours (Maximum)</u></p>
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Proposed Rule Amendment for Adoption

<p><u>2. NCARB’s Professional Conduct Monograph</u></p> <p><u>3. Construction Specifications Institute (CSI) Certificate Program: Certified Construction Specifier (CCS) & Certified Construction Contract Administrator (CCCA)</u></p> <p><u>4. Community-Based Design Center/Collaborative</u></p> <p><u>5. Design Competitions</u></p> <p><u>6. Site Visit with Mentor</u></p> <p><u>Supplemental Experience for Elective Hours</u></p> <p><u>Elective hours earned through supplemental experience are not applied to any specific IDP experience area.</u></p> <p><u>Teaching or Research</u></p> <p><u>Teaching or research in a NAAB- or CACB- accredited program under the direct supervision of a person experienced in the activity.</u></p> <p><u>Additional Opportunities for Elective Hours</u></p> <p><u>1. The Emerging Professional’s Companion (EPC): Exercises</u></p> <p><u>2. Green Building Certification Institute (GBCI) Leadership in Energy and Environmental Design Accredited Professional (LEED AP) Certification</u></p> <p><u>3. Advanced Degrees</u></p> <p><u>4. American Institute of Architects (AIA) Continuing Education</u></p> <p><u>5. Construction Specifications Institute Certificate Program (CSI): Construction Documents</u></p>	<p><u>1,860 Elective Hours</u></p>
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Proposed Rule Amendment for Adoption

<p><u>Technologist (CDT)</u></p> <p>[Training in a firm engaged in the practice of architecture outside the U.S. when such training is under the Supervision and Control of a person practicing architecture who is not registered in a U.S. jurisdiction]</p>	
<p>Training Setting D</p> <p>Experience directly related to architecture under the Supervision and Control of a registered engineer practicing as a structural, civil, mechanical, or electrical engineer in the field of building construction or under the Supervision and Control of a registered landscape architect</p>	<p>1,880 Training Hours</p>
<p>Training Setting E</p> <p>Experience (other than that noted above in A through D) in activities involving the design and construction of the built environment, such as analysis of existing buildings, planning, programming, design of interior space, review of technical submissions, and engaging in building construction activities, when such experience is under the Supervision and Control of a person experienced in the activity</p>	<p>936 Training Hours</p>
<p>Training Setting F</p> <p>Full-time teaching or research in an NAAB-accredited professional degree program</p>	<p>1,960 Training Hours</p> <p>To earn Training Hours in Training Setting F, an Applicant must be employed as a teacher or researcher on a full-time basis.</p>

Proposed Rule Amendment for Adoption

<p>Training Setting G Performing professional and community service when not in any of the settings described above in A through F</p>	<p>80 Training Hours</p>
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Proposed Rule Amendment for Adoption

RULE §1.192 Additional Criteria

- 1 (a) One Training Hour shall equal one hour of acceptable experience. Training Hours
2 may be reported in increments of not less than .25 of an hour.
- 3 (b) An Applicant may earn credit for Training Hours upon enrollment in a NAAB/CACB-
4 accredited degree program; upon enrollment in a pre-professional architecture degree
5 program at a school that offers a NAAB/CACB-accredited degree program; or
6 employment in Experience Setting A described in §1.191 of this subchapter after
7 obtaining a high school diploma, General Education Degree (GED) equivalent, or a
8 comparable foreign degree. [only after satisfactory completion of any one of the
9 following:
- 10 ~~–(1) three (3) years in a professional program accredited by the National Architectural~~
11 ~~Accreditation Board (NAAB) or in an architectural education program outside the United~~
12 ~~States where an evaluation by NAAB or another organization acceptable to the Board~~
13 ~~has concluded that the program is substantially equivalent to an NAAB-accredited~~
14 ~~professional program;~~
- 15 ~~–(2) the third year of a four-year pre-professional degree program in architecture~~
16 ~~accepted for direct entry to a two-year NAAB-accredited professional master's degree~~
17 ~~program; or~~
- 18 ~~–(3) one (1) year in an NAAB-accredited professional master's degree program~~
19 ~~following receipt of a non-professional degree.]~~
- 20 (c) In order to earn credit for Training Hours in any work setting other than a post-
21 professional degree or teaching or research, an Applicant must[:]
- 22 ~~[(1) work at least thirty-two (32) hours per week for a minimum period of eight (8)~~
23 ~~consecutive weeks; or~~
- 24 ~~–(2)] work at least fifteen (15) hours per week for a minimum period of eight (8)~~
25 ~~consecutive weeks.~~
- 26 ~~[(d) To earn credit for Training Hours for teaching or research, an Applicant must be~~
27 ~~employed in the teaching or research position on a full-time basis.~~
- 28 (e) ~~One year in an architectural education program shall equal thirty-two (32) semester~~
29 ~~credit hours or forty-eight (48) quarter credit hours. An Applicant may not earn credit for~~

Proposed Rule Amendment for Adoption

- 1 ~~Training Hours for experience that was counted toward the educational requirements for~~
- 2 ~~architectural registration by examination.]~~
- 3 (d)~~(f)~~ Every training activity, the setting in which it took place, and the time devoted to
- 4 the activity must be verified by the person who supervised the activity.

Architectural Internship Enabling Legislation

Section 1051.705. ELIGIBILITY AND APPLICATION FOR EXAMINATION. (a) A person may apply for an examination under this chapter if the person:

(1) is a graduate of a recognized university or college of architecture approved by the board; and

(2) has satisfactory experience in architecture, in an office or offices of one or more legally practicing architects, as prescribed by board rule.

(b) The applicant must present to the board:

(1) a diploma showing that the applicant meets the education requirement established by Subsection (a)(1); and

(2) evidence acceptable to the board that the applicant meets the experience requirement established by Subsection (a)(2).

(c) The board shall set an examination fee in an amount reasonable and necessary to cover the cost of the examination.

Insert NCARB IDP 2.0 Interns' Rollover Guide

**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: 155-12A
Respondent: Anthony Lovell Alexander
Location of Respondent: Hurst, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Anthony Lovell Alexander (hereafter "Respondent") is registered as an architect in Texas with registration number 8178.
- On December 16, 2011, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- On December 30, 2011, Respondent submitted documentation regarding the mandatory continuing education requirements. It was noted that although Respondent completed all of the continuing education requirements, they were all taken outside of 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:	140-12L
Respondent:	Robert O. Atwood
Location of Respondent:	Humble, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Robert O. Atwood (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2365.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete his continuing education requirements for the audit period of June 1, 2010 through May 31, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,450.00**.

**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: 161-12A
Respondent: Everett Lowell Fly
Location of Respondent: San Antonio, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Everett Lowell Fly (hereafter "Respondent") is registered as an architect in Texas with registration number 7715.
- On February 14, 2012, he was notified 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 February 23, 2012, Respondent submitted documentation regarding the mandatory continuing education requirements. It was noted that although Respondent completed all of the continuing education requirements, six hours were taken outside of 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: 152-12A
Respondent: Arturo G. Griego
Location of Respondent: Austin, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Arturo G. Griego (hereafter "Respondent") is registered as an architect in Texas with registration number 20650.
- On June 16, 2010, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of June 1, 2010 through May 31, 2011.
- On February 21, 2011, Respondent submitted his CEPH log but was unable to provide supporting documentation for three of the hours.

Applicable Statutory Provisions and Rules:

- By failing to maintain documentation establishing compliance with continuing education responsibilities for the period of June 1, 2010 through May 31, 2011, Respondent violated Board rule 1.69(e)(1)&(2). The standard administrative penalty imposed upon a registrant for failing to maintain this documentation for a period of five years after the end of the registration period 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:	059-121
Respondent:	Kimberly Hogan
Location of Respondent:	Dallas, TX
Location of Project:	Fort Worth, TX
Nature of Violation:	Violation of Architectural Barriers Act (TDLR)
Instrument:	Report and Notice of Violation

Findings:

- Kimberly Hogan (hereafter “Respondent”) was registered as an interior designer in Texas with interior design registration number 4293.
- On November 30, 2011, the Texas Board of Architectural Examiners (TBAE) received a referral from the Texas Department of Licensing and Regulation (TDLR) indicating that Respondent had failed to submit plans for a project known as the “Emdeon” located in Fort Worth, Texas to TDLR for accessibility review within twenty days of issuance as required by Texas Government Code §469.102(b). The plans and specifications were issued on April 1, 2011, and were submitted to TDLR on June 30, 2011.
- By Warning Notice dated November 18, 2004, Respondent was put on actual notice of the requirements governing submission of plans and specifications for TDLR accessibility review. Furthermore, the Warning Notice advised you that future infractions “would merit more severe treatment than a warning notice.”

Applicable Statutory Provisions and Rules:

- By failing to submit the plans and specifications for accessibility review no later than the twentieth day after issuance, Respondent violated § 1053.252(8) of the Interior Designers Registration Law and Board rule 5.180(a).

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$600.00**.

**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:	149-12A
Respondent:	James Foster Huff
Location of Respondent:	San Antonio, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- James Foster Huff (hereafter "Respondent") is registered as an architect in Texas with registration number 14709.
- On December 16, 2011, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.
- On January 17, 2011, Respondent submitted documentation regarding the mandatory continuing education requirements. It was noted that although Respondent completed all of the continuing education requirements, they were all taken outside of 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:	130-11L
Respondent:	Shawn William Massock
Location of Respondent:	Austin, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Shawn William Massock (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 1839.
- On May 17, 2010, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of May 1, 2010 through Apr 30, 2011.
- In response to the Board's letter, he sent his Continuing Education Program Hour Log (CEPH) and no supporting documentation for the audit period. Furthermore, he stated that "I do not have any course completion certificates for this time period." However, he believed that he was in compliance with the mandatory continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of May 1, 2010 through Apr 30, 2011, Respondent violated Board rule 3.69(e)(1)&(2). 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:	154-12A
Respondent:	Marley E. Porter
Location of Respondent:	Horseshoe Bay, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Marley E. Porter (hereafter "Respondent") is registered as an architect in Texas with registration number 15691.
- On July 15, 2011, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of July 1, 2010 through June 30, 2011.
- On September 8, 2011, Respondent responded and stated that he was still looking for some of the certificates for the audit period. However, he believed that he was in compliance with the mandatory continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of July 1, 2010 through June 30, 2011, Respondent violated Board rule 1.69(e)(1)&(2). 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: 139-12A
Respondent: David Schroeder
Location of Respondent: Alpharetta, GA
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- David Schroeder (hereafter "Respondent") is registered as an architect in Texas with registration number 14781.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete all of his continuing education requirements within the audit period of May 1, 2010 through Apr 30, 2011. However, Respondent has subsequently completed all of his continuing education requirements.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

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

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

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

Case Number:	156-12A
Respondent:	Richard Senelly
Location of Respondent:	Trophy Club, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Richard Senelly (hereafter "Respondent") is registered as an architect in Texas with registration number 18800.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete his continuing education requirements for the audit period of July 1, 2010 through June 30, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. The standard administrative penalty assessed for this violation is **\$250.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,450.00**.

**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: 141-12A
Respondent: Susan Jo Spears
Location of Respondent: Midland, Texas
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Susan Jo Spears (hereafter “Respondent”) is registered as an architect in Texas with registration number 13125.
- On October 31, 2011, she was notified that she was being audited for compliance with the continuing education requirements for the audit period of November 1, 2010 through October 31, 2011.
- On December 19, 2011, Respondent submitted documentation regarding the mandatory continuing education requirements. It was noted that although Respondent completed all of the continuing education requirements, they were all taken outside of the audit period.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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

**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: 168-12A
Respondent: Richard M. Williams
Location of Respondent: Houston, TX
Nature of Violation: Violation of Continuing Education Requirements
Instrument: Report and Notice of Violation

Findings:

- Richard M. Williams (hereafter "Respondent") is registered as an architect in Texas with registration number 5946.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete his continuing education requirements for the audit period of July 1, 2010 through June 30, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to two written request for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to written requests for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. Each violation is subject to a standard administrative penalty of **\$250.00** totaling **\$500.00**.

Action Recommended by Executive Director:

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

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

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

Case Number:	150-12A
Respondent:	Xiang Bing Wu
Location of Respondent:	Shenzhen, China
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- **Xiang Bing Wu (hereafter “Respondent”) is registered as an architect in Texas with registration number 16074.**
- **On December 16, 2011, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of December 1, 2010 through November 30, 2011.**
- **On January 12, 2012, Respondent submitted documentation regarding the mandatory continuing education requirements. It was determined that Respondent had not completed sufficient continuing education hours for the December 1, 2010 through November 30, 2011 audit period. Since that time, Respondent has completed his required continuing education hours for that time period.**

Applicable Statutory Provisions and Rules:

- **By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is \$500.00.**

Action Recommended by Executive Director:

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

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

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

Case Number:	144-12L
Respondent:	Ding Yuan
Location of Respondent:	Houston, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Ding Yuan (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 2388.
- Based upon the results of a random continuing education audit it was determined that Respondent had completed his continuing education requirements for the audit period of May 1, 2010 through April 30, 2011.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

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

Action Recommended by Executive Director:

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